

**TITLE 14**

**ZONING AND LAND USE CONTROL**

**CHAPTER**

1. MUNICIPAL PLANNING COMMISSION.
2. ZONING CODE.
3. ZONING DISTRICTS.
4. SUPPLEMENTARY PROVISIONS APPLYING TO ALL DISTRICTS.
5. EXCEPTIONS AND MODIFICATIONS.
6. ADMINISTRATION AND ENFORCEMENT.
7. FLOODPLAIN ZONING ORDINANCE.
8. BONDING REQUIREMENTS FOR ALL SITE PLANS.
9. HISTORIC DISTRICTS AND LANDMARKS.
10. LANDSCAPE ORDINANCE.
11. PAIN MANAGEMENT AND METHADONE CLINICS.

**CHAPTER 1**

**MUNICIPAL PLANNING COMMISSION**

**SECTION**

- 14-101. Creation and membership.
- 14-102. Organization, powers, duties, etc.

**14-101. Creation and membership.** Pursuant to the provisions of Tennessee Code Annotated, § 13-4-101 there is hereby created a municipal planning commission, hereinafter referred to as the Planning Commission for the City of Sweetwater. The planning commission shall consist of nine (9) members. One member shall be the mayor of the city and one member shall be a city commissioner selected by the mayor and board of commissioners. The other seven (7) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the seven (7) appointive members of the planning commission shall be for seven (7) years each. The seven (7) members first appointed shall be appointed for terms of one, two, three, four, five, six, and seven years respectively so that the term of one member expires each year. The term of the member selected from the mayor and board of commissioners shall run concurrently with his membership on the board. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor who shall also have authority to remove any appointive member at his pleasure. (1982 Code, § 11-101)

**14-102. Organization, powers, duties, etc.** The planning commission shall be organized and shall carry out its powers, functions, and duties in

accordance with all applicable provisions of "Tennessee Code Annotated", title 13. (1982 Code, § 11-102)

## CHAPTER 2

### ZONING CODE

#### SECTION

14-201. Zoning code and zoning map.

14-202. Purpose of zoning code.

14-203. Definitions.

**14-201. Zoning code and zoning map.** Title 14, chapters 2 through 7, inclusive, of this code shall be known as the zoning code, and a map entitled "Zoning Map of Sweetwater, Tennessee", dated June 28, 1973,<sup>1</sup> and referred to in this code as the zoning map and all explanatory matter thereon is hereby made a part of the zoning code. (1982 Code, § 11-201)

**14-202. Purpose of zoning code.** The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fires, floods, panic, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration among other things as to the character of each district and its peculiar uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (1982 Code, § 11-202)

**14-203. Definitions.** For the purpose of this zoning code and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the term "shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

---

<sup>1</sup>Amendments to the zoning map are of record in the office of the city recorder.

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

(1) "Accessory building." A subordinate building, the use of which is incidental to that of a main building and located on the same lot therewith.

(2) "Accessory use." A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

(3) "Agriculture use." This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, forests, and woods, provided, however, all health ordinances of Sweetwater are complied with.

(4) "Alley." A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

(5) "Area, building." The total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

(6) "Automobile wrecking." The dismantling, storage, sale or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind incapable of being operated, and are placed, located, or found.

(7) "Building area of a lot." That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

(8) "Building." Any structure intended for shelter, housing, or enclosure of persons, animals, or chattels, including tents, lunch wagons, dining cars, mobile homes, and similar structures whether stationary or mobile.

(9) "Building, main or principal." A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be a main building of the lot on which it is situated.

(10) "Building setback line." A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

(11) "Building setback line, front." A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way.

(12) "Building setback line, rear." A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

(13) "Building setback line, side." A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

(14) "Dwelling." A building or portion thereof used for residential purposes.

(15) "Dwelling, multiple." A building designed for occupancy by three (3) families living independently of each other.

(16) "Dwelling unit." One (1) or more rooms and a single kitchen designed as a unit for occupancy by only one (1) family for cooking, living, and sleeping purposes.

(17) "Flood." An overflow of lands not normally covered by water that results in significant effects in the vicinity. For the purpose of chapters 2 through 6 of this title, land subject to flood shall be considered to be land which is at an elevation lower than the elevation of the regional flood.

(18) "Floodway." The channel of the stream and that portion of the adjoining floodplain designed by the mayor and board of commissioners to reasonably provide for the passage of flood flows.

(19) "Floodway fringe areas." Areas lying outside the floodway district but within the area which would be flooded by the regional flood.

(20) "Junkyard or salvage yard." A lot, land, or structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

(21) "Height of building." The vertical distance from the established average sidewalk grade, street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.

(22) "Loading space." A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of a truck or other vehicle.

(23) "Lot." A piece, parcel, or plot of land in one (1) ownership, which may include one (1) or more lots of record, occupied or to be occupied by one (1) principal building and its accessory building including the open spaces required under chapters 1 through 8 of this title.

(24) "Lot lines." The boundary dividing a given lot from the streets, an alley, or adjacent lots.

(25) "Lot of record." A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds.

(26) "Minimum floor elevation." The lowest elevation permissible for the construction, erection, or other placement of any floor including a basement floor.

(27) "Mobile home (trailer)." A detached single-family dwelling unit with the following characteristics:

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

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

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

(28) "Mobile home or trailer park." Any area, tract, site, or plot of land whereupon mobile homes as herein defined are placed, located, or maintained, or intended to be placed, located, or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

(29) "Nonconforming use." A building, structure, or use of land existing at the time of enactment of the zoning code which does not conform to the regulation of the district in which it is situated.

(30) "Noxious matter." Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms, chemical reactions, or detrimental effects upon the social, economic, or psychological well-being of individuals.

(31) "Open space." An area on the same lot with a main building which is open, unoccupied, and unobstructed by structures from the ground to the sky except as otherwise provided in the zoning code.

Open space lines shall coincide with or be parallel to building setback lines of the same lot.

(32) "Parking lot." An off-street facility including parking spaces along with adequate provisions for drives and aisles for maneuvering and getting access, and for entrance and exit, designed so as to be usable.

(33) "Parking space." An off-street space available for parking one (1) motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways giving access thereto, and having direct access to a street or alley.

(34) "Principal use." The specific primary purpose for which land or a building is used.

(35) "Shelter, fallout." A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, air raids, storms, or other emergencies.

(36) "Sign, billboard, or other advertising device." Any structure or part thereof or device attached thereto or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or

representation used as, or which is in the nature of, an announcement, direction, or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

(37) "Story." That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy or in which the floor area with eight (8) feet or more of head clearance equals fifty (50) percent or more of floor area of the next story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below shall be a "half-story." A basement shall be considered as a story if its ceiling is more than five (5) feet above the level from which the "height of building" is measured or if it is used for residential purposes other than for a janitor or domestic servant, including the families of the same, employed in the building.

(38) "Street." A public or private thoroughfare which affords the principal means of access to abutting property.

(39) "Structure." Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including among other things, signs and billboards.

(40) "Swimming pools." All outdoor swimming pool shall be any pool or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1) feet.

(41) "Travel trailer." A vehicular portable structure designed as a temporary dwelling for travel, recreational, and vacation uses.

(42) "Travel trailer park." A plot of land designed and equipped to accommodate travel trailers for short periods of time.

(43) "Use." The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained. (1982 Code, § 11-203, modified)

**CHAPTER 3****ZONING DISTRICTS****SECTION**

- 14-301. Classification of districts.
- 14-302. Zoning map.
- 14-303. Zoning district boundaries.
- 14-304. A-1 General agricultural district.
- 14-305. R-1 Low density residential district.
- 14-306. R-2 High density residential district.
- 14-307. R-3 High density, downtown residential district.
- 14-308. P-1 Professional and civic district.
- 14-309. C-2 Central business district.
- 14-310. C-3 General commercial districts.
- 14-311. C-4 Local general commercial.
- 14-312. C-5 Interstate/interchange district.
- 14-313. M-1 Industrial zoning district.
- 14-314. Floodplain overlay district.
- 14-315. M-2 Heavy industrial district.
- 14-316. TND-Traditional neighborhood development district.
- 14-317. Standards for adult oriented establishments.
- 14-318. H-1 Historic zoning overlay district.

**14-301. Classification of districts.** For the purpose of chapters 2 through 7 of this title, the City of Sweetwater, Tennessee, is hereby divided into thirteen (13) zoning districts as follows:

<u>Zoning District</u> <sup>1</sup>	<u>District Abbreviation</u>
General Agricultural District	A-1
Low Density Residential District	R-1
High Density Residential District	R-2
	R-3
Professional and Civic District	P-1
Central Business District	C-2
General Commercial District	C-3
	C-4
	C-5

---

<sup>1</sup>Municipal code reference

Local general commercial district: § 14-312.



