ZONING RESOLUTION

FOR

SEVIER COUNTY, TENNESSEE

Effective September 1, 2006

With Amendments through December 15, 2025

Sevier Regional Planning and Zoning Department
227 Cedar Street
Sevierville, Tennessee 37862
865-453-3882

Table of Contents

Amendments to the Zoning Regulations vii
ARTICLE I - INTRODUCTION 1
101. Title. 1
102. Purpose. 1
103. Authority. 1
ARTICLE II - DEFINITIONS 2
201. Definitions. 2
ARTICLE III – GENERAL PROVISIONS 11
301. Continuance of Nonconforming Uses and Structures. 11
301.1. Expansions and Additions. 11
301.2. Time Limit. 11
302. Flood Protection. 11
302.1 Statutory Authorization, Findings, of Fact, Purpose and Objectives. 11
302.2 Definitions. 13
302.3 General Provisions. 20
302.4 Administration. 21
302.5 Provisions for Flood Hazard Reduction. 23
302.6. Variance Procedures. 30
302.7 Legal Status Provisions 32
303. Site Plans Regulations. 33
303.1 Purpose. 33
303.2. Uses Subject to Review 33
303.3. Landscaping Plan Regulations. 34
303.4. Uses Subject to Administrative Review 35
304. Storm Water Runoff Design Regulations. 36
305. Off-Road Motor Vehicle Parking. 36
305.1. Parking Space Regulations 36
305.2. Off-Road Parking Lot Design. 36
306. Driveways. 37
306.1. Alignment. 38
306.2. Site Distance. 38
306.3. Spacing. 38
306.4. Driveway Width. 38
306.5. Vertical Grades. 38

306.6. Driveway Surface....38
306.7. Drainage....38
307. Vision Clearance for Traffic....38
308. Signs....38
308.1. General Regulations....38
308.2. Allowable Signs....39
308.2.1 On Premises, Permanent....39
308.2.1.1. Agricultural, Commercial and Industrial Districts....39
308.2.1.2. Agricultural and Residential Districts....39
308.2.2 On Premises, Temporary....39
308.3. Prohibited Signs....40
309. Manufactured Residential Dwelling Park (PARK) Regulations....40
309.1. Landscape Buffer....40
309.2. Internal roads....40
309.3. Sewer Requirement....40
309.4. Water Requirement....40
309.5. Site Plan....40
309.6. Solid Waste....41
310. Planned Unit Development (PUD)....41
310.1. PUD Regulations....41
310.2. General Regulations....41
310.3. Guidelines for Submission....42
311. Intentionally Omitted....42
312. Telecommunications Tower and Facility Regulations....42
312.1. Purpose....42
312.2. Site Plan Regulations....43
312.3. Exemptions....43
313. Critical Slope District Development Guidelines....43
313.1. Purpose....43
313.2. Slope Trigger Point....44
313.3. Slope Calculation....44
313.4 Development Regulations....44
314. Decentralized Wastewater Treatment and Dispersal System....46
314.1 Purpose....46
314.2 Authority....46

314.3 Review, Submittal and Approval Process. 46
314.6. Utility Owner/Operator. 48
314.7. Compliance with State Regulations and Guidelines. 49
314.8. Additional Requirements. 49
ARTICLE IV – APPLICATION OF REGULATIONS 51
401. Zoning Affects Every Building and Use. 51
402. Customary Home Occupations. 51
403. Lots of Record. 51
404. Conformity to Beer Resolution. 51
405. Conflict with Other Regulations. 51
406. Two (2) Single Family Dwelling on a Lot. 51
ARTICLE V – ZONING DISTRICTS 52
501. Classification of Districts. 52
502. A-1 Agricultural District. 52
502.1. Intent and Purpose. 52
502.2. Uses Permitted. 52
502.4. Uses Prohibited. 53
503. R-1 Rural Residential District. 53
503.1. Intent and Purpose. 53
503.2 Uses Permitted. 53
503.3. Uses Permitted with an approved Site Plan, see Section 303. 53
503.4. Uses Prohibited. 53
504. R-2M Medium Density Residential District. 53
504.1 Intent and Purpose. 53
504.4. Uses Prohibited. 54
505. R-2 High Density Residential District. 54
505.1. Intent and Purpose. 54
505.2. Uses Permitted. 54
505.3. Uses Permitted with an approved Site Plan, see Section 303. 54
505.4. Uses Prohibited. 54
506. C-1 Rural Commercial District. 54
506.1. Intent and Purpose. 54
506.2. Uses Permitted. 54
506.3. Uses Permitted with an approved Site Plan, see Section 303. 55
506.4. Uses Prohibited. 55

507. C-2 General Commercial District. 55
507.1. Intent and Purpose. 55
507.2. Uses Permitted. 55
507.3. Uses Permitted with an approved Site Plan, see Section 303. 55
507.4. Uses Prohibited. 55
507.5. Uses Permitted on Review 55
508. I-1 Industrial District. 57
508.1. Intent and Purpose. 57
508.2. Uses Permitted with an approved Site Plan, see Section 303. 57
508.3. Uses Prohibited. 57
508.4. Industrial Performance Regulations. 57
508.5. Uses Permitted on Review. 58
509. CS Critical Slope District. 58
509.1. Intent and Purpose. 58
509.2. Uses Permitted. 58
509.3. Uses Prohibited. 58
509.4. Special Building Height Regulation. 58
ARTICLE VI – SETBACK, LOT SIZE & FRONTAGE, AND HEIGHT REQUIREMENTS 60
601. Minimum Setback Regulations. 60
601.1 Minimum Front Setbacks. 60
601.2 Minimum Side and Rear Setbacks. 60
601.3 Permitted Uses. 60
602. Lot Size Regulations. 61
602.1. Lot Size & Density Regulations, by Zoning District. 61
602.2. Lot Size Regulations, by Utility Availability for C-1 and C-2 Districts. 61
603. Lot Frontage Regulations. 61
604. Height Regulations. 62
604.1. Building Height Regulations, by Zoning District. 62
604.2. Exceptions to Height Regulations. 62
ARTICLE VII – ADMINISTRATION AND ENFORCEMENT 63
701. Building Permits. 63
702. Zoning Official. 63
703. Permit Denial. 63
704. Notice of Violation and Stop Work Order. 63
705. Intentionally Omitted. 63

706. Penalties. 63
ARTICLE VIII – BOARD OF ZONING APPEALS 64
801. Creation. 64
802. Appeals. 64
803. Powers of the Board. 64
804. Special Exception and Variance Hearing. 64
ARTICLE IX – AMENDMENTS AND INTERPRETATION 65
901. Amendments. 65
902. Interpretation. 65
903. Severability. 65
904. Effective Date. 65
Appendix No. A 66
Table 305-1 66
Table 314-1 66
Appendix No. B 67
Sections 2.5.6 - 2.5.9 of the Saratoga Report 67

Amendments to the Zoning Regulations

Effective Date	Amended Sections
11-01-2006	Section 201. Definitions. Heliport.
11-01-2006	Section 506. C-2 General Business District.
02-18-2008	Section 201. Definitions. Building.
02-18-2008	Section 308. Signs.
02-18-2008	Section 601. Minimum Building Setback Lines.
02-18-2008	Section 603. Lot Frontage Requirements.
12-15-2008	Section 701 A-1 Zoning.
12-15-2008	Section 504.A. R-2M Medium Density Residential District.
12-15-2008	Section 201. Definitions. Amusement.
12-15-2008	Section 201. Definitions. Bed and Breakfast.
12-15-2008	Section 602.1. Lot Area Requirements.
12-15-2008	Section 604.2. Building Height Restrictions.
10-01-2010	Section 302.1. Flood Protection
12-20-2010	Section 313. Critical Slope District Development Guidelines
12-20-2010	Section 508. CS Critical Slope District
12-20-2010	APPENDIX A
02-20-2012	Section 504.A.1 Intent and Purpose
02-20-2012	Section 504.A.2 Uses Permitted
05-21-2012	Section 201. Definitions. Pain Management Clinic
05-21-2012	Section 506.2 Uses Permitted
05-21-2012	APPENDIX B
12-16-2013	Section 403. Lots of Record
12-16-2013	Section 601. Minimum Building Setback Line
12-19-2016	Section 201. Definitions
12-19-2016	Section 310.1 Applicability of PUD Regulations
12-19-2016	Section 502.2 Uses Permitted
12-19-2016	Section 505.2 Uses Permitted
02-19-2018*	Section 901.1 Rezoning Reapplication Time Limit
12-17-2018	Section 604 Height Restriction
04-15-2019*	General Revision
06-29-2020*	Section 313.4 Development Regulations
06-29-2020*	Section 505.1 Intent and Purpose
06-29-2020*	Section 508.4 Special Building Height Regulation
06-29-2020*	Section 604.1 Building Height Regulations, by Zoning District
05-17-2021*	Section 201 Definitions
05-17-2021*	Section 306.4 Vertical Grades
05-17-2021*	Section 306.5 Drainage
05-17-2021*	Section 601.2 Minimum Side and Rear Setbacks
11-20-2023*	Section 201 Definitions
11-20-2023*	Section 308 Signs
11-20-2023*	General Revision
03-18-2024	General Revision (*adds these amendments to the planning regions)
04-15-2024	Section 201. Definitions
04-15-2024	Sections 303.4.1. & 303.4.2.
04-15-2024	Sections 305.2. & 305.2.3.
04-15-2024	Sections 306.3., 306.4., 306.5., 306.6. & 306.7.
04-15-2024	Sections 308., 308.1.6., 308.1.7. & 308.1.8.
04-15-2024	Sections 502.3.7. & 502.3.10.
04-15-2024	Section 507.5.2.c.
04-15-2024	Section 700.
04-15-2024	Appendix A & Appendix C
12-15-2025	Amended and restated Resolution
12-15-2025	Section 308. Signs
12-15-2025	Sections 311, 507, 507, 701 & 901

ARTICLE I - INTRODUCTION

101. Title
102. Purpose
103. Authority

101. Title. This resolution shall be known as the Zoning Resolution of Sevier County, Tennessee and the zoning map shall be referred to as the Zoning Map of Sevier County, Tennessee.

102. Purpose. The purposes of this Resolution are consistent with authority in state statutes, to promote the health, safety, convenience, order, prosperity, and welfare, of both the present and future residents of Sevier County. To attain this purpose, the resolution contains regulations conducive to the following; a less congested and more efficient transportation system, safety from fire, adequate light and air for buildings, structures, and their inhabitants. Furthermore, the purposes of this Resolution are to further and implement any plans adopted by Sevier County, and to be consistent with any growth plan adopted under provisions of Public Chapter 1101 of 1998, under provisions of Tennessee Code Annotated, Section 6-58-101, et, seq.

103. Authority. The authority to adopt and to amend this resolution and the zoning map is provided by Tennessee Code Annotated, Sections 13-7-101 through 13-7-119, as amended.

103.1. Effect. Except as hereinafter it is unlawful to erect, construct, reconstruct, alter, maintain, or use any building or structure or to use any land in violation of any regulation in any provision of any ordinance or any amendment thereof enacted or adopted by any county legislative body under the authority of this part unless conforming with all applicable provisions of this resolution.

103.2. Jurisdiction. This resolution shall be effective throughout the entire area of Sevier County, Tennessee excepting all incorporated areas, the Gatlinburg Planning Region, and the Great Smoky Mountains National Park.

ARTICLE II - DEFINITIONS

201. 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 tense. The singular number includes the plural and the plural the singular. The word "shall" is mandatory, not directory. The words "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

If a word used in this Resolution is not defined in this Article, the Planning Director shall have the authority to provide a definition based upon the definitions used in accepted sources, including but not limited to A Planners Dictionary; A Glossary of Zoning, Development, and Planning Terms; and A Survey of Zoning Definitions, published by the American Planning Association.

Accessory Use. See Accessory Building or Use.

Adult Oriented Business. An adult oriented business is one in which at least twenty-five (25) percent of the floor stock merchandise, whether printed, video, or sexual devices, are oriented toward the adult population. Said merchandise generally depicts male or female genitalia and/or breasts and/or sexual acts.

Agricultural Use. Any form of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry or other livestock, horticulture, viticulture, floriculture, forests, and woods.

Amusement Center. A commercial use facility or area offering sport, entertainment, recreation activities, or games of skill to which there may be a separate admission charge. The term includes but is not limited to bowling alleys, miniature golf courses, driving ranges, roller and ice skating rinks, game Courts, swimming pools, batting cages, and video arcades.

Amusement Park. A commercial facility or area offering sport, entertainments, recreation activities, or games of skill to which there may be a single admission charge. The term includes but is not limited to theme parks, water parks, entertainment parks, regulation golf courses and/or themed resorts including all types of rides, shows and associated support facilities.

Animal Clinic. A facility for the examination and treatment of animals but not necessarily with accommodations and 24-hour surveillance of patients.

Animal Kennel. A business where any combination of more than five (5) dogs, cats or other domesticated animals are kept for boarding, breeding, buying, selling, grooming, or training.

Animal Shelter. A facility, owned by a governmental entity or a private organization, which provides temporary housing for stray, surrendered or abandoned animals.

Apartment. A single-family dwelling unit which not a Townhome. (see Townhome)

Arterial Road. A principle or minor road with access control, channelized intersections, restricted parking, and which collects and distributes traffic to and from major collectors.

Assisted-Care Living Facility. A facility that accepts primarily aged persons for domiciliary care and services such as room and board and non-medical living assistance services appropriate to each resident's needs, such as assistance with bathing, dressing, grooming, preparation of meals and other activities of daily living. See Tennessee Code Annotated, Section 68-11-201.

Bed and Breakfast Inn. And inn or other unique residential facility offering Bed and Breakfast accommodations and one (1) daily meal and having not more than twelve (12) guest rooms furnished for pay, with guests staying not more that fourteen (14) days, and where the innkeeper resides on the premises or property and where the guest rooms are established and maintained distinct and separate from the innkeeper's quarters.

Boarding House. A dwelling unit containing a single dwelling unit and not more than 10 sleeping units, where lodging is provided with or without meals, for compensation for more than one week.

Brewery. A facility where malt liquors, regardless of alcohol content by volume, are produced in accordance with any manufacturing or wholesaling license required by Tennessee Code Annotated.

Brewpub. A restaurant that includes as an accessory use the production of malt liquors, regardless of alcohol content by volume, for consumption on the premises; except that sales for off-premises consumption, if not prohibited by other local ordinance or state or federal law, shall be allowed in specialty containers holding no more than one U.S. gallon (128 U.S. fluid ounces), commonly referred to as growlers. The area of the establishment devoted to the production of malts liquors shall not exceed five thousand (5,000) square feet.

Buffer. An area of land undeveloped except for landscaping, fences, etc. used to protect a use situated on one (1) lot from the deleterious effects of the use on the adjacent lot.

Building. Any structure having a roof supported by columns or walls, including all porches, decks, overhangs, built for support, shelter or enclosure of persons, animals, chattels, or personal property of any kind.

> **Principle Building or Use.** A Building in which is conducted the main or principle use of the lot on which the said Building is located.
>
> **Accessory Building or Use.** A building or use that is subordinate to and serves a principal building or principal use and is subordinate in area, extent, or purpose to the principal building or principal users or occupants of the principal building or principal use; and is located on the same lot as the principal building or principal use.