Light Industrial District	M-1
Heavy Industrial District	M-2
Traditional Neighborhood Development District	TND
Flood hazard overlay	
H-1 Historic Zoning Overlay District	H1

(1982 Code, § 11-301, modified, as amended by Ord. #772, Oct. 2004, as amended by Ord. #814, Dec. 2007)

**14-302. Zoning map.** The location and boundaries of the zoning districts established by this chapter are bounded and defined as shown on the map entitled, ZoningMap of Sweetwater, Tennessee.<sup>1</sup> The zoning map or zoning map amendment shall be dated with the effective date of the ordinance that adopts the zoning map or zoning map amendment. Certified prints of the zoning map or zoning map amendments shall be maintained in the office of the city recorder of Sweetwater, Tennessee, and shall be available for inspection by the public at all reasonable times, as long as chapters 2 through 7 of this title remain in effect. (1982 Code, § 11-302)

**14-303. Zoning district boundaries.** Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys, or the corporate limit lines as they exist at the time of the enactment of the zoning code. Questions concerning the exact locations by district boundaries shall be determined by the board of zoning appeals.

Where a district boundary divides a lot existing at the time the zoning code takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portions of said lot as are not more than twenty (20) feet within the more restricted district.

Where the property on one side of a street between two intersecting streets is in a business or industrial district and the property on the intersecting street, except the corner or corners, is in a residential district, the business or industrial use shall be limited to the property facing or fronting the street zoned for business throughout the block, and any property in the rear thereof facing or fronting the intersecting street, even though it appears to be in a business or industrial district, shall be governed by the use prevailing on the street in that block. It is the purpose of chapters 1 through 8 of this title to limit business and industrial uses to the property facing or fronting the street zoned for business or industry and to forbid business or industrial uses facing or fronting the street zoned for residential uses. In all cases of ambiguity due to the actual layout of the property or other circumstances, the board of zoning appeals shall have

---

<sup>1</sup>Zoning map and all subsequent amendments are of record in the office of the recorder.

authority to determine on which street the business or industrial use shall face or front so that the spirit of the zoning code shall be observed. (1982 Code, § 11-303)

**14-304. A-1 General agricultural district.** This district is established to provide, within the urban area, areas of open development and natural features characterized by remoteness, steepness, impermeability, or shallowness of soil, high water table, or other features which render uneconomical the provision of urban capacity streets, sanitary sewers, water supply, schools, and fire protection or which characteristics render undesirable the present conversion of the area to urban uses. It is intended that such areas permit dwellings occupied by those engaged in full-or part-time non-farm employment on "baby" farms or estate-sized properties served with on-site sewage disposal and private open space and rural- capacity water and fire protection facilities. It is further intended to exclude those uses of urban land use intensity in order to avoid the excessive requirements and costs for public and private services which result from scatteration of urban development.

(1) Uses permitted. The following uses are permitted:

(a) Agricultural uses and their accessory structures, as defined in § 14-203 (3).

(b) Detached single-family dwellings.

(c) Signs advertising the sale offarm products produced on the premises and as regulated in § 14-409.

(d) Customary home occupations, provided the conditions in § 14-403 are met.

(e) Roadside stands for the sale of handicrafts and products of the soil produced primarily or entirely on the premises, provided that no stand shall be located closer than two hundred (200) feet to the nearest residence other than the farmstead with which it is associated.

(2) Uses permitted on review. The following uses may be permitted on review by the board of zoning appeals according to § 14-604:

(a) Mobile home parks, provided all conditions as set forth in § 14-410 are met.

(b) Churches, cemeteries, airports, hospitals for human care.

(c) Golf courses, country and civic clubs, parks, fairgrounds.

(3) Uses prohibited. The following uses are prohibited:

(a) Any other use not specifically permitted or permissible on appeal in this A-1 General agricultural district.

(b) Advertising signs and billboards except those permitted under § 14-409 of this code.

(4) Height regulations. No building shall exceed two and one-half (2) stories or thirty-five (35) feet in height except as provided in § 14-505.

(5) Off-street parking. As regulated in § 14-404.

(6) Area regulations. Buildings and other structures shall be located so as to comply with the following requirements:

(a) Front yard: The minimum depth of the front yard shall be fifty (50) feet.

(b) Side and rear yard: The minimum side and rear yard for a main building shall be thirty-five (35) feet and for accessory building, ten (10) feet.

(c) Land area: No farm or other parcel of land shall be reduced in area to provide separate lots or building sites less than three (3) acres, except for other non-residential permitted uses. In no case shall property be subdivided, sold, or reduced to less than one (1) acre of lot area for any non-residential use.

(d) Maximum lot coverage: Main farm and agricultural accessory buildings shall cover not more than five (5) percent of the lot area. Permitted non-agricultural main and accessory buildings shall cover not more than twenty (20) percent of the lot area. (1982 Code, § 11-304)

**14-305. R-1 Low density residential district.** As shown on the zoning map of Sweetwater, Tennessee, the following regulations shall apply in the R-1 Low density residential district:

(1) Uses permitted. The following uses are permitted:

(a) Single-family and two-family dwellings.

(b) Accessory buildings or uses customarily incidental to residential uses.

(c) Customary home occupations according to § 14-403.

(2) Uses permitted on review. The following uses may be permitted on review by the board of zoning appeals, according to § 14-604:

(a) Cemeteries, churches, and hospitals for human care.

(b) Golf courses, country and civic clubs, parks, and fairgrounds.

(c) Educational institutions.

(d) Mobile home parks in accordance with § 14-410.

(e) Day care centers, providing that all requirements as established in § 14-413 are met.

(3) Uses prohibited. The following uses are prohibited:

(a) Any other use not specifically permitted or permissible on appeal in this R-1 Low Density Residential District.

(b) Signs or billboards, except as permitted in § 14-409.

(4) Lot and area regulations. The principal building shall be located so as to comply with the following requirements:

Minimum lot area for one-family dwellings . . . . . 10,000 sq. ft.

Minimum additional lot area for second family . . . . . 3,000 sq. ft.

Minimum lot width at building line . . . . .	100 ft.
Minimum depth of front yard . . . . .	30 ft.
Minimum depth of rear yard . . . . .	25 ft.
Minimum width of side yard . . . . .	15 ft.

(5) Side yards on corner lots. The minimum width of side yards for dwellings along an intersecting street shall be twenty (20) feet for the side facing street.

(6) Height. No building shall exceed three (3) stories or thirty-five (35) feet in height except that free standing poles, towers, spires, and structures not designed for or suitable for human occupancy may exceed this height provided that they comply with the provisions of all other pertinent codes and ordinances, and provided that they are located no closer to the nearest property line than the distance equal to their own height plus five (5) feet. No accessory building shall exceed two (2) stories or twenty-five (25) feet in height.

(7) Building area. On any lot, the area occupied by all buildings, including accessory buildings, shall not exceed forty (40) percent of the total area of such lot.

(8) Location of accessory buildings.

(a) No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(b) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

(9) Off-street parking. As regulated in § 14-404. (1982 Code, § 11-305, as amended by Ord. #682, July 1996, modified)

**14-306. R-2 High density residential district.** As shown on the zoning map of Sweetwater, Tennessee, the following regulations shall apply in the R-2 High Density Residential District:

(1) Uses permitted. The following uses are permitted:

- (a) Single-family and multiple-family dwellings.
- (b) Accessory buildings or uses customarily incidental to any aforementioned uses.
- (c) Customary home occupation in accordance with § 14-403.

(2) Uses permitted on review. The following uses may be permitted on review by the board of zoning appeals according to § 14-604:

- (a) Churches and other places of worship.
- (b) Schools offering general education courses and public libraries.
- (c) Public parks and public recreational facilities.
- (d) Cemeteries in accordance with § 14-412; churches; hospitals for human care.

(e) Municipal, county, state, or federal uses except for general office buildings.

(f) Philanthropic institutions and clubs, except a club the chief activity of which is customarily carried out as a business.

(g) Day care centers, providing that all requirements as established in § 14-413 are met.

(h) Bed and breakfast houses: are allowed as a use permitted upon review by the board of zoning appeals. However, no more than five bedrooms are allowed, one parking space per bedroom for rent is required and a site plan must be submitted.

(3) Uses prohibited. The following uses are prohibited:

(a) Any other use not specifically permitted or permissible on review in this R-2 High density residential zoning district.

(b) Advertising signs and billboards except those specifically permitted under § 14-409.

(4) Lot and area regulations.

Minimum lot area for one-family dwelling . . . . . 9,000 sq. ft.