Building Height (average). The average vertical distance measured from the ground at the base of a building to the highest point of the roof.

Building Setback Line. A line indicating the minimum allowable distance between the front, side, or rear property line and a building on a lot.

Business. An establishment intended for the conduct or service or administration by a commercial enterprise, offices for conduct of professional or business service.

Campground. An area upon which two (2) or more campsites are located, established or maintained, for occupancy by camping units and/or camping trailers, as temporary living quarters for recreation, education, or vacation purposes.

Campground (developed). A Campground with two or more campsites, for a camping unit or camping trailer, accessible by walk-in, pack-in, equestrian campers, motorized trail vehicles or by vehicular traffic. Sites may be substantially developed with tables, refuse containers, flush toilets, bathing facilities, and one or more service buildings. These Campsites may have individual water, sewer, and electrical connections.

Campground (primitive). A Campground, with two or more Campsites, for a camping unit, accessible by walk-in, pack-in, equestrian campers, motorized trail vehicles or vehicular traffic. Roads, facilities (toilets and/or privies) may be provided for the comfort or convenience of the campers. Camping Trailers are not allowed.

Camping trailer. A structure designed to be mounted on a truck chassis, or on wheels and constructed with collapsible partial side walls, with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses. A Camping trailer may be towed by another vehicle or be self-propelled.

Camping unit. Any tent, lean-to, platform, or similar structure established or maintained and operated in a Campground as temporary living quarters for recreation, education, or vacation purposes. No cooking or open-flame appliances allowed within the camping unit.

Campsite. Any plot of land within a Campground intended for exclusive occupancy by a camping unit or Camping trailer under the control of a camper.

Club, public or private. A building or premises, owned or operated by a corporation, association, person or persons, for a social, educational, or recreational purpose, to which membership is required for participation and not operated primarily for profit nor to render a service which is customarily carried on as a business.

Condominium. A building, with multiple single family dwelling units, an office building, or other multiple unit complex, the units of which are individually owned, each owner receiving a recordable deed to the individual unit purchased, including the right to sell, mortgage, etc., that unit and sharing in joint ownership of any common grounds, passageways, etc.

Court. A space, open and unobstructed to the sky, located at or above grade level on a lot of land and bounded on three or more sides by walls of a building.

Craft brewery, winery and distillery. A type of brewery, winery or distillery wherein the area of the establishment devoted to the production of malts and liquors shall not exceed ten thousand (10,000) square feet in commercial zone districts or twenty thousand (20,000) square feet in industrial zone districts. The establishment shall include a tasting room and may also include office, retail, eating and drinking establishment or event facility components in addition to the area devoted to production of malts and liquors.

Customary Home Occupation. See Section 402.

Day Care Center. An business which receives for care and supervision six (6) or more children or adults for less than twenty-four (24) hours per day unattended by parent or legal guardian, and shall include day nurseries, child or senior adult day care services, connected to the required utilities.

Developer: The Owner, Developer, Surveyor, Engineer and/or a representative of the Owner or the Developer of the property to be developed.

Development. The initiation, construction, change, or enlargement of any use or structure, the disturbance of land through the removal of trees or ground cover, or the division of land into two or more parcels. "Development" shall include, but not be limited to, the following:

a. Construction, alteration, or enlargement of a building or structure.

b. Change in the type of use of a building, structure, or land.

c. Material increase in the intensity of use of land, such as an increase in the number of businesses, offices, manufacturing establishments, or dwelling units located in a building or structure or on the land.

Distillery. A facility where distilled liquors or spirits are produced in accordance with any manufacturing or wholesaling license required by Tennessee Code Annotated.

Disturbance. A man-made change to the land surface that potentially changes its runoff characteristics and view sheds including clearing, cutting of trees (while leaving the stumps), grubbing, grading, or excavation.

Dwelling Unit. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping eating, cooking and sanitation.

a. Dwelling, Multi-Family. A building designed, constructed or reconstructed and used for more than two dwelling units, with each dwelling unit having a common structural wall with any other dwelling on the same floor, such as an apartment, townhome, Boarding House or Condominium.

b. Dwelling, Single Family. A building designed, constructed or reconstructed and used for one dwelling unit.

c. Dwelling, Two Family or Duplex. A building designed, constructed, or reconstructed and used for two dwelling units that are connected by a common structural wall.

Event Venue. A lot with or without permanent structures for the purpose of housing private social events not open to the general public, including, but not limited to weddings, wedding rehearsals, wedding parties, with or without live entertainment, where food and drink, including alcohol, may be consumed on site, but which provides no overnight accommodations.

Flea Market. An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures.

Flood. A temporary condition of partial or complete inundation of dry land areas from the overflow of water from streams or rapid accumulation or runoff or surface water from any source.

Floor Area. The total area of all floors of a building, including a finished attic, finished basement, covered porches, covered decks and Courts. The floor area of parking garages is excluded in the floor area and floor area ratio calculations.

Floor Area Ratio. The mathematical expression determined by dividing the **floor area** of the building by the area of the **lot** on which it is located, FA/LA = FAR.

Golf Course, regulation: An area or course, whether for public or private use, with at least nine (9) holes for playing a game golf and improved with tees, greens, fairways, and hazards.

Heliport. A parcel of land from which helicopters take off and land. "Heliport" does not include heliports operated by a health care institution or a parcel of land on which a helicopter makes a landing for emergency or law enforcement purpose.

Junkyard. A junkyard is defined a business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. Includes scrap metal processors, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation, when the business will continually have like materials located on the premises, garbage dumps and sanitary landfills. See Tennessee Code Annotated, Section 54-20-103

Landscaping. The planting and maintenance of trees, shrubs, and other ground cover or materials, provided that terraces, fountains, retaining walls, outdoor furniture, sculptures, or other objects, and similar accessory features may be considered as landscaping if integrally designed.

Livery or Boarding Stable. A business which boards ten (10) or more horses for compensation.

Livestock Feeding Yards. A business designed or used for the purpose of the concentrated feeding or fattening of livestock on the premises.

Lodge: A building or premises used for meetings and activities of a fraternal order or society.

Lot. A tract or parcel of land which fronts on and has access to either a public road, private road, or private easement; and which is occupied or intended to be occupied by a building or buildings with customary accessories and open spaces.

Lot of Record. A lot existing prior to this resolution, the boundaries of which are filed as legal record.

Major Collector. A road that collects traffic from local collectors and connects with arterial roads.

Manufactured Dwelling Unit. A factory-built, single-family structure that is manufactured under the authority of *42 U.S.C. Sec. 5401* (*The National Manufactured Home Construction and Safety Standards Act*) and is used as a place of human habitation, defined by Tennessee Code Annotated, Section 68-126-202 as a structure built on a permanent chassis with or without a foundation, connected to the required utilities, and including the plumbing, heating, air conditioning, and electrical systems contained therein. (Formerly known as a mobile home)

Machinery. Any primarily off-road vehicles such as but not limited to farm machinery, trailers for hauling, construction equipment, water craft or similar vehicles.

Medical Facilities. Facilities at which medicine is practiced regularly and are regulated and licensed by the State of Tennessee, such as.

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

b. Dental Clinic or Medical Clinic. A facility for the examination and treatment of ill and afflicted human out-patients provided, however, that patients are not kept overnight except under emergency conditions.

c. Hospital. An institution providing health care services primarily for human in-patient medical care for the sick or injured and including related facilities such as laboratories, out-patient facilities, emergency medical services, and staff offices which are an integral part of the facility.

d. Pain Management Clinic. A privately owned facility in which a medical doctor, an osteopathic physician, and 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.

e. Public Health Center. A facility utilized by a health care unit for the provision of public health services.

f. Animal Hospital. A facility available including surgery, radiology, clinical pathology, dispensary and ward accommodation and provision for 24-hour surveillance of large or small domestic animals. Cremation services shall not be allowed.

Minor Collector. A road that collects traffic from residential roads and whose adjacent land use is primarily residential in nature.

Modular Dwelling Unit. A structural unit, or preassembled component unit including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site. Modular dwelling unit does not apply to temporary structures used exclusively for construction purposes or nonresidential farm buildings. See Tennessee Code Annotated Section 68-126-303(8).

Motor Vehicle. Any self-propelled vehicle designed primarily for transportation of persons or goods along public roads or other public ways.

Nonconforming Uses. Any structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

Place of Worship. A building used for public worship by a congregation, excluding buildings used exclusively for residential, educational, or recreational uses not normally associated with worship. Such buildings include churches, chapels, cathedrals, temples, and similar places.

Planned Unit Development (PUD). 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.

Planning Staff: The staff of the Sevier County Planning Department which serves as the Technical Staff for the Sevier County Regional Planning Commission.

Principal Use. The specific primary purpose for which land or a building is used.

Public Sewer. Sanitary wastewater collection and disposal service provided by either a municipality, utility district (as regulated by the Secretary of State), or public utility (as regulated by the Tennessee Regulatory Authority).

Public Use. A use designed to service members of the community, such as schools, libraries, public gathering placed, public parks, post offices, community centers, governmental offices, emergency services, public utilities and telecommunications towers & facilities.

Public Utility. See Public Sewer and Public Water. 5-17-2021

Public Water. Potable water distribution service provided by either a municipality, utility district (as regulated by the Secretary of State), or public utility (as regulated by the Tennessee Regulatory Authority).

Personal Service. A business or business primarily engaged in the provision of frequent or recurrent needed services of a personal nature, such as cosmetology and barber shops, nail salons, dry cleaners, shoe repair shops, and tailor shops and other related businesses.

Professional Office. An office providing the services of an attorney, architect, engineer, surveyor, accountant, doctor, dentist, optometrist or other similar professions.

Residential Road. A road designed to provide vehicular access to abutting property and to discourage through traffic.

Restaurant. A business that sells prepared food and drink for consumption. Restaurants shall be classified as follows:

> **Restaurant, general.** A business that sells food and drink for consumption on or off premises.
>
> **Restaurant, fast food.** A business that sells food and drink for consumption on or off premises, packaged in paper, plastic, or similar materials, and may include drive-in or drive-up facilities for ordering.
>
> **Restaurant, takeout.** A business that sells food and drink only for consumption off premises.

Retail - The sale of goods and/or services at retail. For purposes of calculating required parking, retail includes "rural retail" and "general retail".

> **Rural retail** - A business engaged in the retail sale or rental of frequently or recurrently needed items for personal or household use to a limited market area, such as convenience stores, financial institutions, laundromats, personal service business, motor vehicle and/or machinery repair business, funeral homes, mortuary and other related businesses. Convenience stores may include accessory motor vehicle and or household fuel sales. 11-20-23
>
> **General retail** - A business engaged in the retail sale or rental of frequently or recurrently needed items for personal, business, or household use to a large market area, such as shopping centers, grocery stores, retail outlets with or without a pharmacy, appliance sales and service, and other related businesses.

Rural Business. A rural business shall be a small office or small-scale retail sales, or service type business. Such businesses shall be primarily directed toward providing local or neighborhood services to rural-residential areas. Rural businesses are intended to be of smaller size, intensity and scale than commercial uses, which would be more commonly found in commercial zoning districts. Rural businesses shall be similar to customary home occupations except that the activity can occur in an accessory structure detached from the principal residence.

Rural Recreation Business. A rural recreation business shall be a small commercial use facility providing recreation in a rural setting such as zip lines, horse riding trails, hiking trails, or a campground (primitive). A small office with retail sales is allowed. Such businesses are intended to be of smaller size, intensity and scale than commercial uses, which would be more commonly found in commercial zoning districts.

School. An educational facility such as a public or private kindergarten school, elementary school, primary school, intermediate school, middle school or junior high school, and senior high school that provide state-mandated basic education, as well as colleges or universities, and vocational or trade schools.

Setback. The minimum required distance between the property line and the building setback line.

Setback Area. The area between the property line and the building setback line.

Sign. Any device that is located with the intent to be visible to persons not located on the lot, and is designed to attract the attention of such persons or to communicate information to them.

Single-wide Mobile Home. See Manufactured Dwelling Unit.

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

Tasting room. A facility, or portion of a facility, accessory to a brewery, winery or distillery at which guests may sample the manufacturer's products and consume other nonalcoholic beverages.

Townhome. A single-family dwelling unit, constructed in a group of three or more attached units, in which each unit extends from foundation to roof and with an open space on at least 2 sides.

Traveled Way. The portion of the roadway for the movement of vehicles, exclusive of the shoulders, berms, sidewalks, and parking lanes.

Warehouse. A building or group of buildings that contains space for the storage of goods or wares.

Warehouse (mini or self-storage). A building or group of buildings in a controlled access and fenced site that contains various sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of goods or wares.

Winery. A facility where vinous liquors are produced in accordance with any manufacturing or wholesaling license required by Tennessee Code Annotated.

Zoning Official. The Sevier County Planning Director or designee.

ARTICLE III – GENERAL PROVISIONS

301. Continuance of Nonconforming Uses and Structures
302. Flood Protection
303. Site Plan Regulations for Commercial, Industrial, Multi-Family, Public, and Semi-Public Uses
304. Storm Water Runoff Design Regulations
305. Off-Road Vehicle Parking
306. Driveways
307. Vision Clearance for Traffic
308. Signs
309. Manufactured Residential Park Regulations
310. Planned Unit Development (PUD) Regulations
311. Not used
312. Development Regulations for Telecommunications Towers
313. Critical Slope District Development Guidelines

301. Continuance of Nonconforming Uses and Structures.

Lawful nonconforming uses, buildings, and structures existing at the time of passage of this Zoning Resolution, or any amendment thereto, shall be allowed to remain subject to the following provisions:

301.1. Expansions and Additions.

Any nonconforming business, commercial or industrial, may continue to operate provided no change in the use of the land is undertaken. Such business shall be allowed to expand, construct additional facilities, or reconstruct facilities on the property owned by the business provided that there is a reasonable amount of space to avoid nuisances to adjacent property owners and no change in the use of the land is undertaken. However, the expansion of said business through the acquisition of additional land is prohibited.

301.2. Time Limit.

No commercial or industrial nonconforming use may be reestablished once it has been discontinued for more than thirty (30) months as per Tennessee Code Annotated, Section 13-7-208.

302. Flood Protection.

302.1 Statutory Authorization, Findings, of Fact, Purpose and Objectives.

302.1.1. Statutory Authorization. The Legislature of the State of Tennessee has, in Tennessee Code Annotated, Sections 13-7-101 through 13-7-119, as amended, delegated the responsibility to the county legislative body to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Sevier County, Tennessee, Mayor and County Commission, do resolve as follows:

302.1.2 <u>Findings of Fact</u>

302.2.2.1. The **SEVIER** County**,** Tennessee, Mayor and County Commission wish to establish eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.

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

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

302.1.3. <u>Statement of Purpose</u> It is the purpose of this Section to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Section is designed to:

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

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

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

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

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

302.1.4. <u>Objectives</u> The objectives of this Section are:

302.1.4.1. To protect human life, health, safety and property;

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

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

302.1.4.4. To minimize prolonged business interruptions;

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

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

302.1.4.7. To ensure that potential homebuyers are notified that property is in a floodprone area;

302.1.4.8. To establish eligibility for participation in the NFIP.

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

Accessory Structure means a subordinate structure to the principal structure on the same lot and, for the purpose of this Section, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.

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, collapse, and lateral movement, which otherwise may result in damage to other structures.

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

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

Appeal means a request for a review of the local enforcement officer's interpretation of any provision of this Section 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 see **Special Flood Hazard Area**.

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

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

Building 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 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 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 Section which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Section.

Existing Construction means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or resolution adopted by the community as a basis for that community's participation in the 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 roads, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or resolution adopted by the community as a basis for that community's participation in the 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 roads, 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 Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

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

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by FEMA, 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 FEMA, 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 FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

Floodplain or **Floodprone 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 and 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 floodplain 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.

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

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 the Sevier County, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

4.a. By the approved Tennessee program as determined by the Secretary of the Interior or

4.b. Directly by the Secretary of the Interior.

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

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

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

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".

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 FEMA.

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

National Geodetic Vertical Datum (NGVD) means, as corrected in 1929, 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 on or after the effective date of the initial floodplain management Section 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 roads, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Section or the effective date of the initial floodplain management Section and includes any subsequent improvements to such structure.

North American Vertical Datum (NAVD) means, as corrected in 1988, 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.

Reasonably Safe from Flooding means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

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;

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 Flood Hazard Area 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.

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 roads and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State Coordinating Agency the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

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

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 reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

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 roads, utilities and pads

equals or exceeds fifty percent (50%) of the value of the roads, utilities and pads before the repair, reconstruction or improvement commenced.

Variance is a grant of relief from the requirements of this Section.

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 Section is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

302.3 General Provisions.

302.3.1. Application. This Section shall apply to all areas within the unincorporated area of Sevier County, Tennessee.

302.3.2. Basis for Establishing the Areas of Special Flood Hazard. The Areas of Special Flood Hazard identified in Sevier County, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), *Community Panel Numbers 47155C0020 thru 47155C0475, dated May 18, 2009*, along with all supporting technical data, are adopted by reference and declared to be a part of this Section.

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

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

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

302.3.6. Interpretation. In the interpretation and application of this Section, 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.

302.3.7. Warning and Disclaimer of Liability. The degree of flood protection required by this Section 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 Section 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 Section shall not create liability on the part of

Sevier County, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder.

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

302.4 Administration.

302.4.1. Designation of Administrator. The Sevier County Planning Director is hereby appointed as the Administrator to implement the provisions of this Section.

302.4.2. 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:

302.4.2.1. Application stage.

a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Section.

b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Section.

c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Sections 302.5.1 and 302.5.2.

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

302.4.2.2. Construction Stage Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

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

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

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

302.4.3 **Duties and Responsibilities of the Administrator** Duties of the Administrator shall include, but not be limited to, the following:

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

302.4.3.2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

302.4.3.3. Notify 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 submit evidence of such notification to FEMA.

302.4.3.4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.

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

302.4.3.6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Section 302.4.2.

302.4.3.7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Section 302.4.2.

302.4.3.8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Section 302.4.2.

302.4.3.9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Section.

302.4.3.10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Sevier County**,** Tennessee FIRM meet the requirements of this Section.

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

302.5 Provisions for Flood Hazard Reduction.

302.5.1. General Standards In all areas of special flood hazard, the following provisions are required:

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

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

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

302.5.1.4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

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

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

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

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

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

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

302.5.1.11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;

302.5.1.12. All subdivision proposals and other proposed new development proposals shall meet the standards of Section 302.5.2;

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

302.5.1.14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

302.5.2 **Specific Standards** In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Section 302.5.1, are required:

302.5.2.1. **Residential Structures** In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”.

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade

(as defined in Section 302.2). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

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

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Section 302.2). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Section 302.4.2.

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

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

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

a.(2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;

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

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

c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Section 302.5.2.

302.5.2.4. <u>Standards for Manufactured Homes and Recreational Vehicles</u>

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

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

b.(1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or

b.(2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Section 302.2).

c. Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of Sections 302.5.1 and 302.5.2.

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

e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:

e.(1) Be on the site for fewer than 180 consecutive days;

e.(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), or;

e.(3) The recreational vehicle must meet all the requirements for new construction.

302.5.2.5. <u>Standards for Subdivisions and Other Proposed New Development Proposals</u> Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

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

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

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

d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Section 302.5.5.).

302.5.3. <u>Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated</u> Located within the Special Flood Hazard Areas established in Section 302.3.2., 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:

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

302.5.3.2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Sections 302.5.1 and 302.5.2.

302.5.4. <u>Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated</u> Located within the Special Flood Hazard Areas established in Section 302.3.2., where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

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

302.5.4.2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Sections 302.5.1 and 302.5.2.

302.5.5. <u>Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)</u> Located within the Special Flood Hazard Areas established in Section 302.3.2., where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

302.5.5.1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Sections 302.5.1 and 302.5.2.

302.5.5.2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.

302.5.5.3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Section 302.2). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Section 302.4.2. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Section 302.5.2.

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

302.5.5.5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Sections 302.5.1 and 302.5.2. Within approximate A Zones, require that those subsections of Section 302.5.2. dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

302.5.6 **Standards For Areas of Shallow Flooding (AO and AH Zones)** Located within the Special Flood Hazard Areas established in Section 302.3.2., are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Sections 302.5.1 and 302.5.2. apply:

302.5.6.1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 302.5.2.

305.5.6.2. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Section and shall provide such certification to the Administrator as set forth above and as required in accordance with Section 302.4.2.

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

302.5.7. **Standards For Areas Protected by Flood Protection System (A-99 Zones)** Located within the Areas of Special Flood Hazard established in Section 302.3.2. are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Section 302.4 and 302.5 shall apply.

302.5.8. **Standards for Unmapped Streams** Located within Sevier County, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

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

302.5.8.2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Sections 302.4 and 302.5.

302.6. Variance Procedures.

302.6.1 Regional Board of Zoning Appeals

302.6.1.1. Authority The Sevier County**,** Tennessee Regional Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Section.

302.6.1.2. Procedure Meetings of the Regional Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Regional Board of Zoning Appeals shall be open to the public. The Regional Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Regional Board of Zoning Appeals shall be set by the Legislative Body.

302.6.1.3. Appeals: How Taken An appeal to the Regional Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Section. Such appeal shall be taken by filing with the Regional Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Administrator shall transmit to the Regional Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Regional Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time by hearing the appeal at the regularly scheduled monthly Board of Appeals meeting. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

302.6.1.4. Powers The Regional Board of Zoning Appeals shall have the following powers:

a. Administrative Review To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Section.

b. <u>Variance Procedures</u> In the case of a request for a variance the following shall apply:

b.(1) The Sevier County, Tennessee Regional Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Section.

b.(2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Section to preserve the historic character and design of the structure.

b.(3) In passing upon such applications, the Regional Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sub-sections of this Section, 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 use;

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;

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, water systems, and roads and bridges.

b.(4) Upon consideration of the factors listed above, and the purposes of this Section, the Regional Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Section.

b.(5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

302.6.2 <u>Conditions for Variances</u>

302.6.2.1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Section 302.6.1.

302.6.2.2. 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 Resolutions.

302.6.2.3. 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 Elevation will result in increased premium rates for flood insurance (as high as $25 for $100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.

602.6.2.4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

<u>302.7 Legal Status Provisions</u>

302.7.1 <u>Conflict with Other Resolutions</u> In case of conflict between this Section or any part thereof, and the whole or part of any existing or future Resolution of Sevier County, Tennessee, the most restrictive shall in all cases apply.

302.7.2 <u>Severability</u> If any sub-section, clause, provision, or portion of this Section 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 Section which is not of itself invalid or unconstitutional.

303. Site Plans Regulations.

303.1 Purpose.

It is the general purpose and intent to this section to require site plans for following:

- Any new development or redevelopment of residential, multi-family residential, commercial, industrial, public and semi-public uses. These site plans must be approved by the Planning Staff and the Planning Commission prior to the issuance of a Zoning Compliance Permit, see Section 701.

- Any development with more than two principle buildings on any lot shall also meet the PUD Regulations of Section 310.

- Site plans for additions to existing buildings may be subject to an Administrative Review by the Planning Staff and exempt from Planning Commission review when, in the opinion of the Planning Director, the addition will not adversely affect the general purpose and intent of this Resolution.

303.2. Uses Subject to Review.

A site plan for Planning Staff and Planning Commission Review is required for the following:

- Multi-family developments
- Commercial developments
- Industrial developments
- Public, or semi-public developments
- Planned unit developments
- Any development including, the construction of earthen fills, encroachments, or substantial improvements within any Special Flood Hazard Area as defined in Section 302.

303.2.1 Site Plan Submission Regulations.

303.2.1.1. Submission Deadline. Two (2) copies and a PDF of the Site Plan shall be submitted to the Sevier County Planning Staff, for review by the Planning Commission of jurisdiction, at least twenty-one (21) days prior to the meeting at which it is to be reviewed,

303.2.1.2. Preparation. All site plans shall be prepared and certified by a licensed surveyor, engineer, architect, and/or landscape architect.

303.2.1.3. Expiration. Any approval of a site plan will expire six (6) months after the date of its approval, unless a building permit has been issued within that period for the proposed development.

303.2.2. Site Plan Design Regulations.

303.2.2.1. Boundaries. Accurately plot locations and dimensions of all property lines, building setbacks, rights-of-way, and easements on or bounding the site.

303.2.2.2. Location. Display location map of the site along with a north arrow.

303.2.2.3. Scale. The site plan shall be drawn at an appropriate scale.

303.2.2.4. Site Plan Data, Information and Dimensions. Depict accurate location and dimensions of all existing and proposed structures, signs, driveways, parking areas, loading areas, landscaping, buffer, utilities (including potable water, sanitary sewer, power, telephone, CATV, natural gas, wells, etc.), utility connections to buildings, drainage ways, drainage structures, and other relevant natural or manmade elements that may affect site design or layout.

303.2.2.5. Proof of Sewer Service. Permit for Construction or a Certificate of Completion for a Subsurface Sewage Disposal System, from the Sevier County Health Department, Division of Environmental Health or a Will-Serve Letter from the Public Sewer Utility providing service

303.2.2.6. Topography. Provide a topographic map at contour intervals of no less than two (2) feet.

303.2.2.7. Drainage, Erosion Control, Post Construction Regulations. Incorporate a drainage plan, erosion control plan and a post construction plan that conforms to Section 304 of this zoning resolution, with calculations of discharge and plans for discharge and detention.

303.2.2.8. Area Subject to Flood. The limits of the 100-year floodplain shall be shown in accordance with the provisions of Section 302.

303.2.2.9. Ingress and Egress. Detail location and dimensions of all entrances and exits onto any public or private thoroughfare, in conformity with all applicable provisions of this zoning resolution.

303.2.2.10. Landscaping. Include a landscaping plan to meet the Regulations of Section 303.3.

303.3. Landscaping Plan Regulations.

A landscaping plan shall be prepared with the following Regulations:

303.3.1. Exterior Landscaping.

303.3.1.1. Road Frontage. A landscaped strip of seven (7) feet in width shall have one (1) tree for each twenty-five (25) feet of frontage or fraction thereof, provided no tree is closer than twenty-five (25) to the edge of any means of ingress or egress to the public or private road.

303.3.1.2. Lot Perimeter. A landscaped strip of five (5) feet in width along the sides and rear.

303.3.2. <u>Interior Landscaping.</u>

303.3.2.1. Interior landscaping shall be equal to five (5) percent of the parking area and one (1) tree for each three hundred (300) square feet of landscaped area shall be provided. The interior landscaping may be placed adjacent to the building as needed.

303.3.2.2. Off-road parking areas containing more than twenty (20) spaces shall have interior landscaping. These landscaped areas shall be placed in a manner to properly divide the expanse of paving to guide traffic flow. The parking spaces shall be designed in a manner that will prevent damage to the landscaping.

303.3.3. <u>Landscaping Materials</u>. The landscaping plan shall contain a description of plants and materials and methods for care and maintenance.

303.3.3.1. Where developments have and intend to keep existing landscaping features and growth, these existing materials must be accurately shown on the landscaping plan and may be used to meet the landscaping plan regulations.

303.3.3.2. All plant materials shall be living trees, shrubs, hedges, or ground cover. Ground cover shall consist of grass, and other permeable organic material, capable of absorbing run-off water, or may include no more than forty (40) percent by area of pebbles, wood chips, bark, mulch, and similar materials. The required landscaping shall not include artificial trees, shrubs, hedges or ground cover.

303.3.3.3. Evergreen trees shall be a minimum of three (3) feet in height. All other trees shall be a minimum of five (5) feet in height. Shrubs and hedges shall be at least eighteen (18) inches in average height. Dwarf trees and exotic trees may be substituted if shown that their uses enhance the landscape plan.

303.3.4. <u>Landscape Installation and Maintenance.</u>

303.3.4.1. All landscaping shall be installed in a sound workmanship manner and in accordance with the approved Site Plan.

303.3.4.2. All landscaping shall be permanently maintained. The owner, tenant, and/or agent shall be responsible for continued maintenance.

<u>303.4. Uses Subject to Administrative Review.</u>

A sketch site plan for administrative review is required for the following:

- Single-family dwelling
- Two-family dwelling or duplex
- Accessory buildings and/or structures

303.4.1 Sketch Site Plan Regulations. A Sketch Plan shall be submitted with the application for a Building Permit to build on a lot in an A-1, R-1, R-2M, R-2, C-1, C-2 Zoning District.

- Property owners name.
- Permit for Construction or a Certificate of Completion for a Subsurface Sewage Disposal System, from the Sevier County Health Department, Division of Environmental Health or a Will-Serve Letter from the Public Sewer Utility providing service.
- A Sketch Plan of the building, showing porches, decks, overhangs & steps, with dimensions to the front, sides & rear property lines.
- Floor Plans, showing porches, decks, overhangs & steps, of each floor, and elevations views of the building may be required to verify the average building height.

303.4.2. Site Plan Submittal. A detailed site plan shall be submitted with the application for Building Permit to build on a lot in a Critical Slope (CS) District. The detailed Site Plan, prepared by a Registered Land Surveyor or a Professional Engineer, shall show the following information.

- Existing contours with a 2' interval.
- The building including all porches, decks, overhangs and steps with dimensions to the front, side & rear property lines.
- The entrances into the building with finish floor elevations.
- The location and vertical grade of the driveway from the traveled way to the parking area. See Section 306.
- The required parking spaces with spot elevations at the edge of the traveled way or the driveway and near the building. See Section 305.
- All retaining walls around the building with estimated height of the wall.
- The minimum setbacks to the front, side & rear property lines.

304. Storm Water Runoff Design Regulations.

Stormwater runoff design plans shall conform to the current Stormwater Resolution of Sevier County, Tennessee.

305. Off-Road Motor Vehicle Parking.

Off-road motor vehicle parking is required for all uses in all zoning districts.

305.1. Parking Space Regulations.

The number of parking spaces provided shall meet the minimum regulations for the specific uses as set forth in **Appendix A, Table 305-1**. For uses not specifically mentioned herein, the off-road parking regulations shall be determined by the Planning Director.