Minimum additional lot area for second family . . . . . 3,000 sq. ft.

Minimum additional lot area for each additional family after second family . . . . . 2,500 sq. ft.

Minimum lot width at building line . . . . . 75 ft.

Minimum depth of front yard . . . . . 30 ft.

Minimum depth of rear yard . . . . . 15 ft.

Minimum width of side yard on each side of a:

    one-story building . . . . . 12 ft.

    two-story building . . . . . 12 ft.

    three-story building . . . . . 15 ft.

(5) Side yards on corner lots. The minimum width of side yards for dwellings along an intersecting street shall be twenty (20) feet for the side facing street.

(6) Height. No building shall exceed three (3) stories or thirty-five (35) feet in height except that free standing poles, towers, spires, and structures not designed for or suitable for human occupancy may exceed this height provided that they comply with the provisions of all other pertinent codes and ordinances, and provided that they are located no closer to the nearest property line than the distance equal to their own height plus five (5) feet. No accessory building shall exceed two (2) stories or twenty-five (25) feet in height.

(7) Building area. On any lot, the area occupied by all buildings, including accessory buildings, shall not exceed fifty (50) percent of the total area of such lot.

(8) Location of accessory buildings. (a) No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.

(b) Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets. (1982 Code, § 11-306, as amended by Ord. #571, May 1985)

**14-307. R-3 High density, downtown residential district.** (1) Uses permitted. (a) Single family and duplex.

(b) Accessory building or uses incidental to the aforementioned uses except customary home occupations.

(2) Uses permitted on review. The following uses may be permitted on review by the board of zoning appeals according to § 14-604.

(a) Churches and other places of worship.

(b) Schools -- public and private.

(c) Governmental uses.

(d) Public parks.

(e) Cemeteries in accordance with § 14-412, hospitals.

(3) Uses prohibited. (a) Any use not specifically noted above.

(b) Advertising signs and billboards.

(4) Lot and area regulations.

Minimum lot area for one-family 7,500 sq. ft.

Minimum lot area for second family 12,000 sq. ft.

Minimum lot width at building line 75 ft.

Minimum depth of front yard 25 ft.

Minimum setback of rear yard 10 ft.

Minimum setback of side year 10 ft.

(5) Height. No building shall exceed two (2) stories or thirty-five (35) feet in height, whichever is less.

(6) Building area. On any lot, the area occupied by all buildings, including accessory buildings (garages, storage sheds) shall not exceed sixty (60) percent of the total area of the lot.

(7) Accessory buildings. Shall only be permitted in the rear lot at least five (5) feet from all property lines (front, rear and side). (Ord. #637, Dec. 1991, modified)

**14-308. P-1 Professional and civic district.** In order to provide areas for the development of professional offices and services, hospitals, churches, and similar institutions, a professional and civic district is established. Within the P-1, Professional and civic district as shown on the Zoning Map of Sweetwater, Tennessee, the following regulations shall apply:

(1) Uses permitted. The following uses are permitted:

- (a) Those uses permitted and regulated in the R-2 Residential district.
- (b) Professional and business offices in which no activity is conducted which caters to retail trade with the general public.
- (c) Churches and other places of worship.
- (d) Schools offering general educational courses.
- (e) Funeral homes.
- (f) Private clubs and lodges.
- (g) Accessory buildings and uses customarily incidental and subordinate to permitted or permissible uses and structures, in accordance with § 14-402.
- (h) Signs and nameplates relating only to the principle use according to § 14-409.

(2) Uses permitted on review. The following uses may be permitted on review by the board of zoning appeals according to § 14-604: Accessory uses such as newsstands, cafeterias, recreational uses, and shops associated with and incidental to the permitted uses primarily for the benefit, use, and convenience of the persons directly involved in the principal use to which the proposed accessory use is related.

(3) Uses prohibited. Any other use not specifically permitted or permissible on review in this P-1 Professional and civic zoning district is prohibited.

(4) Lot and area regulations.

- (a) Detached dwellings shall comply with all regulations of the R-2 Residential District.
- (b) Minimum front yard setback . . . . . 20 ft.
- (c) Minimum rear yard setback . . . . . 10 ft.
- (d) Minimum width of side yard . . . . . 10 ft.

(5) Building area. There are no lot coverage requirements for non-residential structures except as required to meet off-street parking and other requirements herein in accordance with § 14-404. (1982 Code, § 11-307, modified)

**14-309. C-2 Central business district.** In order to protect and improve the main shopping area of Sweetwater and to discourage uses which do not require a central location and which are not compatible with the function of the area as the primary shopping and office area, a central business district is hereby established. Within the C-2 Central business district, the following regulations shall apply:

(1) Uses permitted. Retail stores and shops, offices, hotels and motels, financial institutions, eating and drinking establishments, printing, recreation establishments, parking lots in accordance with § 14-404, and garages, clubs and lodges, churches, public buildings and lands other than elementary or high

schools, outdoor advertising signs as regulated in § 11-409 of this code, and accessory uses in accordance with § 14-402 or buildings are permitted.

(2) Uses permitted on review. (a) Any retail or wholesale business or service which in the opinion of the board of zoning appeals is of the same general character as the above permitted uses may be permitted according to § 14-604.

(b) Apartment dwellings which meet the following conditions:

(i) The apartment must be located on the upper floors of an existing or proposed commercial establishment in the downtown district. No apartments will be allowed in the main or basement floors of commercial establishments. It is not the intent of this district to allow new apartment complexes to be located in the downtown C-2 zoning district. Rather, existing, revitalized, or new commercial establishments located, or locating in the downtown district may have apartments on the upper floors.

(ii) Both the commercial establishments and the apartments must meet the standards of the International Building Code; meet all of the requirements of the state fire marshal's office; receive the approval of the city's fire chief and building inspector. If the commercial establishment over which the apartments are to be constructed does not meet the above criteria, no apartments may be constructed or remodeled until the commercial establishment is brought into compliance with all applicable codes.

(iii) The apartment units must have the approval of the municipal planning commission by presenting ten days in advance of the meeting date and having approved a site plan consisting of the following:

(A) Location map.

(B) Layout of proposed apartment units; fire stairwells; main entries into the building and apartment units; parking lots specifically for the use of apartment dwellers.

(C) Certification of conformance to the International Building Codes by the owner. Letters from the state fire marshal; city's fire chief and building inspector must be received stating their approval before the board of zoning appeals may grant approval.

(D) The proposed units must be on public water and sewer and received garbage pick-up.

(E) Public parking may be used for the tenants of the apartment units in the downtown area. However, no parking will be allowed in public spaces on Main Street and Morris Street within the downtown district between the hours of 8:00 A.M. and 6:00 P.M. Monday through Saturday.



All tenants must obtain a parking pass from city hall by providing proof of residence in the downtown district to the recorder of the City of Sweetwater.

(F) All required site plans and layouts must be drawn to a scale of one inch equals twenty feet.

(G) The board of zoning appeals may require additional information or place additional requirements on the apartments units. In no case, however, will the board of zoning appeals be allowed to deviate from the above minimum requirements in granting approvals.

(3) Prohibited uses and structures. The following uses and structures are prohibited:

(a) Dwelling units except as identified above as use on review.

(b) Manufacturing, except for production of products for sale at retail on the premises or as involved in production of jewelry, eyeglasses, and hearing aides.

(c) All uses and structures not of a nature specifically permitted herein, and any use which the board of zoning appeals upon review and, after investigating similar use elsewhere, shall find to be potentially noxious, dangerous, or offensive to adjacent occupancies in the same or neighboring districts or to those who pass on the public ways, by reason of odor, smoke, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio or television reception, or radiation, or likely for other reasons to be incompatible with the character of the district.

(4) Area regulation. There are not specific lot coverage requirements or front, side, or rear yard requirements except as needed to provide off-street loading and unloading as specified in § 14-405. (1982 Code, § 11-309, as amended by Ord. #543, Jan. 1983, modified, and amended by Ord. #904, Sept. 2013)

**14-310. C-3 General commercial districts.** The purpose of this district is to provide for general and highway commercial activity along the thoroughfares leading into the city. Regulations are designed to preserve the traffic-carrying capacity of the streets and to provide for off-street parking and loading. It is not the intent of this district to encourage extensive strip commercial development, but rather to provide concentrations of general commercial activities. Within the C-3 General commercial districts as shown on the zoning map of Sweetwater, Tennessee, the following regulations shall apply:

(1) Uses permitted. Motels and tourist courts; drive-in establishments; service and repair garages; including stations as regulated by § 14-408 automobile sales and repair garages; tire recapping or retreading; commercial

recreation uses; wholesale and distributing center not involving over five thousand (5,000) square feet for storage of wares to be wholesaled or distributed; not to include fireworks and other hazardous materials as defined in the building code; pain management clinics shall be permitted, but shall not be located in a shopping center or planned unit development and shall be site built with no mobile or modular structures allowed and shall be located at least five hundred feet (500') from any park, nursing home, church, day care or school offering general education and as regulated by § 14-1100; outdoor advertising as regulated in § 14-409 of this code; accessory uses in accordance with § 14-402 or buildings; and all used permitted in a C-2 zone except apartments or other residential uses.

(2) Uses permitted on review. (a) Travel trailer parks or any business or service which in the opinion of the board zoning appeals is of the same general character as the above permitted uses may be permitted according to § 14-604.

(b) Mobile homes may be used as offices for business establishments that conduct mobile home sales as their primary source of business.

(3) Uses prohibited. The following uses are prohibited:

(a) Yards for storage of new or used building material or for any scrap or salvage operations or display of scrap, salvage, or secondhand materials.

(b) Storage of flammable liquids above ground in excess of five hundred (500) gallons.

(c) Any other use not specifically permitted or permissible on review in the C-3 General Commercial District.

(4) Lot and area regulations.

(a) Minimum required front yard . . . . . 35 feet.

(b) The minimum required rear setback shall be 20 feet, except as provided in § 14-405.

(c) The minimum required side yard shall be fifteen (15) feet, except as provided in § 14-405. On lots adjacent to a residential district, all buildings shall be required to comply with the side yard requirements of the adjacent residential district on the side adjoining the residential district.

(d) Minimum depth of side yard on corner lot . . . . . 20 feet.

(e) Commercial buildings may be built on a common lot line provided that there is a mutual written consent of the owners of the buildings directly involved and the adjacent walls of the buildings have a fire resistant rating of two (2) hours.

(f) No building shall exceed three (3) stories or thirty-five (35) feet in height except as in § 14-505.

(g) More than one building shall be permitted on a single lot in case of a shopping center provided that all applicable area and space requirements and off-street parking requirements have been complied with and further provided that such buildings share a common fire resistant wall and in accordance with § 14-415.

(h) Gasoline pumps and pump islands shall be set back a minimum of fifteen (15) feet from the street right-of-way. (1982 Code, § 11-310, as amended by Ord. #548, June 1983, Ord. #658, Dec. 1993, and Ord. #677, Nov. 1995, modified, and amended by Ord. #881, July 2012)

**14-311. C-4 Local general commercial.** The intent of this zoning district is to provide a general commercial district that would be of convenience to the local neighborhoods and their household needs, yet not detract from the C-2 and C-3 districts. Within the C-4 Local general commercial districts, the following regulations shall apply:

(1) Uses permitted. The following uses are permitted:

(a) Food stores, drug stores, barber and beauty shops, self-service laundries, shoe repair shops, fast food eating establishments such as lunch stands, cleaning and pressing collection stations, banks.

(b) Churches and places of worship.

(c) Offices for dentists, physicians, real estate, animal clinics, attorneys, public accountants, insurance.

(d) Nurseries and greenhouses.

(e) Warehouses for the storage of furniture and other household items, and outdoor storage facilities for the storing of only recreational vehicles, boats/watercraft, trailers used to transport same, motor homes, campers, or vehicles with current registration and operable. All outdoor storage facilities must have opaque fencing of at least six feet (6') in height and a landscape buffer of at least ten feet (10'). Storage of junk vehicles as defined in § 13-301 of the Sweetwater Municipal Code is not allowed and no auctions are permitted on the premises.

(f) Public parks and recreation centers.

(2) Uses permitted on review. The following uses may be permitted upon review of the board of zoning appeals according to § 14-604.

(a) Schools and colleges offering general education courses.

(b) Day care centers in accordance with § 14-414.

(c) Gasoline stations provided the provisions of title 7 of the code of ordinances of the City of Sweetwater and § 14-408 of this code are met.

(d) Communications and utility services except solid waste or sewage treatment facilities.

(e) Residential apartment usage allowed as a use permitted upon review by the board of zoning appeals provided that the residential

apartments are located as a permanent part of the commercial establishment building and provided that the occupants of the building are either the owner, or the manager of the commercial establishment. The board of zoning appeals will not permit residential apartment usage in conjunction with commercial establishments if the apartment is not located within the confines of the commercial establishment building, or the apartment will be rented at any time, to regular employees (other than the owner or manager) or rented to non-employees.

(f) Accessory buildings, located five (5) feet of all property lines, and are located in the rear yard only.

(g) Automobile wrecking, junk and salvage yards in accordance with the standards identified in § 14-411 and in accordance with all state requirements.

(3) Uses prohibited. Any use not mentioned above is prohibited.

(4) Lot and area regulations.

(a) Minimum front yard setback . . . . . 30 feet.

(b) Minimum rear yard setback . . . . . 25 feet.

(c) Minimum side yard setback . . . . . 15 feet.

(d) Minimum required side yard for a building along an intersecting street for the side facing the street . . . . . 20 feet.

(e) Only businesses which will have a continuous building frontage and sharing and attached to a common fire resistant wall will be allowed to build to the common lot line.

(f) Businesses sharing a common wall must have a fire resistant wall.

(g) Any gasoline pump and pump islands must be located so as to comply with the minimum setback of 15 feet from the street right-of-way.

(h) Loading and unloading requirements must be met in accordance with § 14-405.

(i) All parking requirements must be met in accordance with § 14-404.

(j) Sign requirements as required in § 14-409 and requirements that apply to the C-1 district shall apply to the C-4 district. (1982 Code, § 11-311, as amended by Ord. #547, May 1983, and Ord. #568, April 1985, modified, and amended by Ord. #840, Sept. 2009)

**14-312. C-5 Interstate/interchange district.** The purpose of this district is to provide commercial facilities to interstate travelers. Because of the nature of the commercial uses, large lots are required. Before any commercial use is allowed to construct, a site plan is required per § 14-413 of the Sweetwater Zoning Code. Sign control and parking is also required per §§ 14-404 and 11-409. Where applicable, off-street loading and unloading provisions must be met per § 14-405. It is not the intent of this district to provide for highway or general commercial activities for local residents.

Therefore, only areas lying in close proximity to the interstate/interchanges within the corporate limits will be zoned C-5.

- (1) Uses permitted.
  - (a) Retail stores and shops;
  - (b) Motels and hotels;
  - (c) Indoor commercial recreational structures and uses such as theaters, bowling alleys and poolrooms;
  - (d) Commercial parking lots and garages;
  - (e) Offices, studios, clinics and medical laboratories.
  - (f) Gasoline stations, and automatic car washing establishments;
  - (g) New and used car and truck sales, motorcycle sales, repair, and services;
  - (h) Restaurants, delicatessens and bakeries;
  - (i) Gift shops;
  - (j) Souvenir shops and curio shops;
  - (k) Garden center, greenhouse, and nursery;
  - (l) Farm implement and machinery, new and used sales;
  - (m) Truck, trailer for hauling, rental and sales, U-haul type;
  - (n) Metal and wood fencing, ornamental grillwork;
  - (o) Monument sales;
  - (p) Prefabricated and shell house sales;
  - (q) Mobile home sales and services;
  - (r) Taxidermist;
  - (s) Recreational uses such as amusement parks, bowling alleys, and ice and roller skating rink.
    - (t) Archery range, miniature golf, and golf driving range;
    - (u) Public parks and public recreation centers;
    - (v) Public information centers;
    - (w) Personal service establishments, including barber and beauty shops, shoe repair shops, funeral homes, cleaning, dyeing, laundry pressing, dressmaking, tailoring and garment repair shops with processing on the premises, offices for dentists, physicians, real estate, animal clinics, attorneys, public accountants, and insurance agents;
  - (x) Veterinary establishments, provided that all animals shall be kept inside soundproof air conditioned buildings.
  - (y) Financial institutions;
  - (z) Private clubs and lodges,
  - (aa) Business and vocational schools not involving operations of an industrial character.
  - (bb) Contractor's business offices such as building, electrical, paint or plumbing contractors, termite and pest control service, wholesale

and distributing centers, with all activities within a completely enclosed building.

(cc) On the same premises, and in connection with permitted principal uses and structures, dwelling units for occupancy only by owners or employees thereof, and other uses and structures which are customarily accessory and clearly incidental to permitted or permissible uses and structures that are not of a nature prohibited under "uses prohibited."

(dd) Call centers.

(2) Uses permitted on review. Fireworks stores and sales in accordance with § 14-417 with the approval of the chief of the fire department; travel trailer parks; snack shops according to § 14-604, and any business or service which, in the opinion of the board of zoning appeals is of the same general nature of the above permitted uses.