305.2. Off-Road Parking Lot Design.

The following design regulations shall apply to all parking lots except those associated with single family dwellings and duplexes. **All parking lots shall include handicap parking spaces in accordance to the 2010 ADA Standards for Accessible Design.**

305.2.1. General Regulations. Where more than four parking spaces are served by a single driveway, a turnaround area shall be provided, or other provisions made, to permit cars to exit the parking lot without backing onto any road or sidewalk. Off-road parking shall include painted lines, or other methods of identifying individual parking spaces, thus distinguishing such spaces from aisles.

305.2.2. Dimensional Regulations.

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

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

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

305.2.2.2. All parking spaces shall have a vertical clearance of at least seven feet.

305.2.3 Surfacing. All off-road parking lots, loading, and drive-through areas shall be surfaced with asphalt, concrete, brick, pavers, gravel, or crushed stone.
The surfaces of all handicap spaces and access aisles shall be asphalt or concrete.

305.2.4 Continuous Curbs.

305.2.4.1 Continuous curbs shall be required to surround parking areas in the C-1 and C-2 Districts for parking lots with 25 or more parking spaces.

305.2.4.2 Where used, continuous curbs shall be made of asphalt, concrete, stone or other similar material and shall have a height of six inches and a minimum width of six inches. They shall form a non-interrupted edge around all landscaped areas adjacent to parking and maneuvering areas.

305.2.4.3 Continuous curbs shall be located a minimum of four feet from any structures, buildings, or walls to prevent a vehicle from hitting any structure at the edge of a parking area.

305.2.5. Visibility. No plants or structures shall be placed that will obstruct the vision of vehicular or pedestrian traffic.

306. Driveways.
The following regulations shall apply to all driveways:

306.1. Alignment. All driveways shall be positioned as close to at right angles with roads as possible.

306.2. Site Distance. All driveways shall be positioned so that the following sight distance minimums can be met in either direction, dependent upon the speed limit of the fronting road.

Frontage Road Speed Limit (mph)	Minimum Driveway Sight Distance (ft)
25 or lower	50
30, 35	75
40, 45	100
50+	150

306.3. Spacing. The driveway entrance shall be no closer than twenty-five (25) feet from any adjacent roadway, measured from the edge of the traveled way.

306.4. Driveway Width. The traveled way shall be a minimum of twelve (12) feet.

306.5. Vertical Grades. From the edge of the traveled way, the first twenty feet (20'), of a driveway, shall be not exceed twelve percent (12%), remainder of a private driveway shall not exceed twenty-five percent (25%).

306.6. Driveway Surface. The traveled way of the driveway may be surfaced with gravel or crushed stone, provided the vertical grade is less than 12%. If the vertical grade is greater than 12% the surface should be pavers, concrete, asphalt or brick.

306.7. Drainage. When a driveway crosses a ditch, swell or natural drainage way a drainage pipe shall be placed in the ditch, swell or natural drainage way. The drainage pipe shall be a minimum of fifteen inches (15").

307. Vision Clearance for Traffic.

No use shall be established nor structure constructed nor planting established or maintained that will obstruct the vision of vehicular or pedestrian traffic entering onto or using any adjacent public or private road.

308. Signs.

The intent of this section is to protect the safety and orderly development of signs and sign structures that identify a business and/or an event or the use of a property within the County. All new signs and sign structures erected, constructed, or placed upon any property or building within the County, if allowed, shall conform to the following.

308.1. General Regulations.

308.1.1. No part of any sign shall be placed within five (5) feet of the right-of-way of any public road or private road.

308.1.2 No part of any sign shall be placed within five (5) feet of any means of ingress or egress.

308.1.3. No flashing or intermittent signs shall be allowed within three hundred (300) feet of any residential zoning district.

308.2. Allowable Signs

308.2.1 On Premises, Permanent. A permanent on-premises sign advertises products or services that are sold, produced, manufactured or furnished on the property where the sign is located. On-premises signs can also identify or advertise a business or person that maintains a business on the same premises.

308.2.1.1. Agricultural, Commercial and Industrial Districts.
In Zoning Districts A-1, Agricultural, for a Rural Business or a Rural Recreational Business only, C-1 & C-2, Commercial and I-1, Industrial, the following regulations shall apply:

a. Maximum Sign Area. One hundred fifty (150) square feet.

b. Maximum Height. Thirty (30) feet from the ground to the top of the sign.

c. Commercial Planned Unit Development (PUD) Entrance Signs. A commercial planned unit development (PUD) or subdivision shall be allowed one (1) sign per entrance to the development.

308.2.1.2. Agricultural and Residential Districts.
In Zoning Districts A-1, Agricultural, R-1, Rural Residential, R-2M, Medium Density Residential & R-2, High Density Residential the following shall apply:

a. Maximum Sign Area. One hundred and twenty (120) square feet, unless otherwise limited.

b. Maximum Height. Twelve (12) feet.

c. Customary Home Occupation. One (1) sign of not more than four (4) square feet.

d. Subdivisions and PUD Entrance Signs.
A residential subdivision or planned unit development (PUD) shall be allowed one (1) entrance sign per entrance to the development.

308.2.2 On Premises, Temporary. A temporary on-premises sign advertises products or services that are sold, produced, manufactured or furnished on the property where the sign is located. On-premises signs can also identify or advertise a business or person that maintains a business on the same premises.

308.2.2.1. Political signs are not allowed on streets or highway rights-of-way, nor on public property. Such political signs may not be posted prior to thirty (30) days before an election and should be removed by the owner of the property on which the sign is located within ten (10) days after the election to which it refers.

308.2.2.2. Temporary non-commercial uses of signs celebrating holidays, special events, or events of infrequent occurrence displayed for periods of short duration are may be displayed for thirty (30) days prior to the event and seven (7) days after the completion of the event. Such signs shall not exceed thirty-two (32) square feet in area

308.2.2.3. Auction signs shall be allowed in all districts, not to exceed thirty-two (32) square feet. Auction signs may be erected twenty-one (21) days prior to the occurrence of the auction and be removed within seven (7) days after the auction.

308.3. Prohibited Signs

308.3.1. An off-premise sign, defined as an outdoor advertising sign, or part thereof, which possesses a display area, face or panel which advertises, displays, or gives direction to any business, product, service, attraction, event, or any other purpose or interest other than the site or property on which the sign is located or positioned, **shall not be allowed.**

308.3.2. The conversion of an existing off-premises sign to a digital sign **shall not be allowed.**

309. Manufactured Residential Dwelling Park (PARK) Regulations.
These regulations shall apply to any residential development consisting of more than two (2) manufactured residential dwellings on one lot, tract, or parcel of land.

309.1. Landscape Buffer.
An evergreen buffer composed of vegetation five (5) feet in width and at least eight (8) feet tall. The buffer shall be required on any perimeter of the Park.

309.2. Internal roads.
Internal roads shall be built, at minimum, to the regulations of Type II private easements as provided in the Subdivision Regulations for Sevier County, Tennessee.

309.3. Sewer Requirement.
The PARK shall be served by a public sewer system.

309.4. Water Requirement.
Adequate water service shall be provided to facilitate a six-inch water line throughout the PARK. A ¾-inch water line must be provided to each individual dwelling site. A fire hydrant with adequate volume and pressure shall be located within five hundred (500) feet of each dwelling.

309.5. Site Plan.

Any site plan shall meet all applicable regulations of Section 310. The Planning Commission may deny the site plan due to poor site design for traffic patterns, poor visibility at manufactured residential dwelling park entrance, poor drainage plans, lack of parking, etc.

309.6. Solid Waste.
There shall be no buildup of trash, garbage, and waste including but not limited to used appliances or inoperable motor vehicles. Solid waste dumpster pad(s) and appropriate containers shall be provided and collected for disposal at a sanitary landfill.

310. Planned Unit Development (PUD).

The purpose of the planned unit development regulations is to provide for diversification in the relationship of uses and structures to their sites and also provide flexibility, which will create a more desirable living environment. A PUD shall mean an integrated, professionally prepared design for development of residential, commercial, or industrial uses.

310.1. PUD Regulations.
A PUD may be developed in any district provided that the permitted uses and density regulations of the district allow for the development and the Planning Commission approves the PUD plan elements. Residential, commercial, public, semi-public, industrial uses, or combinations of these uses where district or special regulations permit, may be developed under the PUD concept. Cluster type subdivisions and Condominiums, townhouses, multi-dwelling units, rental developments, self-storage facilities, manufactured residential dwelling parks, multi-use parks, Campgrounds, and multi-use or ownership developments shall be considered as PUD's for the purpose of this resolution.

310.2. General Regulations.
All PUDs shall comply with the following regulations:

310.2.1. Minimum Acreage. No PUD shall have an area less than that required by the Planning Commission as adequate for the proposed project; however, the minimum acreage shall not be less than the minimum lot size, see Section 602, required in the district in which the proposed development is to be located.

310.2.2. Structures and Open Space. The Planning Commission shall require structures and open spaces to be arranged on the site in such a way that adjacent uses will not be adversely affected.

310.2.2.1. No freestanding building shall be located closer than twenty (20) feet to any other building.

310.2.2.2. Minimum setback and lot width at setback regulations for lots may be altered upon approval of the Planning Commission; except that there shall be an exterior setback no smaller than twenty-five (25) feet around the perimeter of the project.

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

310.2.3.1. A property owners association, or

310.2.3.2. The developer or management authority of the PUD.

310.2.4. Parking and Access Control Regulations. The provisions found in Section 305 relating to vehicular access and parking shall be adhered to, except that the Planning Commission may alter these regulations in instances in which a superior design alternative is presented which will not be detrimental to the public interest or in conflict with the intent of this resolution.

310.2.5. Density Regulations for any PUD. The lot size and density regulations of the district shall apply to any planned unit development.

310.2.6. Road and Utility Construction Regulations. Public and common ways for pedestrian and vehicular circulation shall be developed in relationship to other existing and planned roads and ways with the Sevier County Major Road Plan. Whether or not the subdivision of property is proposed within the PUD, all proposed roads, and right-of-way improvements shall comply with the construction regulations set forth in the subdivision regulations.

310.3. Guidelines for Submission.
See Site Plan Regulations, Section 303.

311. Intentionally Omitted.

312. Telecommunications Tower and Facility Regulations.

312.1. Purpose.
The general purpose of this Section is to regulate the placement, construction, and modification of towers and telecommunications facilities in order to protect the health, safety, and welfare of the public, specifically:

312.1.1. To regulate the location of telecommunication towers and facilities.

312.1.2. To protect residential areas and land uses from potential adverse impact of telecommunication towers and facilities.

312.1.3. To minimize adverse visual impact of telecommunication towers and facilities through careful design, siting, landscaping, and camouflaging techniques.

312.1.4. To promote and encourage shared use/co-location of telecommunication towers and facilities as a primary option rather than construction of additional single-use towers.

312.1.5. To ensure that telecommunication towers and facilities are compatible with surrounding land uses.

312.2.1. Telecommunications towers and facilities are considered as a principal use of land.

312.2. Site Plan Regulations.
A site plan is required for all proposed telecommunication towers and facilities. The site plan shall show the locations of the property lines, tower, accessory building(s), facilities, guy wires, and supports, and must meet the regulations of Section 303.

312.2.1. Lighting. Towers shall not be lighted by artificial lighting except as required by the FAA or other applicable authority.

312.2.2. Setbacks. In addition to the minimum setbacks required in the zone in which a tower is located, a tower shall be constructed no closer than one-hundred fifty (150) feet from any existing residential dwelling or occupied structure.

312.2.3. Signs. Signs shall not be allowed on towers or antennas, except safety signs that are required by law or regulation.

312.2.4. Fencing. Telecommunications towers and antennas shall be completely surrounded by a security fence.

312.2.5. Landscaping. Tower facilities shall be landscaped by means of native evergreen plant species to sufficiently obscure said facilities from view. The landscaped area shall be no less than eight (8) feet in height and shall be natural or planted vegetation or opaque fencing. The preservation of mature trees is preferred except where such tree growth would interfere with the operation and maintenance of the facilities.

312.2.6. Co-Location. No new tower shall be built, constructed, or erected in Sevier County unless the tower is capable of supporting another person's operating telecommunications facilities comparable in weight, size, and surface area to the telecommunications facilities installed by the applicant on the tower.

312.2.7. Tower Removal. When the active use of telecommunications tower ceases for a period of six (6) consecutive months, the tower shall be removed at the owner's expense.

312.3. Exemptions.
Radio towers and/or antennas less than forty (40) feet in height and which are accessory to or are attached to an existing residence, business, or government agency are exempt from this Section.

313. Critical Slope District Development Guidelines

313.1. Purpose.
This zoning district is established as an overlay district to identify property within Sevier County which has steep slopes and for which additional development design care and consideration must be given, prior to the development occurring. The intent of this zone is also to establish

development design and review regulations, which will protect the integrity of the steep slope areas, resulting in development which will enhance and preserve the character and beauty of the steep slope areas of the county.

313.2. Slope Trigger Point.
This district shall be established as an overlay district for all properties within the Sevier County Zoning Resolution jurisdiction and shall be established for all properties with an average slope of 30% or greater.

313.2.1. Parcels with less than 30% average slope as per Section 313.3, and which are no greater than 100 feet in elevation above the adjacent valley corridor as measured from the adjacent Federal, State highway, or County Road shall be exempt from Section 313.4 herein.

313.3. Slope Calculation.
A grid system shall be utilized to calculate average slope for each property. A topographic map should be prepared with contour intervals of 2 ft. for areas of proposed disturbance, and 5 ft. intervals for areas where disturbances will not occur. A grid with then be established by multiplying the contour interval by 5, yielding a 10 ft. grid for disturbed areas and a 25 ft. grid for undisturbed areas. Slope will be averaged within each grid square, and a composite determination arrived at for each land entity. In the case of subdivision plats, the slopes determined in each grid will distinguish areas of unique terrain, and establish where these CSFZ recommendations kick-in and to what extent. For the development of single lots, the slope calculation from each grid cell will be summed and averaged for the entire lot with a single slope score determined for the property.

313.4 Development Regulations.
Note: Lots of record shall submit detailed site plans showing proposed cuts and fills, and driveway and house seat locations. Within the Critical Slope Zone, the development on lots of record shall follow these regulations as closely as possible. Any parcel of property designated as a Critical Slope District shall not be rezoned as R-2.

313.4.1. Design Regulations

313.4.1.1. Where staff determines it is necessary, cuts and fills shall be pre-designed by a licensed engineer. Serrated cuts are encouraged on slopes greater than 2:1 to promote vegetation. The maximum height of cut/fill slopes shall not exceed 35 feet. However, engineered cut/fill slopes may receive a variance for heights greater than 35 feet if reduced impact to the environment may be shown. Retaining wall construction may be required to stabilize cut or fill slopes. (Variance requests to be heard by The Board of Zoning Appeals).

313.4.1.2. Disturbance shall not exceed 25% of the development or lot area.

313.4.1.3. All utilities shall be installed below ground.

313.4.1.4. Post construction impervious area shall not exceed 15 % of the lot area.

313.4.1.5. Soils maps and test borings shall identify areas suspected of containing acid rock. These areas should be avoided, and where encountered shall be capped and sealed to prevent percolation.