(3) Uses prohibited. Adult oriented establishments, automobile wrecking, junk and salvage yards, and any other use not listed above.

(4) Lot area requirements.

(a) Minimum required front yard setback . . . . . 50 feet

(b) Minimum rear yard setback . . . . . 35 feet

(c) Minimum side yard setback . . . . . 20 feet

(d) Minimum depth of side yard setback on a corner lot . . . . . 25 feet

(e) Minimum lot size . . . . . 1 acre

(f) Gasoline pumps shall be set back a minimum of 25 feet from the road right-of-way and 30 feet from any building.

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

(h) All loading and unloading zones must be located away from any thoroughfare or any customer parking area.

(i) The one (1) acre minimum lot size may be waived for a less lot size by the board of zoning appeals upon presentment of evidence and facts to their satisfaction that the smaller lot size is adequate in terms of traffic, sanitation, sewerage disposal, and other factors. (Ord. #741, Nov. 2001, modified, as amended by Ord. #820, Feb. 2008)

**14-313. M-1 Industrial zoning district.** The purpose of this zoning district is to allow for a wide variety of industrial land uses. Non-noxious industries, those which do not utilize caustic chemicals, store flammable chemicals, produce noxious odors, or utilize machinery or heating/air conditioning systems which generate noise levels in excess of 55 decibels outside the plant, or process good which would have an impact on noise or air quality

are permitted uses. Plants which may require the handling of chemicals or storing of flammable products or other noxious factors noted above are permitted as a use on review by the board of zoning appeals if site design criteria indicates that they will not pose any health, environmental, or safety threat to surrounding properties.

(1) Uses permitted. All uses listed below are allowed:

(a) Agriculture implementation sales and service; filing stations; building materials and lumber yards; bottling and packaging plants; electrical appliance and equipment assembly; engraving and printing; optical goods manufacturing; public utilities; wholesaling and warehousing (except for the storage of chemicals or pharmaceuticals); engineering and contractors offices; building supply sales.

(b) Signs and billboards as regulated in § 14-409.

(2) Uses permitted on review. Site plans are required for all uses listed below. Any chemical usage or storage must be noted on the site plan. Any storage of gasoline or other flammables must be noted as to the proposed location of storage and types of containers. Any dyes or other manufacturing goods which are of a chemical compound mixture or solution must be noted on the site plan. Any decibel levels outside the plant must be noted, and any construction materials used to muffled loud equipment noises must be noted. Any dyes or similar by-products which will be transmitted into the public sewer must be noted on the site plan. By-products from mean processing must be noted as to the manner in which odor will be contained. All federal standards regarding noise, air quality, chemical disposal, and public safety must be certified as being met. The board of zoning appeals can deny where the proposal negatively impacts the areas noted above or where the proposal has not submitted adequate information to assure compliance.

(a) Sewing operations and piece goods; sporting goods manufacturing; paper products processing and fabrication.

(b) Meat processing or packaging.

(c) Concrete products manufacture.

(d) Mining operations provided that they submit a mining reclamation plan for approval.

(e) Asphalt manufacturing.

(f) Foundries.

(g) Pharmaceuticals production.

(h) Brick, tile, or terra cotta manufacturers.

(i) Buildings incidental to the above uses.

(3) Uses prohibited. (a) Nuclear waste processors.

(b) Any firm utilizing nuclear materials.

(c) Any use which the board of zoning appeals deems has not offered enough factual information regarding health, safety or

environmental concerns or who has not proven its intent to deal effectively with health, environmental, or safety issues.

(4) Lot and area regulations. The front, rear, and side yard setbacks shall be twenty feet unless a loading dock is utilized in which case the setback on the loading dock side shall be thirty feet. On lots abutting a residential district, the setback on the abutting side shall be fifty feet. No new industrial district shall be located on less than two acres. Existing buildings may be rezoned for use provided that there is adequate parking and evergreen landscaping is utilized to buffer industrial operations on sites where buildings are located. Existing buildings located adjacent to residential buildings or districts must buffer a ten feet wide area with tall growing evergreens. Sound barriers may also be required.

(a) Gasoline pumps and islands, and surfaces must be located twenty-five feet from any building and fifty feet from any residential district.

(b) No yard setback shall be required for any lot abutting a railroad.

(c) Landscaping is required in accordance with § 14-413.

(d) No industrial use shall be allowed to have access through residential street.

(e) The board of zoning appeals may permit uses similar to above listed uses with the appropriate site plans and safety, health and environmental notations being placed on the plan and assurances that environmental and safety issues will be met.

(f) Warehouses used for the storage of household goods shall be allowed more than one structure per lot provided that all external setback requirements are met. (Ord. #585, July 1986, as amended by Ord. #592, Sept. 1986, modified)

**14-314. Floodplain overlay district.** The floodplain district is established as an overlay district, the intent of which is to protect the health, safety, and welfare of the citizens of the city by requiring that uses permitted in the underlying zoning districts be developed in accordance with the provisions of title 14, chapter 7; floodplain regulations. (Ord. #723, Aug. 2000, modified)

**14-315. M-2 Heavy industrial district.** As shown on the zoning map of Sweetwater, Tennessee, the following regulations shall apply in the M-2 Heavy industrial zoning district:

(1) Uses permitted. Those uses permitted and regulated in the M-1 zoning district.

(2) Uses permitted on review. The following uses may be permitted on review by the board of zoning appeals in accordance with § 14-604 of the Sweetwater Zoning Ordinance:



(a) Adult oriented establishments in accordance with title 9 chapter 6 of the Sweetwater Municipal Code in accordance with § 14-418 of the Sweetwater Zoning Ordinance.

(b) Automobile wrecking, junk and salvage yards in accordance with § 14-411 of the Sweetwater Zoning Ordinance. (as added by Ord. #772, Oct. 2004)

**14-316. TND - Traditional neighborhood development district.**

This district is established to foster the development of comprehensively planned, pedestrian-oriented neighborhoods. This is to be accomplished by promoting a variety of land uses, housing types and density, and by requiring skillful architectural and landscape design in creating buildings and open spaces. This district is also created to avoid the negative impact of suburban sprawl by minimizing infrastructure costs, traffic congestion, and environmental degradation.

(1) General description. The design of the neighborhood should reflect the principles of noteworthy town development found in the United States prior to the 1940's, including:

(a) Architectural harmony, including compatibility in styles, materials, colors, and building size and setbacks;

(b) Variety in housing types, density, and cost;

(c) Parks, squares, and other common open spaces for residents to interact and recreate, and to provide a setting for the architecture of the development;

(d) Neighborhood centers and civic spaces, which, depending on the scale of the development, can include places to shop, work, learn, or worship;

(e) An interconnected street system which:

(i) On generally level terrain (slopes less than 10 percent; 10 foot rise in 100 feet vertical distance) is based on a modified grid system.

(ii) On rolling to moderately slope terrain (10 to 25 percent slope) is composed of interconnecting, curvilinear streets, designed to conform to the topography.

(f) Sidewalks, street trees, and substantial on-street parking, providing distinct separation between pedestrians and traffic;

(g) Streets and sidewalks that are spatially defined by buildings in a regular pattern, unbroken by parking lots;

(h) Traffic calming, including more narrow streets with shorter turning radii than suburban streets, and medians, circles and related features along prominent streets;

(i) Lighting which is designed for safe walking and signage which has a pedestrian-orientation; and

(j) A system of land subdivision and development which links one neighborhood to another can logically be extended.

(2) Permitted uses. The following uses, buildings and structures are permitted:

- (a) Single-family dwellings
- (b) Townhouses
- (c) Two-family dwellings
- (d) Multiple-family dwellings
- (e) Open space, including parks, squares, greens and other recreational uses (as provided for in the following section)
- (f) Commercial and office uses (as provided for in the following sections)
- (g) Civic and religious buildings (as provided for in the following sections)
- (h) Accessory uses, subject to the provisions of § 14-402.

(3) Guidelines for permitted uses:

(a) Commercial and office uses:

(i) Property and buildings in the district shall be used for the following purposes: grocery stores, bakeries, arts and crafts, book and stationary stores, drug stores, barber/beauty shops, cleaning and processing collection stations, gift shops, self-service laundries, shoe shops (including repairs), similar uses which the planning commission finds to be appropriate, and business and professional offices.

(ii) The ground floor shall have door(s) and windows, covering at least 50 percent of the front facade.

(iii) The total ground floor area of the commercial and office uses, including off-street parking areas, shall not exceed 10 percent of the district, unless the planning commission finds that a larger commercial area would meet the grocery and other day-to-day shopping needs of an area which is underserved by a neighborhood shopping center.

(iv) Commercial and office development shall have an architectural design which is compatible with the design of residential buildings. The design of commercial and office buildings shall be included with the development plan (as outlined in (9)).

(v) Parking regulations for commercial and office uses are presented in section (6).

(4) Open space, including parks, squares, greens and other recreational uses:

(a) Within a development no less than 15 percent of the total land, exclusive of land set aside for roads shall be devoted to common open space for recreation, conservation, and beautification purposes. At

least 7.5 percent of the total land shall be devoted to parks, greens and squares. Yards of residential, commercial, office uses are not to be considered common open space. In cases where a portion of the site is in a floodway or on steep slopes (25 percent or more), the planning commission may require additional common open space. The planning commission may require less open space in a development which is less than 20 acres if a neighborhood or community park is within one quarter mile of the property. If a golf course or other large open space is to be created as part of the TND development, at least 7.5 percent of the area outside of such recreational space, shall be devoted to parks, squares or greens.

(b) Common open space may be designed for active recreation, passive recreation, pathways (other than sidewalks), traffic circles, medians, and similar traffic calming features, conservation, or natural buffers.

(c) Provisions shall be made to ensure that no more than 20 percent of the common open space will be devoted to paved areas and structures such as courts, or recreation buildings. Parking lots and on-street parking may be located within or along the side of a street bordering parks, greens and squares upon review and approval by the planning commission.

(d) Use of the common open space shall be subject to use on review by the planning commission.

(e) Land which has been environmentally damaged prior to final approval of the development by the planning commission as a result of soil removal, tree clearing or similar degradation shall not be accepted as common space unless and until the land is restored to a condition which the planning commission determines to be reasonable and appropriate to effect the purpose of this article. The planning commission may grant final approval for a development subject to such restoration of the common open space provided an appropriate performance bond is posted.

(f) Open space shall be protected against building development and environmental damage by conveying to the city, homeowners' association and/or a land trust, an open space easement restricting the area in perpetuity against any future building, and against the removal of soil, trees and other natural features, except as the planning commission determines is consistent with conservation or recreational purposes.

(5) Civic and religious uses:

(a) Uses can include primary and intermediate schools, libraries, post offices, museums, auditoriums, recreation centers, satellite town halls, fire and police stations, day care facilities, or similar uses

which the planning commission finds to be appropriate, and buildings for religious assembly.

(b) Buildings shall be designed to complement the architecture of their surroundings.

(c) Civic and religious buildings should be located at prominent locations, or serve as landmarks in the neighborhood, particularly at such focal points as the end of a street axis.

(d) The height of civic and religious buildings, excluding towers, steeples, or similar features, shall not exceed 45 feet.

(e) All civic and religious uses are subject to review and approval by the planning commission.

(f) Parking regulations for civic and religious buildings are presented in section (8).

(6) Area regulations:

(a) Minimum size: Property proposed for the TND district shall be a minimum of 20 acres or more, with the exception for areas of less than 20 acres which are adjacent to and can be interconnected to an existing TND district upon approval by the planning commission.

(b) The following table lists the site development regulations:

<u>REGULATIONS</u>	<u>SINGLE-FAMILY</u>	<u>TWO-FAMILY</u>	<u>TOWNHOUSE</u>	<u>COMMERCIAL OFFICE, MULTI-FAMILY</u>
Minimum Lot Size	5,000 sq. ft., or 5,500 sq. ft. on corner lot	7,000 sq. ft.	2,000 sq. ft., or 2,500 sq. ft. on corner lot	3,500 sq. ft., or 4,000 sq. ft. on corner lot
Maximum Lot Size	None	None	4,000 sq. ft.	43,560 sq. ft.
Minimum Lot Width	40', or 45' on corner lot; 50' if driveway is provided from front of property	50'	20', or 25' on corner lot	25'
Maximum Height	2-1/2 stories/35'	2-1/2 stories/35'	2-1/2 stories/35'	3-1/2 stories/45'
Maximum Front Yard Setback	25' to habitat able portion of house	25' to habitat able portion of house	10'	10'
Minimum Front Yard Setback	15' to habitat able position of house	20' to habitat able portion of house	5'	0'
Minimum Street Side Yard Setback	10'	10'	5'	5'

Minimum Interior Side Yard Setback	5'	5'	0'	0'
Minimum Rear Yard Setbacks: Main Building/Accessory Buildings	25'/5'	25'/5'	25'/5'	0', if adjoining other commercial; 10' if adjoining other use
Maximum Building Coverage/Maximum Impervious Coverage	55%/65%	55%-65%	70%-90%	70%-90%

(7) Housing density, composition and location:

(a) The overall housing density of all principal residential units shall not exceed 8 units per acre, based upon the land suitable for development, that is, land outside of floodplains and not on steep slopes (areas exceeding 25 percent slope). The planning commission may require fewer overall residential units per acre, based on the surrounding patterns of development, adopted plans, traffic and environmental constraints, and related factors.

(b) Composition and location of housing:

(i) Detached single-family houses shall comprise at least 50 percent of the total number of residential units;

(ii) Two-family units, townhouses, and multi-family units shall comprise less than 50 percent of the units.

(iii) The location of the various types of units shall be depicted on the development plan submitted under section (9).

(8) Parking regulations:

(a) Residential parking:

(i) Single-family detached units require two off-street parking spaces per unit.

(ii) Townhouse and two-family housing requires two off street parking spaces per unit unless the planning commission finds that one of the spaces per unit can be accommodated through on-street parking.

(iii) Off-street parking for townhouses shall be off an alley.

(iv) Garage doors which face the front of the property shall be placed 20 feet beyond the setback of the principle structure. Exception: the planning commission may modify this requirement for no more than 20% of the dwelling units in a development if warranted by topography or other environmental conditions.

(v) The minimum lot width for detached houses with driveways from the front property line shall be 50 feet.

(vi) Multi-family housing requires one parking space for the first bedroom of a dwelling unit and 0.5 parking space for each additional bedroom.

(b) Parking provisions for non-residential uses:

(i) Parking lots shall be located to the rear or side of buildings. Side parking lots shall account for no more than 25 percent of parking, and shall be screened from sidewalks by a combination of low walls or fences and landscaping.

(ii) Parking lots and garages shall not abut a street intersection, the front yards of multi-family, civic or religious buildings, shall not be adjacent to squares or parks, and shall not occupy space which terminates a T-intersection within the district or similar prominent point.

(iii) In view of the pedestrian-oriented nature of this district, the parking requirements for commercial, office and other non-residential uses shall be 50 percent of the number of spaces required for uses in § 14-404.

(iv) In the case of commercial or office uses which have shop fronts adjacent to sidewalks and streets, on-street parking directly in front of the lot shall count toward fulfilling the parking requirement.

(v) The required number of spaces for commercial and office uses may be further reduced by demonstrating the use of shared parking.

(vi) Parking lot landscaping shall be consistent with the provisions of section (10).

(vii) If the developer desires additional customer parking for non-residential uses, it shall be provided on grassy, pervious surfaces (reinforced/plastic grid, reinforced block or similar material) which are adequate to sustain parked vehicles.

(9) Streets, utilities, alleys and sidewalks:

(a) The street network on the TND shall be connected to the existing streets, unless the planning commission determines that topography, requirements of traffic circulation or other considerations make such connections impractical. When applicable, TND streets should be laid out to allow extensions to future neighborhoods.

(b) Travel lanes of local streets shall be no less than 10 feet wide.

(c) Sidewalks shall be provided along both sides of each street. For pedestrian safety, sidewalks shall be separated at least 7 feet from the curb. To minimize crosswalk distances, a curb return radius of 15 feet shall be used on local streets. In creating a suburban TND, with a density less than 3 dwelling units per acre, sidewalks shall be at least 4 feet wide.

(d) Alleys can provide parking access for residential properties. Alley rights-of-way shall be 20 feet, with at least 10 feet of pavement. Alley pavement shall be built to the local street standard of the subdivision regulations for pavement thickness.

(e) The average perimeter of all blocks within the district shall not exceed 1,200 feet. No block face shall have a length greater than 400 feet without a dedicated alley or pathway providing through access.

(f) Utilities shall be placed underground and or shall run within alley easements.

(g) Street lamps shall be installed on both sides of the street, no less than 100 feet apart.

(h) The axis of the most significant streets shall have appropriate termination with either a public or quasi-public building, park, square or other open space or neighborhood commercial center.

(i) Landscape provisions regarding streets are presented in section (10).

(j) The detailed design of streets and alleys which are to be publicly dedicated shall conform to the current city street regulations as defined in the Sweetwater Subdivision Regulations.

(10) Landscaping regulations:

(a) Native shade trees which grow to a minimum height of forty feet at maturity shall be planted along all streets at a maximum average spacing of 30 feet on center. The trees shall have a minimum caliper of 2 1/2 inches at the time of planting.