313.4.1.6. All development shall provide post construction screening of minimum 75% screened, during leaf-on conditions (May thru October), as viewed from the Federal, State, and County highways, many of which are Scenic Corridors. Properties not screened 75% may utilize mitigation measures found in Appendix B, from Sections 2.5.6 thru 2.5.9 of the Saratoga Report.

313.4.2. <u>Safety Regulations.</u>

313.4.2.1. Within the critical slope district, dwelling unit and occupant safety shall be established by one of the following alternatives:

a. Detached dwellings and structures shall have a minimum side and rear yard separation between structures as follows:

Water Supply	Minimum Separation
No supply	200 ft. (100 ft. side and rear setbacks)
500 gpm/ 30 min	100ft. (50 ft. side and rear setbacks)
750 gpm/ 30 min or more	50 ft. (25 ft. side and rear setbacks)

b. Detached dwelling units with residential fire sprinklers shall have a minimum separation of 100 feet, meaning a minimum 50 foot side and rear setback.

313.4.2.2. Each unit shall establish a defensible space of 30 feet measured horizontally around the structure. Firewise standards (established and maintained by the Tennessee Division of Forestry) shall be followed for vegetation within the defensible space. Combustible materials generated from clearing and construction shall be cleared from the site by removal, mulching, or controlled burning.

313.4.3. <u>Density.</u>

313.4.3.1. Typical land and lot subdivision and PUD developments shall have a maximum density of one dwelling unit per lot.

313.4.3.2. Lot size regulations shall be as follows:

Average Slope	Minimum Lot Size
30% - 49.9%	2 acres
50% +	3 acres

313.4.4. <u>Certification.</u>

313.4.4. Within 60 days of completed work, developments within the critical slope district shall be certified “as-built” in compliance with the approved design plans and

criteria by a licensed engineer or licensed surveyor, whichever is appropriate. The plans shall be "certified" prior to Final Plat approval or Final PUD site plan approval.

314. Decentralized Wastewater Treatment and Dispersal System.

314.1 Purpose.

The purpose of this Section is to establish regulations for a **Decentralized Wastewater Treatment and Dispersal System** (**DWTDS**) in order to implement the policies of the **Sevier County Public Works Committee (PWC)** and to mitigate potential negative impacts from such systems on surrounding properties. The Tennessee Department of Environment and Conservation (TDEC), Division of Water Resources, has adopted a set of design criteria for the land dispersal of effluent from various wastewater treatment methods. The Sevier County Commission, the Sevier County Planning Commission, and the **PWC** believe that additional regulations for a **DWTDS** are necessary in Sevier County in order to protect the public health, safety and welfare. The provisions of this Section are not intended to replace the role of TDEC but to provide additional requirements and a consistent approach to the review and approval of a **DWTDS** within Sevier County.

314.2 Authority.

The **PWC,** or its appointed representative is authorized to administer the Regulations in this Resolution. The phrase "**Decentralized Wastewater Treatment and Dispersal System (DWTDS)**" does not include subsurface sewage disposal systems that are subject to the permitting requirements of Tennessee Code Annotated, title 68, chapter 221, part 4, nor to wastewater collection and disposal systems that are owned or operated by a municipality. The provisions of the Water Quality Control Act, compiled in Tennessee Code Annotated, title 69, chapter 3, and the Regulations adopted thereunder, shall prevail over any such Regulations in this Resolution in the event of a conflict; provided, that Sevier County may adopt Regulations that are more stringent than the Water Quality Control Act and Regulations promulgated thereunder, if a copy of such Regulations is filed with the Department of Environment and Conservation. Such authority is expressly granted in Tennessee Code Annotated Section 68-221-607.

314.3 Review, Submittal and Approval Process.

314.3.1 Preliminary Site Plan Review. Prior to preparation and submission of a Site Plan, the following provisions are required:

314.3.1.1. Schedule a meeting with the Planning Staff and the **PWC** to review the regulations of this Section.

314.3.1.2 Submit the Engineering Report and Preliminary Plans, as required by TDEC Rules Section 0400-40-02, for review by the Planning Staff, simultaneously with the submission to TDEC.

314.3.2. Site Plan Submission. Submit a Site Plan to the Planning Staff, for review by the Planning Commission of jurisdiction. The Site Plan shall meet the following provisions.

314.3.2.1. The requirements for a Site Plan as defined in Section 303.

314.3.2.2. Submit the TDEC approved Engineering Report and Final Plans for the DWTDS.

CERTIFICATION FOR
A DECENTRALIZED WASTEWATER TREATMENT AND DISPERSAL SYSTEM

I certify that the sewage disposal system installed, or proposed for installation, fully meets the requirements of the Tennessee Department of Environment and Conservation and is approved as shown with all restrictions/conditions as noted below.

The site plan contains _____ buildings, units, sites.
The maximum number of bedrooms per building, unit or site, _____.
The maximum of bedrooms for the system, _____.
The design wastewater flow in GPD per bedroom, _____.
The system is designed for a total wastewater flow of _____ GPD.
The TDEC operating Permit # is _____.

Any revision, change, substitution, alteration etc. to this note shall be approved by the Sevier County Planning Department.

314.3.2.3. The **Certification for a Decentralized Wastewater Treatment and Dispersal System**, signed by the Utility Owner, indicating the total number of building, units, or sites; the maximum number of bedrooms per building, unit or site; the maximum of bedrooms for the system; and the design wastewater flow in gallons per day (GPD) per bedroom and the total wastewater flow in GPD for the development, shall be on the Site Plan.

314.3.3. Site Plan Approval by Planning Commission. Upon site plan approval by the Sevier County Planning Commission and approvals from all other local, state, & federal agencies required, construction of the DWTDS may begin.

314.3.4 Certificate of Completion. Upon completion of the construction of the **DWTDS**, or components thereof, a Sewage Permit **Certificate of Completion** shall be required prior to the operation of the system. Prior to issuance of the Sewage Permit **Certificate of Completion**, the applicant shall provide the following:

314.3.4.1. A letter from TDEC indicating that the **DWTDS** was installed and is functioning.

314.3.4.2. As-built drawings showing the location of all system components and a sealed certification, from the design engineer or a third-party inspector, that the **DWTDS** was constructed in accordance with the approved construction plans and specifications.

314.3.4.3. A letter from the Owner/Utility Provider that it has accepted the **DWTDS** and is currently operating same.

314.3.5. Site Plan Permit Approval. A Site Plan Permit will be issued when all provisions of Sections 303 and 314.3 have been met. A Site Plan Permit is required before a Zoning Compliance Permit may be issued.

314.4. Phasing of System Components for Developments. The Agent, Applicant, Developer, and/or Owner may choose to construct the **DWTDS** in phases.

314.4.1. The first phase of the **DWTDS** shall be constructed to provide treatment and dispersal area for no less than the proposed number of buildings, units or sites; or the equivalent gallons per day, as shown on the Site Plan for first phase of the development, prior to submittal to the Planning Staff.

314.4.2. Each subsequent phase of the **DWTDS** shall be constructed to provide treatment and dispersal area sufficient for the proposed number of buildings, units or sites within that phase, prior to submittal of the Site Plan to the Planning Staff.

314.4.3. During construction of later phases of either the treatment facility or dispersal areas, the Agent, Applicant, Developer, and/or Owner shall provide adequate safeguards and protections for the existing treatment facility and dispersal areas and for the land designated for future dispersal areas, including, but not limited to, construction fencing around the original **DWTDS** and erosion and siltation control measures in order to protect the original **DWTDS** from any water runoff during the construction.

314.5. Operational Reports. Operational reports shall be submitted by the owner/operator of the **DWTDS** to TDEC and the Planning Staff on an annual basis for compliance review.

314.6. Utility Owner/Operator.
For a Decentralized Wastewater Treatment and Dispersal System.

314.6.1. The **Utility Owner/Operator** of the **DWTDS** shall be a utility district, or a privately-owned public utility licensed by the State of Tennessee.

314.6.2. The **DWTDS**, including the parcels of land, where the treatment facility and the dispersal areas are located, tanks, pumps, collection systems, pumping stations and other components, shall be owned, operated and controlled by the **Utility Owner.** No homeowners' association, property owners' association or trust indenture shall own or operate any part of the **DWTDS**.

314.6.3. The parcels of land, where the treatment facility and the dispersal areas are located, shall be shown as separate lots within the Development and shown as a utility easement. The pumps, collection systems, distribution systems, pumping stations, sewer connection boxes, STEP/STEG tanks (unless located on private property, see Section 314.6.5.) and other components shall be shown in a utility easement of sufficient width to allow repairs or replacement.

314.6.4. The ownership of the lots and utility easements shall be transferred via deed with said deed being recorded in the Register of Deeds office of Sevier County within sixty (60) days of recording of the Final Plat of Development. This Plat shall be included as a part of the as-built documents required in Section 314.3.2.2. Proof of recording of this property transfer shall be provided to the **PWC** by providing a copy of the recorded deed no later than the 60-day requirement herein. In the event the recorded deed is not provided to the **PWC**

before the expiration of these sixty days, then the development shall be considered in violation of this Resolution and subject to the enforcement mechanisms outlined in this Resolution.

314.6.5. If the STEP/STEG tanks are located on private property the Utility Owner shall be granted general easement or deed restriction to enter the private property being served, and to access the **DWTDS** and its components. Access must be guaranteed to operate, maintain, repair, restore service and remove sludge.

314.6.6. The Utility Owners shall operate and maintain facilities without interruption, sewage spills on the grounds, sewage backup into buildings, or other unhealthy conditions.

314.7. Compliance with State Regulations and Guidelines.
These requirements shall apply to any **DWTDS** utilizing land application as a dispersal method for the wastewater. This Section does not apply to single residential or non-residential lots utilizing individual on-site wastewater treatment and disposal systems, as regulated by the Sevier County Environmental Health Department, for the treatment and disposal of wastewater. Any **DWTDS** constructed in Sevier County using land for the dispersal of the wastewater shall comply with the provisions of the Tennessee Department of Environment and Conservation, Division of Water Recourses, Design Criteria for Review of Sewage Works Construction Plans and Documents, Chapter 15 – Managed Wastewater Dispersal Using Drip Irrigation and Chapter 17 – Design Guidelines for Wastewater Dispersal Using Drip Irrigation effective November 1, 2017, as amended. The provisions of Chapters 15 and 17, as applicable to the type of dispersal chosen, shall apply except were modified herein.

314.8. Additional Requirements.
For any **DWTDS**, this Section shall establish design regulations which may be more stringent than the minimum regulations required by the TDEC, Division of Water Resources.

314.8.1. Access & Fencing. Public access, to the lots where, the treatment facility and dispersal areas are located shall be restricted by posting signs and fencing of the lots. Fencing and access road gates shall be provided along property lines adjacent to residential and other developed areas. Fencing may be required around any pump stations not located within the treatment facility.

314.8.2. Dispersal Area Restrictions. The dispersal areas shall be closed to public access and shall be restricted so that its only acceptable use is for wastewater disposal. The use of the dispersal areas as a park, golf course, cemetery, outdoor institutional, recreational or other public use is prohibited.

314.8.3. Design Wastewater Flow Rates. The hydraulic loading for the development shall be determined from the flow rates in Table 314-1.

314.8.4. Duplicate Dispersal Areas. In addition to the primary dispersal areas, duplicate dispersal areas shall be provided.

314.8.4.1. The duplicate dispersal areas shall be sized to meet 50% of the primary dispersal area design standard, based on the design wastewater flow rates and the specific design hydraulic loading rates.

314.8.4.2. The duplicate dispersal areas shall be readily accessible and be protected to prevent encroachment of any unauthorized vehicles or equipment. No encumbrance or physical structure shall be placed in such a manner so as to interfere with the duplicate dispersal areas intended purpose. No activity will be allowed on the duplicate dispersal areas that will alter the soil characteristics or the design percolation rates for each soil type.

ARTICLE IV – APPLICATION OF REGULATIONS

401. Zoning Affects Every Building and Use
402. Customary Home Occupations
403. Lots of Record
404. Conformity to Beer Resolution
405. Conflict with Other Regulations

401. Zoning Affects Every Building and Use.
After this resolution is adopted, all new development shall conform to the regulations in this resolution, including, but not limited to, erection of a new building, addition, moving, any other alteration of an existing structure or change in the type of use of a building, structure, or land.

402. Customary Home Occupations.
Such activities must be confined to and be incidental to the use of the dwelling unit of the lot. Provided that at least one worker permanently resides in the dwelling, the following uses may be considered customary home occupations and are allowed in districts that permit them.

402.1. Allowed Uses
402.1.1. Professional offices.
402.1.2. Arts and crafts made by the owners of the premises.
402.1.3. Beauty/barber shops.
402.1.4. Antiques sales.
402.1.5. Educational instruction.
402.1.6. Any other uses which the **Board of Zoning Appeals** finds to be of similar character.

403. Lots of Record.
Where lots, platted or deeded prior to the adoption of this zoning resolution, exist and do not conform to the minimum lot size regulations, construction may be approved, if no adjacent properties can be purchased to meet minimum lot size regulations. After the adoption of this resolution, no lot may be subdivided which does not meet the minimum lot size regulations.

404. Conformity to Beer Resolution.
The Sevier County Zoning Resolution shall comply with all aspects of the existing Beer Resolution as adopted by the Sevier County Commission.

405. Conflict with Other Regulations.
In the case of conflict between this Resolution or any part thereof, and the whole or part of any existing or future resolution of Sevier County or any other planning jurisdiction, the most restrictive shall in all cases apply.

406. Two (2) Single Family Dwelling on a Lot.
Two (2) single family dwellings or one (2) duplex and its customary accessory buildings may be hereafter be erected on any lot of record, unless otherwise restricted by these regulations.

ARTICLE V – ZONING DISTRICTS

501. Classification of Districts
502. A-1 Agricultural District
503. R-1 Rural Residential District
504. R-2M Medium Density Residential District.
505. R-2 High Density Residential District
506. C-1 Rural Commercial District
507. C-2 General Commercial District
508. I-1 Industrial District
509. CS Critical Slope District.

501. Classification of Districts.

For the purpose of this resolution, the following zoning districts are hereby established in the unincorporated sections of Sevier County and are shown on "The Zoning Map of Sevier County, Tennessee." Area, yard, and height regulations for each district shall conform to Article VI of this resolution. Any **Use Permitted** requiring an approved Site Plan, shall require Site Plan approval in all Zoning Districts.

A-1 - Agricultural District

R-1 - Rural Residential District

R-2M - Medium Density Residential District

R-2 - High Density Residential District

C-1 - Rural Commercial District

C-2 - General Commercial District

I-1 - Industrial District

CS - Critical Slope District

502. A-1 Agricultural District.

502.1. Intent and Purpose. This district is created to establish and preserve areas with agricultural and rural qualities by allowing for traditional Agricultural Uses along with low-density residential activities. Other land uses associated with the service of local residents are allowed as well.

502.2. Uses Permitted.

502.2.1. Single-family dwellings and two-family dwellings.
502.2.2. Manufactured residential dwellings.
502.2.3. Customary home occupations as regulated in Section 402.