(b) Trees shall be arranged and maintained at intersections and alley entrances to provide adequate visibility, avoiding conflicts between vehicles, bicycles, and pedestrians.

(c) For all parking lots with more than six spaces, the landscaped area shall be comprised of a minimum of 20 percent of the total parking lot area. One native shade tree which grows to a minimum height of 40 feet at maturity shall be required for each three hundred square feet of the above required open space. Native shade trees shall have a minimum caliper of 2 1/2 inches at time of planting.

(d) Trees proposed for planting in public rights-of-way shall comply with the Sweetwater Tree Board Ordinance as specified in section 16 chapter 5 of the Sweetwater Municipal Code.

(11) Administrative procedure for TND district:

(a) The planning commission shall review the proposed development and may give approval, request modification, or reject the proposed development in accordance with these regulations.

(b) The applicant is required to submit a concept plan for the proposed overall development, before or at the same time the TND zoning district is being requested.

(c) The applicant is required to follow the same procedure for submission of a preliminary plat and final plat, as well as site plan

requirements for any non-residential structure. (as added by Ord. #772, Oct. 2004)

**14-317. Standards for adult oriented establishments.** Because of the nature and character of their operations, adult oriented establishments can have a detrimental effect upon surrounding properties. The following standards shall apply:

(1) Adult oriented establishments shall be permitted only within the M-2 heavy industrial zoning district, and shall not be permitted within three-hundred (300) yards of:

(a) A church, synagogue, mosque, temple or building used primarily for religious worship and related religious activities;

(b) A public or private educational or child care facility, including but not limited to day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, special education schools, junior colleges, and universities and the grounds of any such facility;

(c) A boundary of any residential zoning district or the property line of a lot devoted to a residential use;

(d) A public park or recreational area that has been designated for park and recreational activities, including but not limited to a park, playground, nature trail, swimming pool, athletic field, basketball or tennis court, a soccer field, pedestrian/bicycle paths or any other similar public land which is under control, operated, or management of any government park and recreational authority;

(e) An entertainment business that is oriented primarily towards entertainment of children and families;

(f) Any packaged liquor store;

(g) A funeral home, mortuary, or crematory facility.

(2) For the purpose of these conditions, measurement shall be made in a straight line, without regard to intervening structures, objects or public right-of-ways, from the structure proposed for use as the premises where an adult oriented establishment is conducted, to the nearest property line of the premises of a use listed in subsections (a)-(g). The presence of a city boundary shall be irrelevant for purposes of calculating and applying the distance requirement of this section.

(3) An adult oriented establishment lawfully operating as a conforming use shall not be rendered a nonconforming use by the location, subsequent to the commencement of operations of said establishment, of a use listed in subsections (a)-(g) within five hundred (500) feet of the adult-oriented establishment.

(4) No adult-oriented establishment may be established or operated within five-hundred (500) feet of another adult oriented establishment. For the purpose of this subsection, the distance between any two (2) adult oriented



establishments shall be measured in a straight line, without regards to the intervening structures, objects, public right-of-ways, or municipal boundary, from the property lines in which each business is located.

(5) No adult-oriented establishment may be enlarged so as to violate the provisions of this section.

(6) Proposals for adult oriented establishments shall be approved by the board of zoning appeals as a use on review in accordance with § 14-604 of the Sweetwater Zoning Ordinance and shall comply with title 9, chapter 6 of the Sweetwater Municipal Code. (as added by Ord. #772, Oct. 2004)

**14-318. H-1 historic zoning overlay district.** The historic zoning district is established as an overlay district, the intent of which is for conservation of historic properties within the City of Sweetwater by requiring uses permitted in the underlying zoning districts be developed in accordance with the provisions of title 14, chapter 9: Historic Districts and Landmarks. (as added by Ord. #814, Dec. 2007)

## CHAPTER 4

### SUPPLEMENTARY PROVISIONS APPLYING TO ALL DISTRICTS

#### SECTION

- 14-401. Access control.
- 14-402. Accessory uses regulations.
- 14-403. Customary home occupations.
- 14-404. Off-street parking requirements.
- 14-405. Off-street loading and unloading space required.
- 14-406. General lot restrictions.
- 14-407. Vision at street intersections.
- 14-408. Gasoline service station restrictions.
- 14-409. Signs, billboards, and other advertising structures.
- 14-410. Mobile homes and mobile home parks.
- 14-411. Standards for automobile wrecking, junk, and salvage yards.
- 14-412. Standards for cemeteries.
- 14-413. Site plan requirements.
- 14-414. Standards for day care centers.
- 14-415. Planned unit development.
- 14-416. Special exception criteria for signs.
- 14-417. Fireworks storage.

**14-401. Access control.** In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

(1) A point of access for vehicles onto a street shall not exceed forty (40) feet in width.

(2) There shall be no more than two (2) points of access to any one (1) public street for each four hundred (400) feet of lot frontage, or fraction thereof; provided, however, that lots less than eighty (80) feet in width shall have no more than one (1) point of access to any one (1) public street.

(3) Where two (2) driveways are provided for one (1) lot frontage, the clear distance between driveways shall not be less than twenty-five (25) feet.

(4) No point of access shall be allowed within ten (10) feet of the right-of-way line of any public intersection.

(5) No curbs on city streets or rights-of-way shall be cut or altered without written approval of the street department, or if a state highway, a permit must be obtained from the Tennessee Department of Highways.

(6) Cases requiring variances relative to the above provisions shall be heard and acted upon by the board of zoning appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street. (1982 Code, § 11-401, as amended by Ord. #604, Sept. 1987)

**14-402. Accessory uses regulations.** The uses of land, buildings, and other structures permitted in each of the districts established by chapters 2 through 6 of this title are designated by listing the principal uses. In addition to such principal uses, accessory uses permitted in each district. Each accessory use shall:

- (1) Be customarily incidental to the principal use established on the same lot.
- (2) Be subordinate to and serve such principal use.
- (3) Be subordinate in area, intent, and purpose to such principal use.
- (4) Contribute to the comfort, convenience, or necessity of users principal use.
- (5) Be at least twenty (20) feet from other buildings.
- (6) Shall meet the same setback requirements of the district.
- (7) Fences shall be considered accessory uses and shall have no setback requirements if under ten (10) feet in height. Any fence above ten (10) feet in height shall comply with the setback requirements of the district plus ten (10) additional feet. (1982 Code, § 11-402, modified)

**14-403. Customary home occupations.** A customary home occupation is a gainful occupation or profession conducted by members of a family residing on the premises and conducted entirely within the dwelling. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings.

(1) Uses permitted. The following are permitted as customary home occupations:

- (a) Artist, sculptor, author.
- (b) Barber shop and beauty shop operated by not more than two (2) operators, one of whom shall be a resident of the residence, provided that not more than three (3) customers are present at one time.
- (c) Dressmaker, milliner, seamstress, tailor, interior decorator.
- (d) Professional office of a physician, dentist, lawyer, engineer, accountant, surveyor, real estate, architect within a dwelling occupied by the same, provided at not more than one (1) paid assistant shall be employed.
- (e) Teaching, including tutoring, musical instruction, or dancing but limited to one (1) pupil per teacher at any given time. Day care providing no more than five (5) children are present.
- (f) Any other similar use which the BZA deems in compliance.

(2) Uses prohibited. The following are prohibited as customary home occupations:

- (a) Dancing instruction and band instructions in groups.

(b) Tea rooms, tourist homes, convalescent homes, mortuary establishments, animal hospitals.

(c) Stores, trades, or businesses of any kind not herein excepted shall not be deemed to be home occupations. (1982 Code, § 11-403, as amended by Ord. #576, Sept. 1985)

**14-404. Off-street parking requirements.** (1) In all districts, except the C-1 Central Business District, there shall be provided, at such time any building or structure is erected or enlarged or increased in capacity, off-street parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below. For uses not specifically mentioned herein, off-street parking requirements shall be determined by the planning commission.

(a) Automobile repair shop and/or truck repair. Two (2) spaces per stall, or one (1) space per two hundred and fifty (250) square feet of service area, whichever is greater; plus two (2) spaces per three (3) employees.

(b) Boarding houses and rooming houses. Not less than one (1) space for each one (1) room occupied by boarders or roomers.

(c) Churches. One (1) space per five (5) seats; or one (1) space per forty (40) square feet of auditorium floor space, whichever is greater.

(d) Commercial building or use. One (1) space for each two hundred (200) square feet of floor space in C-3 highway business districts and C-1 local business districts.

(e) Dwellings, single- and two-family. Not less than two (2) spaces for each dwelling unit.