502.3. Uses Permitted with an approved Site Plan, see Section 303.

502.3.1. Public Uses.
502.3.2. Places of worship.
502.3.3. Family and private cemeteries.
502.3.4. Rural businesses.
502.3.5. Rural recreation businesses developed under the PUD regulations in Section 310, minimum site area, five (5) acres.
502.3.6. Livery or boarding stables, livestock feeding yards, animal kennels, animal shelters, and animal clinics.
502.3.7. Event Venues

502.4. Uses Prohibited. Any use not listed above is prohibited in this district, unless determined by the Sevier County Board of Zoning Appeals as being similar to one listed above and conforming to the intent of this zoning district.

503. R-1 Rural Residential District.

503.1. Intent and Purpose. This district is established for low-density residential development, while preventing non-compatible commercial, industrial, and dense residential uses. The regulations of this district are designed to encourage residential activities and preserve the residential character of the area.

503.2 Uses Permitted.

503.2.1. Single family dwellings and two-family dwellings.
503.2.2. Manufactured residential dwellings.
503.2.3. Customary home occupations as regulated in Section 402.

503.3. Uses Permitted with an approved Site Plan, see Section 303.

503.3.1. Public uses.
503.3.2. Day care centers.
503.3.3. Places of worship.
503.3.4. Family and private cemeteries.

503.4. Uses Prohibited. Any use not listed above is prohibited in this district, unless determined by the Sevier County Board of Zoning Appeals as being similar to one listed above and conforming to the intent of this zoning district.

504. R-2M Medium Density Residential District.

504.1 Intent and Purpose. The intent of this district is to establish areas for medium density residential and related uses, while preventing non-compatible uses that would interfere with the residential characteristics of the district.

504.2 Uses Permitted.

504.2.1. Any use permitted in the R-1 districts.
504.2.2. Three (3) unit and four (4) unit multi-family dwellings (maximum of two stories).

504.3. Uses Permitted with an approved Site Plan, see Section 303.

504.3.1. Bed and Breakfast Inns, limited to a maximum of four (4) bedrooms for rent.

504.4. Uses Prohibited. Any use not listed above is prohibited in this district, unless determined by the Sevier County Board of Zoning Appeals as being similar to one listed above and conforming to the intent of this zoning district.

505. R-2 High Density Residential District.

505.1. Intent and Purpose. The intent of this district is to establish areas for high-density residential and related uses, while preventing non-compatible commercial, industrial, and other uses that would interfere with the residential characteristics of the district. Because of the high-density nature of the allowed uses, any R-2 district shall be served by public water and public sewer systems. Any parcel of property designated as a Critical Slope District shall not be rezoned as R-2.

505.2. Uses Permitted.

505.2.1. Any use permitted in the R-1, R-2M districts.

505.3. Uses Permitted with an approved Site Plan, see Section 303.

505.3.1. Multi-family dwellings, more than four (4) dwelling units.
505.3.2. Assisted-care living facilities.
505.3.3. Manufactured residential dwelling parks in accordance with Section 309.
505.3.4. Bed and Breakfast Inns, with more than four (4) bedrooms for rent.
505.3.5. Real Estate Offices.
505.3.6. Clubs or Lodges.

505.4. Uses Prohibited. Any use not listed above is prohibited in this district, unless determined by the Sevier County Board of Zoning Appeals as being similar to one listed above and conforming to the intent of this zoning district.

506. C-1 Rural Commercial District.

506.1. Intent and Purpose. This district is established to provide areas for residential uses and business activities that serve local residents of the immediate area. These business uses should not require high visibility or accessibility and are encouraged to be located along collector roads or main intersections for maximum convenience for local residents, while maintaining the rural characteristics of the areas.

506.2. Uses Permitted.

506.2.1. Any use permitted in the R-1, R-2M districts.
506.2.2. Any use permitted in the R-2 districts, service by public water and public sewer systems is required.

506.3. Uses Permitted with an approved Site Plan, see Section 303.

506.3.1. Rural retail businesses.
506.3.2. Campgrounds.
506.3.3. Restaurants, brewpubs.
506.3.4. Warehouses (mini or self-storage), facilities developed under the PUD regulations in Section 310.
506.3.5. Professional offices.
506.3.6. Amusement centers, rural recreation businesses.
506.3.7. Antique stores, arts and crafts shops.
506.3.8. Motor vehicle or machinery sales with maximum of 35 units for sale at any time.
506.3.9. Animal clinics, animal shelters.
506.3.10. Event Venues

506.4. Uses Prohibited. Any use not listed above is prohibited in this district, unless determined by the Sevier County Board of Zoning Appeals as being similar to one listed above and conforming to the intent of this zoning district.

507. C-2 General Commercial District.

507.1. Intent and Purpose. This district is established to create areas for compatible business activities requiring high visibility and accessibility. The regulations of this district are designed to encourage commercial business in high traffic areas for maximum convenience of local residents or regional travelers.

507.2. Uses Permitted.

507.2.1. Any use permitted in the R-1, R-2, R-2M and C-1 districts.

507.3. Uses Permitted with an approved Site Plan, see Section 303.

507.3.1. General retail businesses.
507.3.2. Motor vehicle and/or machinery sales businesses.
507.3.3. Motor vehicle and /or machinery repair business.
507.3.4. Manufactured home and/or modular home sales businesses.
507.3.5. Motels and hotels.
507.3.6. Medical facilities.
507.3.7. Warehousing and distribution centers.
507.3.8. Flea markets.
507.3.9. Commercial cemeteries, mortuaries, crematoriums.
507.3.10. Amusement Parks, (to be developed as a PUD).
507.3.11 Craft breweries, wineries and distilleries.

507.4. Uses Prohibited. Any use not listed above is prohibited in this district, unless determined by the Sevier County Board of Zoning Appeals as being similar to one listed above and conforming to the intent of this zoning district.

507.5. Uses Permitted on Review. The following uses are permitted only if granted a Special Exception by the Board of Zoning Appeals (BZA) and Site Plan approval by Planning Commission. An application for a **Use on Review** along with the Site Plan and any other

information deemed reasonable by the Board of Zoning Appeals or Planning Commission shall be submitted fourteen (14) days prior to the meeting at which it will be reviewed.

507.5.1. Heliports. Subject to the following:

507.5.1.1. **Site Plan.** Site Plan approval is required, see Section 303.

507.5.1.2. **Location.**

a) No parcel of land to be used as a heliport shall be located within nine (9) miles of any boundary of the Great Smoky Mountains National Park, which does not include the Foothills Parkway (measurements shall be made in a straight line on the Sevier County tax maps from the nearest property line to nearest property line).

b) The Heliport, including landing pad and safety area, shall not be within one thousand (1000) feet of any residential dwelling unit, school, place of worship, or other place of assembly or located within fifty (80) feet of any property line or building.

507.5.1.3. **Environmental Protection.** A Heliport, including landing pad and safety area, that is adjacent to a residential district (R-1, R-2M, R-2) shall contain adequate buffer area of trees or opaque fencing no less than ten (10) feet in height. The buffer area shall be no less than eighty (80) feet from the safety area.

507.5.2. Pain Management Clinic. Subject to the following:

507.5.2.a. **Site Plan.** Site Plan approval is required, see Section 303. A map showing the existing land use and zoning districts within one half (1/2) mile of the proposed site shall be a part of the Site Plan.

507.5.2.b. **Location.** A parcel of land, to be used for a pain management clinic or facility or a methadone treatment clinic or facility, shall not be located within two thousand (2,000) feet of the following:

- Any school, day care center, or place of worship.
- Any public use, amusement center, public park, or residential dwelling unit.
- Any business that sells alcoholic beverages for on/off-premises consumption.
- Any other pain clinic or methadone treatment clinic or facility.

Measurements shall be made in a straight line from the nearest property line to nearest property line.

507.5.2.c. **Required Documents.** The following shall be provided with the application for the **Use on Review**: Any appropriate license and/or certificate of need and compliance with all statutes, rules regulations promulgated by the State of Tennessee as per TCA 63-1-301 through 311.

507.5.3. Junkyard. Because of the nature of and the possible health hazards, junked yards, lots, tracts and garbage dumps must be cleaned or a permit granted as a **junkyard**, subject to the following:

507.5.3.1. Site Plan. Site Plan approval is required, see Section 303.

507.5.3.2. Location. No junkyard shall be permitted within five hundred (500) feet from a residential dwelling unit, day care center, school, place of worship, or public gathering place. There shall be a twenty-five (25) foot buffer between a junkyard and all adjacent property.

507.5.3.3. Business License. All junkyards shall operate with a valid business license and are considered as a commercial use of land.

507.5.3.4. Environmental Protection. All motor vehicles stored or kept in junkyards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

508. I-1 Industrial District.

508.1. Intent and Purpose. This district is established to allow for industrial land uses that require intensive transportation facilities, utilities, and other infrastructure that would not be compatible with other residential and commercial uses. The regulations of this district are constructed to promote industrial activities and prevent most other uses.

508.2. Uses Permitted with an approved Site Plan, see Section 303. The following uses are permitted provided they fulfill any applicable state and federal environmental and anti-pollution regulations. Said uses must also meet any additional applicable regulations of this resolution and receive endorsement from the Sevier County Industrial Board:

508.2.1. Manufacturing, assembly, fabrication, warehousing, or distribution of goods.
508.2.2. Wholesale or retail sales conducted accessory to the manufacturing, assembly, fabrication, or warehousing of goods.
508.2.3. Professional offices.
508.2.4. Medical facilities.
508.2.5. Public uses.
508.2.6. Adult oriented businesses, provided that no portion of the building is located closer than two thousand (2,000) feet to any public or private school, day care center, place of worship, or the R-1, R-2M and R-2 districts.
508.2.7. Breweries, wineries and distilleries.

508.3. Uses Prohibited. Any use not listed above is prohibited in this district, unless determined by the Sevier County Board of Zoning Appeals as being similar to one listed above and conforming to the intent of this zoning district.

508.3.1 Manufacturing, assembly, or fabrication of explosive or flammable material, gases or liquids as finished products.

508.4. Industrial Performance Regulations. Any use established in the I-1 Industrial District after the adoption of this resolution shall be so operated as to comply with the following

performance regulations. Likewise, any use already established as of the effective date of this resolution shall be allowed to be altered, enlarged, expanded, or modified, provided that emissions conform to these same performance regulations:

508.4.1. The emission of smoke or particulate matter in such manner or quantity deemed to be detrimental to the public health, safety, comfort, or welfare is hereby declared to be a public nuisance and unlawful.

508.4.2. The emission of smoke or particulate matter, from all sources within the lot area, containing more than five (5) percent by weight or particles having a particle diameter larger than twenty (20) microns is prohibited.

508.4.3. Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads, driveways within the site shall be minimized by appropriate landscaping, paving, or other acceptable means.

508.4.4. The emission of odors shall not be strongly discernable at or beyond the site's property lines as to produce a public nuisance or hazard.

508.4.5. No use shall, at any time, discharge any toxic matter across the site's property lines in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to property or business.

508.5. Uses Permitted on Review. The following uses are permitted only if granted a Special Exception by the Board of Zoning Appeals (BZA) and Site Plan approval by Planning Commission. An application for a **Use on Review** along with the Site Plan and any other information deemed reasonable by the Board of Zoning Appeals or Planning Commission shall be submitted fourteen (14) days prior to the meeting at which it will be reviewed.

508.5.1. Heliports. Subject to the requirements of Section 508.5.1
508.5.2. Junkyard. Subject to the requirements of Section 506.5.3

509. CS Critical Slope District.

509.1. Intent and Purpose. This zoning district is established as an overlay district to identify property within Sevier County which has steep slopes and for which additional development design care and consideration must be given, prior to the development occurring. The intent of this zone is also to establish development design and review regulations which will protect the integrity of the steep slope areas, resulting in development which will enhance and preserve the character and beauty of the steep slope areas of the county.

509.2. Uses Permitted. Any uses permitted in the underlying zoning districts.

509.3. Uses Prohibited. Any use not listed and permitted in the underlying zoning districts is prohibited.

509.4. Special Building Height Regulation. The building height shall be less than 30 feet, measured from the ground to the peak of the roof, on the roadway side or short of the building.

The building height, measured from the ground to the peak of the roof, on the downhill side of the building, shall be as needed.

ARTICLE VI – SETBACK, LOT SIZE & FRONTAGE, AND HEIGHT REQUIREMENTS

601. Minimum Setback Regulations
602. Lot Size Regulations
603. Lot Frontage Regulations
604. Height Regulations

601. Minimum Setback Regulations.

601.1 Minimum Front Setbacks.

The minimum allowable distance between the front property line (road right-of-way line) and a building, including porches, decks, steps and overhangs, on a lot, unless a greater distance is deemed to be necessary for the protection of the contemplated development on the property.

Front Setbacks	
Residential, Cul-de-sac & Minor Access Roads	20 feet*
Minor Collector Roads	20 feet*
Major Collector Roads	40 feet
Arterial Roads & Highways	50 feet

* Where applicable, the minimum building setback may be lessened by provisions contained within Article III.C.4. of the *Sevier County Subdivision Regulations*. All PUDs have an exterior setback no less than 25 feet.

601.2 Minimum Side and Rear Setbacks.

The minimum allowable distance between the side and rear property lines and a building, including porches, decks, steps and overhangs, on a lot. The setback shall be determined by the zoning district unless a greater distance is deemed to be necessary for the protection of the contemplated development on the property

Zoning District	Side & Rear Setback	PUD (Exterior Setback)
A-1, R-1, R-2M, R-2, C-1, C-2	10 feet	25 feet
I-1, CS	25 feet	25 feet

601.3 Permitted Uses.

Permitted uses in the Setback Areas:

601.3.1. Driveways and Parking areas
601.3.2. Sidewalks and steps which are a part of a sidewalk system
601.3.3. Storm drainage structures and accessories
601.3.4. Signage, unless otherwise restricted.
601.3.5. Landscaping, unless otherwise restricted.
601.3.6. Fences, unless otherwise restricted
601.3.7. Retaining walls which solely retain a driveway, parking area and/or turnaround areas.

602. Lot Size Regulations.

602.1. Lot Size & Density Regulations, by Zoning District.

Zoning District	Lot Regulations*	
	Minimum Lot Size (sq. ft.)	Floor Area Ratio (FAR)
A-1, Agricultural	30,000 sq. ft.	NA
R-1, Rural Residential	30,000 sq. ft. or 25,000 sq. ft. with public water	NA
R-2M, Medium Density Residential	15,000 sq. ft.	NA
R-2, High Density Residential	7,500 sq. ft.	1.0
C-1, Rural Commercial	**	1.0
C-2, General Commercial	**	1.0
I-1, Industrial	43,560 sq. ft. (1 acre) with Health Dept. approval	1.0

* Where more stringent regulations apply from any other regulations, it shall apply.

** All lots shall be adequately sized to accommodate necessary parking regulations, setbacks, buffer, and soil requirements for any on-site septic disposal. However, minimum lot size required within this zoning district is subject to the utility restrictions found in Section 602.2.

602.2. Lot Size Regulations, by Utility Availability for C-1 and C-2 Districts.

For purposes of this zoning resolution, a lot must be at least 7,500 square feet in area if provided with public water and public sewer, or 25,000 square feet in area if served by one public utility. Lots that are without public water and public sewer service shall be a minimum of 30,000 square feet in area, except where greater area is required by the Environmental Health Department or the subdivision regulations of the proper jurisdiction.

603. Lot Frontage Regulations.

Zoning District	Minimum Frontage Requirement*
A-1, Agricultural	50 feet **
R-1, Rural Residential	50 feet & lot must be at least 75 feet wide at setback line **
R-2M, Medium Density Residential	50 feet & lot must be at least 75 feet wide at setback line
R-2, High Density Residential	50 feet & lot must be 75 ft. wide at the setback line.
C-1, Rural Commercial	50 feet
C-2, General Commercial	50 feet
I-1, Industrial	50 feet

* Where more stringent regulations apply from any other regulations, it shall apply.

** Footnote: Property in A-1 and R-1 zoning districts which have no public water supply shall require a minimum lot width of one- hundred (100) feet at the building setback line.

604. Height Regulations.

604.1. Building Height Regulations, by Zoning District.

Zoning District	Building Height Maximum (ft)
A-1, Agricultural	35
R-1, Rural Residential	35
R-2M, Medium Density Residential	35
R-2, High Density Residential	48
C-1, Rural Commercial	35
C-2, General Commercial	48
I-1, Industrial	55
CS, Critical Slope	See Section 509.4

604.2. Exceptions to Height Regulations.

The following structures or parts thereof are hereby exempt from the height restrictions contained in Section 604.1.

604.2.1 Agricultural buildings, including barns and silos, but not including dwellings.

604.2.2 Chimneys, steeples, belfries, rooftop ventilators, skylights, cupolas and domes not intended for human occupancy.

604.2.3 **S**mokestacks, flagpoles, monuments, windmills, conveyors, and cooling towers, power transmission line towers, observation towers, water tanks and standpipes.

604.2.4 Amusement ride supporting structures or towers. The maximum height shall be 70 ft.

604.2.5 Radio, television, microwave, telecommunication antenna and towers. See Section 312 for specific regulations.

ARTICLE VII – ADMINISTRATION AND ENFORCEMENT

701. Building Permits.
702. Zoning Official.
703. Permit Denial
704. Notice of Violation and Stop Work Orders
705. Intentionally Omitted.
706. Penalties

701. Building Permits.

It shall be unlawful to start construction of a principal building or accessory building unless a Building Permit "**Permit**" is obtained. It shall also be unlawful to construct additions to any existing commercial or industrial building unless a **Permit** is obtained. The applicant is required to submit relevant details of construction and certify on the permit application that the details are correct.

> **701.1 Exceptions.** No Building Permit is required for any proposed agricultural or farm related building See Tennessee Code Annotated, Section 13-7-114.

702. Zoning Official.

The Planning Director, or its designee, shall be the Zoning Official shall administer the Sevier County Zoning Resolution, maintain records, and forward materials to the Board of Zoning Appeals and the Planning Commission. The Zoning Official shall attend meetings of these two public bodies. Current zoning maps and map amendments shall be maintained by the Zoning Official. The Zoning Official shall conduct inspections as prescribed by this Resolution.

703. Permit Denial.

A Building Permit application shall be denied, by the Zoning Official, when the proposed construction or land use is not allowed within current zoning district, when the setbacks cannot be met, or otherwise is in violation of this Zoning Resolution.

704. Notice of Violation and Stop Work Order.

A Notice of Violation and Stop Work Order may be issued when the zoning official is made aware of violation of this Zoning Resolution. The Notice of Violation and Stop Work Order requires all work must cease and desist until the violation is corrected.

705. Intentionally Omitted.

706. Penalties.

It shall be unlawful for any person to violate or fail to comply with this Zoning Resolution. Such violation is declared an offense against Sevier County and punishment shall be a fine of not more than $50.00 for each such violation. Each day that a violation occurs or continues shall be deemed a separate offense. The Zoning Official is empowered to issue citations to answer in the applicable courts by any person, organization, and/or entity found to be in such violation. In addition to the foregoing, Sevier County shall have every other remedy available to it in law or equity to require such person, organization and/or entity to remove and/or correct the violation.

ARTICLE VIII – BOARD OF ZONING APPEALS

801. Creation
802. Appeals
803. Powers of the Board
804. Special Exception and Variance Hearing

801. Creation.
The Board of Zoning Appeals shall be created and appointed in accordance with Tennessee Code Annotated, Sections 13-7-106 and 13-7-107. The Sevier County Board of Zoning Appeals shall consist of five (5) members as appointed by the Sevier County Board of Commissioners.

802. Appeals.
Any person, adjacent property owner, or governmental unit may appeal to the Board of Zoning Appeals for special exceptions, variances, or administrative review of the actions of the zoning official.

> **802.1. Submission Deadline.** Any request for an appeal shall be submitted to the Sevier County Planning Staff, for review by the BZA, at least twenty-one (21) days prior to the meeting. The request shall include an application, a written explanation for the request and may require a site plan, prepared by a Registered Land Surveyor, showing any information related to the request.

803. Powers of the Board.
The Board of Zoning Appeals can hear an aggrieved person who is contesting an action of the zoning official, is requesting which is of a similar character permitted for interpretation as a special exception in the zoning district, or has a variance request by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning resolution or by reason of exceptional topographic conditions as per Tennessee Code Annotated, Section 13-7-109. The BZA may also near request or appeals for other Sevier County Departments as directed by the Sevier County Commission.

804. Special Exception and Variance Hearing.
Within thirty (30) days after a request for a hearing before the Board of Zoning Appeals, a public meeting shall be held. The Board's decision on the issue must be contained in the minutes of the meeting.

ARTICLE IX – AMENDMENTS AND INTERPRETATION

901. Amendments
902. Interpretation
903. Severability
904. Effective Date

901. Amendments.
This resolution may be amended by first submitting a proposed amendment to the text or map to the Regional Planning Commissions, of the region in which the territory covered by the resolution is located, and then to the Sevier County Board of Commissioners. The amendment shall be effective upon the super majority (two-thirds) vote of approval by the Sevier County Board of Commissioners. A public hearing must be called at least fifteen (15) days prior to the date of the hearing on any amendment by the County Commissioners and notice of this public hearing must be published in a local newspaper of general circulation in Sevier County in accordance with TCA § 13-7-105.

This resolution may be amended by first submitting a proposed amendment to the text or map to the Planning Commission and then to the Sevier County Board of Commissioners. The amendment shall be effective upon the super majority (two-thirds) vote of approval by the Sevier County Board of Commissioners. A public hearing must be called at least fifteen (15) days prior to the date of the hearing on any amendment by the County Commissioners, and this public hearing must be published in a local newspaper of general circulation in Sevier County.

901.1. Submission Deadline. Any request for a proposed amendment shall be submitted to the Sevier County Planning Staff, for review by the Planning Commission, at least twenty-one (21) days prior to the meeting.

901.2 Rezoning Reapplication Time Limit. If a request to amend the Zoning Map (rezoning) for a property is denied by the Sevier County Commission, then no reapplication for rezoning of the same property shall be considered for a period of six (6) months from the date of the Denial. A reapplication may be considered only if there is a substantial change to the rezoning request such as a different zoning district or a change in the property area being considered. A change in use is not a substantial change.

902. Interpretation.
Where other state or local laws are in conflict, the more stringent regulations shall prevail.

903. Severability.
Should a section, clause, or provision of this resolution be declared invalid by a court of competent jurisdiction, or unconstitutional, the judgment shall not affect the validity of this resolution as a whole or any part other than the part judged to be invalid.

904. Effective Date.
This resolution shall take effect from and after Friday, September 1, 2006, the public welfare requiring it.

Appendix No. A

Table 305-1
Table 314-1

TABLE 305-1

Use Type	Minimum Parking Spaces Required
Agricultural Use	
Rural Business	1 per 300 SF of floor area
Rural recreation business, livery or boarding stables, livestock feeding yards, animal kennels, animal shelters, and animal clinics.	1 per employee on the largest shift + 1 per 4 persons at the maximum capacity of the business
Residential Use	
Single Family, Two Family, Manufactured Residential Dwelling (Non transient	1-4 bedrooms - 2 + 1 per 2 bedrooms over 4
Single Family, Two Family Dwelling (Transient, over-night rentals)	1 per bedroom
Family & Private Cemeteries	1 per 4 persons at the maximum capacity of any chapel or gathering place
Customary Home Occupations	1 additional
Day Care Centers	1 per 5 children up to 50, then 1 per 10 children
Tri-plex Dwelling Unit, Four-plex Dwelling Unit	1 per bedroom
Bed and Breakfast Establishment	2 + 1 per bedroom for rent
Multi-unit Family Dwelling	1.5 per dwelling for 1 or 2 bedrooms, 2 per dwelling for 3 or more bedrooms
Assisted-care Living Centers	1 per employee on largest shift + 1 per 3 resident beds
Manufactured Residential Dwelling Parks	2 per dwelling unit
Real Estate Offices	1 per 300 SF of floor area
Public Use	
Telecommunications Towers	2 per user
Club or Lodge	1 per 300 SF of floor area
Place of Worship, Large Assembly	1 per 4 user at maximum capacity
Public Uses	1 per employee on the largest shift + 1 per 3 persons at the maximum capacity of the facility
Pain Management Clinic	1 per 300 SF of floor area

TABLE 305-1

Use Type	Minimum Parking Spaces Required
Heliport	1 per employee on the largest shift + 1 per 4 persons at the maximum capacity of the business
Commericial Use	
Rural Business, Rural Retail Busness	1 per 300 SF of floor area
Convenience Stores	1 per 150 SF of floor area
Campgrounds	1 per camping site + 1 per 3 persons at maximum capacity
Antique Stores	1 per 300 SF of floor area
Arts & Craft Shops	1 per 300 SF of floor area
Event Venue	1 per 300 SF of floor area or 1 per 4 user at maximum capacity whichever is greater
Funeral Homes	1 per employee on the largest shift + 1 per 4 persons at the maximum capacity of any chapel or gathering place
Restaurants	1 per 3 persons at maximum capicity or 1 per 150 SF of floor area whichever is greater
Warehouse, Mini or Self-storage	1 per 50 storage cubicles, evenly disturbuted throughout the site, + 2 for any on-site manager + 5 adjacent to the rental office for customers
Junkyard	1 per employee on the largest shift + 1 per 3 persons at the maximum capacity of the business
General Retail Busness, Shopping Center	1 per 250 SF of floor area
Professional Offices	1 per 300 SF of floor area
Motels and Hotels	1 per each guest room + 1 per each employee on the largest shift
Moter Vehicle,Machinery, Manufactured Dwelling, Boat Sales & Repairs	1 per 300 SF of floor area + 1 per 5000 SF of outdoor display area
Animial Clinic, Animial Hospital, Medical or Dental Clinics, Public Health Cent	1 per 300 SF of floor area

TABLE 305-1

Use Type	Minimum Parking Spaces Required
Hospitals, Convalescent, Rest or Nursing Home	2 per 3 patient beds + 1 per staff doctor and each employee on the largest shift
Commericial Use (cont.)	
Warehousing and Distribution Centers 1-3000 SF of floor area	1 per 250 SF of floor area
Warehousing and Distribution Centers 3001-5000 SF of floor area	1 per 500 SF of floor area
Warehousing and Distribution Centers 5001-10000 SF of floor area	1 per 750 SF of floor area
Warehousing and Distribution Centers 10001 or more of floor area	1 per 1250 SF of floor area
Flea Markets - indoor	1 per 200 SF of floor area
Flea Markets -outdoor 1-3000 SF	1 per 750 SF of area
Flea Markets -outdoor 3001 SF or more	1 per 1000 SF of area
Commercial Cemeteries and Mortuaries	1 per employee on the largest shift + 1 per 4 persons at the maximum capacity of any chapel or gathering place
Amusement Parks	1 per 5000 SF of land area or 1 per 3 persons at maximum capacity, whichever is greater
Amusement Center	1 per 200 SF of floor area or 1 per 3 persons at maximum capacity, whichever is greater
Regulation Golf Courses (course only)	4 per hole + 1 per employee at the largest shift
Industrial Use	
Manufacturing, Assembly, or Fabrication	1 per employee on the largest shift + 1 per 3 persons at the maximum capacity of the business
Adult Oriented Business	1 per 300 SF of floor area

TABLE 314-1
DOMESTIC & COMMERICAL DESIGN WASTEWATER FLOW RATES

TYPE OF ESTABLISHMENT	UNIT	(GPD)
Places of Worship		
with or without kitchen	per seat	3
Commercial / Industrial		
Airports, Bus or Rail Depot (not including food facilities)	per passenger	5
Assembly Halls, Public Buildings	per seat	5
Barber Shop	per chair	50
Beauty Salon	per chair	125
Bowling Alley (no food)	per lane	75
Car Wash	per bay	650
Construction or Work Camp (semi-permanent)	per person	50
Convenience Market	per store	1600
with gas and deli	per store	1750
Factories, Warehouses,	per employee	25
with showers	per employee	35
Interstate Rest Areas (Visitor Center)	per person	5
Laundromats	per machine	500
Marina	per boat slip	20
with bathhouse	per boat slip	30
Professional Office	per employee	20
	per 1000 sq. ft	75
Retail Business	per toilet room	400
Motor Vehicle Repair Business	per Bay	750
	per Vehicle	10
General Retail	per 1000 sq. ft	120
Stadium, Auditorium,	per seat	5
Theatre (Drive-in or Movie)	or space	10
Dwelling Units		
Single Family, Two Family, Townhouse	per person	75
	per bedroom	100
Boarding House	per person	75
with meals	per person	100
Hotels-Motels (private bath)	per room	150

TABLE 314-1
DOMESTIC & COMMERICAL DESIGN WASTEWATER FLOW RATES

TYPE OF ESTABLISHMENT	UNIT	(GPD)
Food and/or Drink Business		
Restaurant		
Conventional	per seat	40
24-hour operation	per seat	60
Take-out only	per meal served	5
Along Freeway	per seat	125
Curb Service	per car space	50
Tavern, Bar, Lounge (no food)	per seat	40
Caterer's Function Room (Banquet facility)	per person	20
Medicial Facilities		
Home for the Aged	per bed	125
Hospital - Medical	per bed	250
Hospital - Mental	per bed	125
Nursing Home	per bed	190
Public Use		
Prison	per bed	125
Schools - K -12 Grade		
with cafeteria, gym, showers	per person	30
without cafeteria, gym and showers	per person	15
with cafeteria only	per person	21
Day Care Center	per person	17
Boarding School or College	per person	100
Recreational		
Campground		
without water & sewer hookups	per site	100
with water & sewer hookups	per site	100
Counrty Club (food included)		
Resident Member	per member	100
Non-resident Member	per member	35
Day Camps (no meal service)	per person	15
Fairgrounds	per person	1
Golf Course	per person	10
Parks		
with toilet only	per person	7
with bathhouse, toilet and kitchen	per person	20
Resort (overnight) (limited plumbing)	per person	50
Swimming Pool with bathhouse	per person	10

The flow rates in this Table supercede the rates referred to in the Design Criteria for Review of Sewage Works Construction Plans and Documents, Chapter 15, Section 15.3.1.

Appendix No. B

Sections 2.5.6 - 2.5.9 of the Saratoga Report

Appendix B

Sections 2.5.6 - 2.5.9
Preferred Direction Report
Sevier County and Municipalities Hillside and Ridges Study
By Saratoga Associates, Dated August 31, 2007

2.5.6 Mitigation Measures – What if 75 percent screening cannot be achieved or more than ¼ acre of a site is cleared?

If necessary to *create* a view from the proposed structure or for safe construction, then vegetation may be removed that results in a clearing that exceeds ¼ acre or results in exposure in excess of 25 percent of a proposed structure. The need for such clearing must be demonstrated and certified by a Tennessee Licensed Civil Engineer, Landscape Architect, or Architect. In such cases, the Applicant will be required to utilize any combination of the following mitigation measures as deemed necessary by the Planning Commission to mitigate to the maximum extent practicable adverse visual impact(s) to SLRS. In addition to the following standards, the Planning Commission is to encourage applicants to design aesthetically compatible projects that incorporate environmentally friendly design principles and components, as may be employed from the mitigation menu below.

Professional Design and Siting
A properly sited and designed project is the best way to mitigate potential impacts. Under optimum circumstances, a project should be sited to avoid visual impacts to unique aesthetic resource within its viewshed. Sometimes economic, engineering, or site-specific constraints preclude optimum design treatments. Under these circumstances, other mitigation strategies should be considered.

Screening

Screens are objects that conceal other objects from view. They may be constructed of soil, rocks, bricks, or anything opaque. Vegetation can, despite its visual porosity, function as a screen when there is sufficient visual mass. Screens may be natural (vegetation) or artificial (fences and walls). If used, screens will appear natural (wood, stone). Screens constructed from soil are called berms. When used, berms should appear natural e.g. blend with nearby topography, and *not* appear artificial e.g. geometrical or symmetrical shape.

> *Rationale:*
>
> When sized and placed properly screens may completely conceal an object, while improperly sized and placed screens may fail to conceal. Screens may block desirable views when improperly placed. Screens are not necessarily buffers and buffers are not necessarily screens. A buffer may attenuate noise, soften a landscape or provide other functions that may or may not include screening.
>
> Screens possess line, form, texture, planes and color, and therefore, have their own aesthetic qualities. At times, they may be more impacting than the object to be concealed. Screens may draw attention to the object to be concealed. Screens may physically connect two similar or dissimilar areas.

Relocation

A facility component may be relocated to another place within the site to take advantage of the mitigating effects of topography and vegetation.

Camouflage/Disguise

Colors and patterns of color may conceal an object or its identity. Disguise may take many forms, and is limited only by the imagination of the project designers. As an example, communication towers can be disguised as trees, flagpoles, barn silos, church steeples, or any other "in-character" structure depending upon circumstances.

Low Profile

Reducing the height of an object reduces its viewshed visibility.

Downsizing

Reducing the number, area or density of objects may reduce impacts.

Non-Specular Materials.

Using building materials that do not shine may reduce visual impacts.

Lighting
With respect to regional issues, such as a tall combustion exhaust stack or radio tower, the Federal Aviation Administration (FAA) requires certain lighting for public transportation safety. These impacts may be considered unavoidable unless lower profiles can be achieved. Applicants should also document that they have consulted with and met all applicable lighting standards under local jurisdiction. Consideration should be given to light pollution considerations such as off-site light migration, glare, and "sky glow." Lighting requirements, through best engineering practices, should not exceed the *functional* requirements of the project.

Maintenance
How a landscape and structures in the landscape are maintained has aesthetic implications. "Eyesores" result from neglect. This should be part of any mitigation strategy.

Decommissioning
Removing an object from the landscape after its useful life is over reduces the duration of a visual impact.

> *Rationale:*
> Decommissioning takes many forms. However, from the perspective of aesthetics, three are of most significance: 1) the total removal from the site of all Project components and restoration to an acceptable condition, usually with attendant revegetation; 2) partial removal of Project components, such as elimination of visually impacting structures; and 3) conditions designed to maintain an abandoned facility/development and site in an acceptable condition that precludes "eyesores" or structural deterioration. Applicants should provide such plans when deemed necessary.

2.5.7 Vegetative Screening Procedures

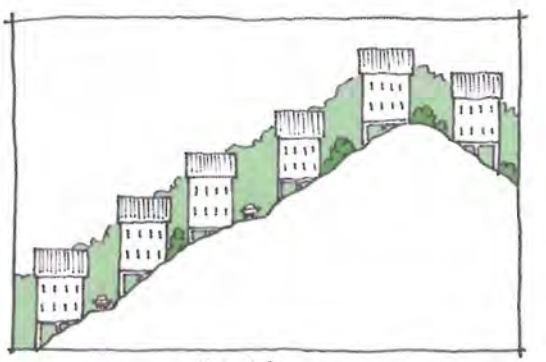
When the existing vegetation does not achieve 75 percent screening, a mix of native species matching the kinds and density of vegetation indigenous to the area are to be planted. Such screening will be expected to provide 75 percent screening within 2 years. All planted vegetation will not be smaller than four (4) inches DBH and no less than ten (10) feet in height at the time of planting. All vegetation will be planted in a manner representative of surrounding conditions and will not have the appearance of a suburban style hedgerow.

2.5.8 Additional Design and Mitigation Measures

Applicants proposing development visible from a SLRS will be required to incorporate the following standards in addition to other applicable standards:

Setdowns from Ridgelines

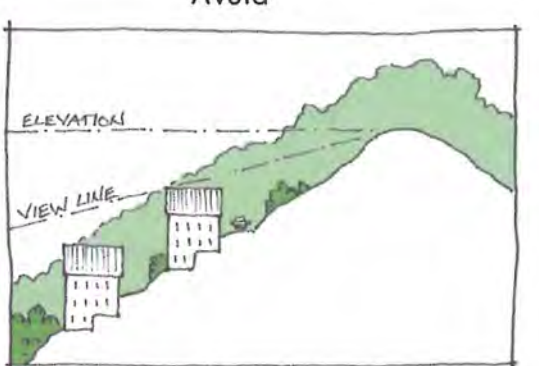
Units should not project above significant ridgelines. No units should be built on ridges or within 50 lateral feet of a ridgeline. Pre-development forest canopies on ridgelines will remain thick, natural, and unbroken during and after construction.



Avoid

Set into hillside

Buildings should be stepped into the side of the hill and not pushed up, out, away from the hillsides as is prevalent in the region. Buildings should also not be perched on highpoints, outcroppings or prominent knolls. Split development pads, "stair-stepping" should be encouraged, and structures should be oriented along and not across the topography.



Promote

Rationale:

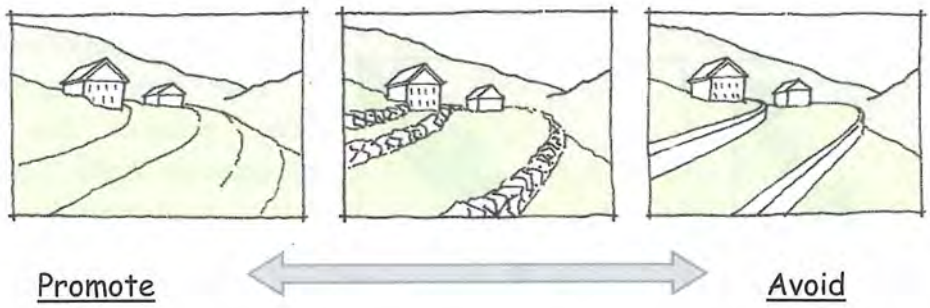
Building into slopes, keeping structures off ridgelines and not permitting them to be perched out and over ridges will greatly increase the chances that the structure will blend with the surroundings and be screened by existing or planted vegetation. The structures depicted to the right have been constructed into the slopes, which allow the natural

and planted vegetation to provide adequate screening.

Retaining walls

Retaining walls should be designed and constructed parallel to pre-disturbance slopes. Landscaping should be required to the greatest extent practical. Contour grading results in rounded edges and slopes, both vertically and laterally, and allows for the gradual blending of artificial and natural surfaces which may help to reduce the visual impacts of hillside grading.

Retaining Walls



The image on the left illustrates an ideal landforming design for hillside grading. The image on the right illustrates how inappropriate grading practices can exaggerate visual impacts.

Setbacks

The yard setbacks from the property line should be no less than 1.5 times the height of the proposed structure or the setback requirement of the existing zoning regulations, whichever is greater.

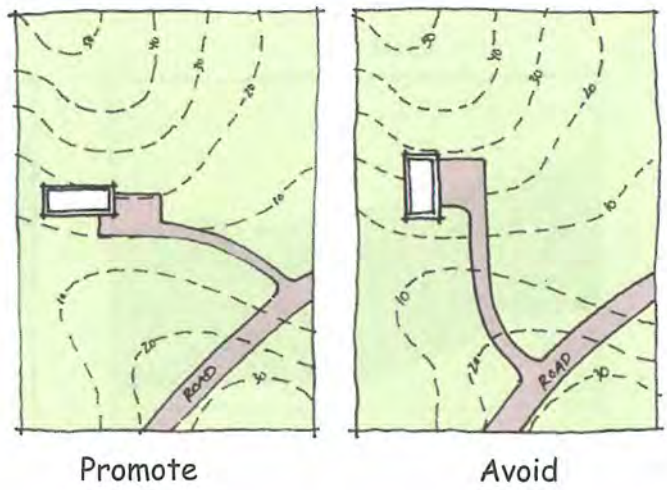
Signage

No signage should be permitted which will be visible above the existing tree canopy.

Roads and Driveways

Roadways and driveways should be constructed following the natural topography and not across. The footprint of roads should be limited to the maximum extent practical.

Driveways



Lighting

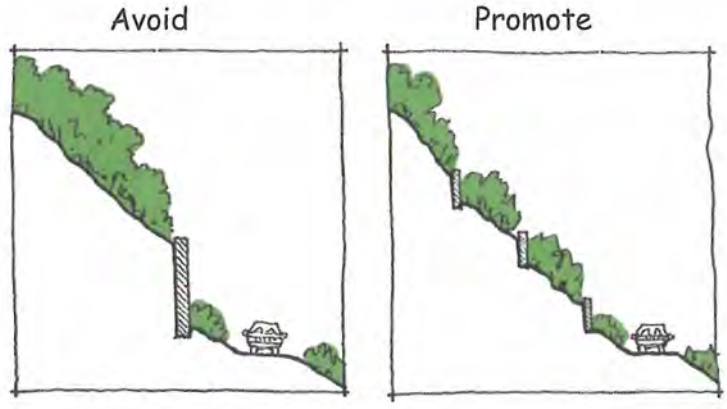
Requiring shielded, downcast (45 degrees) lighting only in functional areas should be considered. Floodlights should be motion activated. No lighting should be permitted above the eaves or parapets. No landscape lighting or continuous lighting over 75 watts should be permitted. Subdivision street lighting should be concentrated at intersections.

Color

On building faces visible from SLRS – exterior (roofing, siding, fascia, window treatments) building materials with muted, dark earth tones are strongly encouraged and white should be avoided.

Building and Retaining Walls

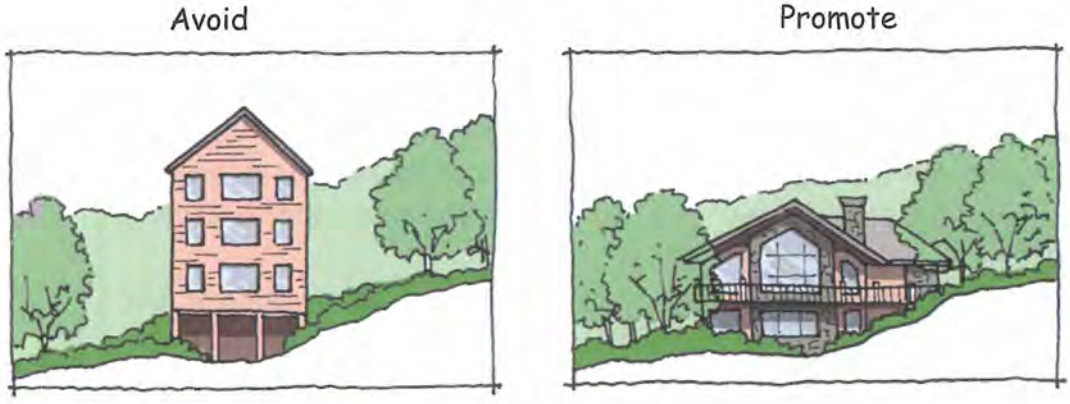
To reduce the visual scale of buildings and retaining walls, uniform and blank massing or surfaces should be avoided.



Terrace retaining walls/constructed slopes

Retaining walls should be finished using materials of a color and texture that are similar to local natural conditions. Shorter walls should be staggered/terraced to the maximum extent practical in place of one larger wall to allow for the planting of vegetation that will provide screening of the slope cuts.

Building Materials, Design and Orientation



Reflectivity – Windows
Non-mirrored, tinted, and low-reflectivity glass should be used where practical for all windows visible from a SLRS. Avoid uninterrupted expanses of windows, use overhangs, eaves, porches and patios to shade windows. Reflective material for roofing, fascia, and soffits should also be avoided.

Walls/Rooflines
Continuous rooflines over 40 feet in length should be avoided, and the use of smaller roof components that imitate the natural slope of the terrain should be encouraged. In addition, major rooflines should parallel the topography of the hillside.

2.5.9 Building Height

The height of proposed structures will not extend more than twenty-five (25) feet above ground level, if 75 percent screening cannot be achieved after allowable vegetative clearing for site assessments and construction. Vegetation around the structure and suitable for screening are not to include shrubs and saplings less than 1 inch DBH. If 75 percent screening can be achieved, then the proposed structures will not extend more than thirty (30) feet above ground level. The height of the structure will be calculated as the mean height. The height of the structure is to be measured from the lowest natural grade to the uppermost roofline.

Proposed structures will not exceed the ridgeline elevation as seen from a SLRS. Fixtures such as chimneys or cable satellite dishes are to be exempted from this requirement, although care is to be taken to ensure that building features do not unwarranted attention to the landscape. Ridgeline vegetation and tree canopies are to remain unbroken and provide a backdrop to new development.

Rationale:
The design of the structure is just as important as the location in which it is placed. Excessive highly reflective glass, large expanses of "blank" walls without windows or architectural details, bright colors and inappropriate height are more likely to result in adverse visual impacts.

The first picture in this series depicts well-placed buildings and good use of vegetation. If more appropriate darken earth tone colors were used, the visual presence of these structures

would be greatly reduced.

The second picture in this series (to the right) is taller then it should be, uses inappropriate earth tone colors and contains excessive "blank" walls that increase the structures visual presence.

Comparatively, the third picture in this series depicts a structure (under construction) that is more appropriately sized for its hillside location, avoids blank walls, uses roof overhangs to avoid window glare and break up the buildings façade, has a variety of roof peaks and angles that blends well with its surroundings and uses darker earth tone colors, all of which decreases its visual presences and avoid aesthetic impacts.