(f) Dwellings, multiple family. Not less than one and one-half (1/2) spaces per dwelling unit.

(g) Filling stations. Three (3) spaces for each grease rack or similar facility, plus one (1) space for each two (2) employees.

(h) Funeral homes or mortuaries. Five (5) spaces per parlor or chapel unit, or one (1) per four seats, whichever is greater.

(i) Hospitals and convalescent homes. One (1) space for each three (3) patient beds; plus one (1) space for each two (2) employees including staff doctors and nurses.

(j) Hotels. Not less than one (1) space for each guest room plus one space for each two (2) employees.

(k) Manufacturing or other industrial use. Not less than one (1) space for each three (3) persons employed or intended to be employed on a single shift, with a minimum of five (5) spaces provided for any establishment,

(l) Medical or dental clinics. Four (4) spaces per doctor or dentist or one (1) space for each one hundred (100) square feet of usable floor space, whichever is greater.

(m) Motels and tourist courts. Not less than one (1) space for each room offered for tourists accommodations plus one (1) space for each two (2) employees.

(n) Offices. One (1) space for each two hundred and fifty (250) square feet of floor space.

(o) Private clubs or lodges. One (1) space per seventy (70) square feet of floor space.

(p) Restaurants. One (1) space per one hundred and fifty (150) square feet of usable floor area, plus one (1) space for each two (2) employees. (For drive-in restaurants, one (1) space for fifty (50) square feet of usable floor area.)

(q) Shopping centers. One (1) space for each two hundred (200) square feet of floor space.

(r) Mobile home sales lots. Paved parking is required on mobile home sales lots for all areas utilized by customers, employees, or access to such areas. Only the display areas for mobile home sales shall be permitted to be graveled.

(2) Certification of minimum parking requirements. Each application for a building permit shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the building inspector to determine whether or not the requirements of this section are met.

(3) Combination of required parking space. The required parking space for any number of separate uses may be combined in one (1) lot but the required space assigned to one (1) use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

(4) Remote parking space. If the off-street parking space cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use, provided such land is in the same ownership as the principal use.

Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of the zoning code, has been made for the principal use.

(5) Requirements for design of parking lots.

(a) Except for parcels of land devoted to one-and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.

(b) Each parking space shall be no less than two hundred (200) square feet in area.

(c) Entrances and exits for all off-street parking lots shall comply with the requirements of § 14-401 of this code.

(d) The parking lot shall be drained to eliminate surface water. (1982 Code, § 11-404, as amended by Ord. #701, Jan. 1998)

**14-405. Off-street loading and unloading space required.** Every building or structure hereafter constructed and used for industry, business, or trade shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley or if there is no alley, to a public street. This space shall not be considered as part of the space requirements for off-street automobile storage.

(1) Behind or on the side of every building or structure used for business or trade, there shall be a rear or side yard not less than thirty (30) feet in depth or width where loading and unloading of vehicles is to be provided.

(2) The board of zoning appeals may hereafter reduce or increase this requirement in the interest of safety where unusual or special conditions are due consideration. (1982 Code, § 11-405)

**14-406. General lot restrictions.** (1) Only one (1) principal building and its customary accessory buildings may be erected on any lot.

(2) No building shall be erected on a lot which does not abut at least one (1) street, unless an easement at least thirty-five (35) feet in width to a street is provided and such easement is accepted as a public thoroughfare. Such building shall conform to the lot and yard requirements of the district in which it is located.

(3) No building permit for the construction of any structure shall be issued by the building official for any lot not abutting a street accepted as a public street by the street department of the city. (1982 Code, § 12-303, modified)

**14-407. Vision at street intersections.** On a corner lot not in the central business district, within the area formed by the center lines of the intersecting or intercepting streets and a line joining points on such center lines at a distance of seventy-five (75) feet from their intersection, there shall be no obstruction to vision between their height of three and one-half (3) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall. (1982 Code, § 11-407)

**14-408. Gasoline service station restrictions.** The following regulations shall apply to gasoline service stations:

(1) There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.

(2) Gasoline pumps or islands shall not be located closer than fifteen (15) feet to any street right-of-way.

(3) Sign requirements as established in § 14-409 shall be met. (1982 Code, § 11-408)

**14-409. Signs, billboards, and other advertising structures.** These conditions are established as a reasonable and impartial method of regulating advertising structures in order to insure light, air, and open space, to reduce hazards at intersections, and to protect property values of the entire community. The regulations for signs, billboards, and other advertising structures are:

(1) Definitions. (a) "Sign or other advertising device." Any display, graphic, image, device, structure, or structure extension to include banners and other attractions by electronics, lasers, construction, sculpting, painting or other means that has as its primary function and intent, purpose, or effect the identification of an activity, event, product, or person, and the attraction or public attention to, or the promotion of, such service, facility, place, product, person, or business, whether for profit or not.

(b) "Sign administrator." The city building official or his/her designated agent.

(c) "Sign, advertisement." A sign that has as its primary function and intent, purpose, or effect, the attraction of public attention to or the promotion and marketing of, an activity, a facility, a product, a place, a business, or a service.

(d) "Sign, area." The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the supporting structure.

(e) "Sign, banner, pennant, flags." Signs of lightweight fabric intended to convey a message or attract attention.

(f) "Sign, billboard." An off-premise advertisement sign intended for periodic message rotation and is often sold or leased as advertising space.

(g) "Sign, business." A sign that directs attention to a business or profession conducted on the premises.

(h) "Sign, canopy." A sign that is part of or attached to an awning, canopy, etc., or structural protective cover over a door, window, or outdoor service area.

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

(j) "Sign, directional." A sign located on public property as approved by the board of commissioners, which designates a definable area, business area, or community.

(k) "Sign, ground." A sign erected on a freestanding frame and not attached to any building. Such signs may be two (2) sided provided that both sides cannot be seen simultaneously from any point.

(l) "Sign, identification." A sign intended primarily for the purpose of identifying the location and/or occupants of a site.

(m) "Sign, off-premise." A sign promoting or advertising products, items, services, and/or activities available at a site other than that of the sign.

(n) "Sign, on-premise." A sign promoting or advertising products, items, services, and/or activities available at the location of the sign.

(o) "Sign, pole." Pole signs are supported by a pole(s) and the actual sign does not contact the ground.

(p) "Sign, portable." Any sign that is not affixed to a building, structure, or the ground, usually mounted on wheels and not permanently erected.

(q) "Sign, projecting." A sign attached perpendicular to a building or the wall of a structure.

(r) "Sign, roof." A sign attached to and/or painted on or over a building or structure roof.

(s) "Sign, sandwich." An advertising device which is ordinarily in the shape of an "A" or some variation thereof, on the ground, easily moveable, and which is usually two (2) sided.

(t) "Sign, seasonal." An advertising device which is to be used to advertise uses which are only in operation during seasonal months.

(u) "Sign, special event." A sign pertaining to a special event.

(v) "Sign, suspended." A sign suspended from the underside of horizontal pane surface and is supported by such surface.

(w) "Sign, temporary." A sign permitted as a temporary sign and all signs normally considered or designed to be used for limited duration, such as portable and moveable signs, signs painted or mounted on vehicles, real estate and development location promotion signs, special sales, yard sales, and other events. Such signs shall be allowed or permitted for no more than a thirty (30) day period, except that, such a permit may be renewed upon finding of good cause for two (2) successive thirty (30) day periods. No temporary sign shall stand, however, for a period exceeding ninety (90) days.

(x) "Sign, wall." Any sign that is attached to, painted on, or in some other way uses a wall or roof for support, except for projecting signs which are attached to a wall surface and extend perpendicularly therefrom.

(y) "Special event." An activity or circumstance of a business or organization which is not part of its normal daily activities and occurs uninterrupted for a specified period of time not to exceed ten (10) days.



(2) In any zoning district the following general regulations shall apply as well as the regulations in chapter WWII, "Signs and Outdoor Displays" of the Standard Building Code:

(a) The building official shall be provided with plans and specifications identifying the location, type, and design of any sign that requires a permit under the provisions of this section.

(b) No off-premise signs are permitted.

(c) No sign shall be erected or maintained where, by reason of its position, wording, illumination, size, shape, or color; it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, or device.

(d) No sign having flashing, intermittent, or animated illumination shall be permitted within three hundred feet (300') of property in any residence district unless such sign is not visible from such property.

(e) No illuminated sign shall be permitted within fifty feet (50') or property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property.

(f) A billboard or ground sign may not be erected in excess of the following heights in the districts names below and must be at least three feet (3') from ground to the bottom of the sign:

C-1 25 feet

C-2 No ground signs or billboard permitted

C-3 32 feet

C-4 25 feet

C-5 60 feet at road level

A billboard or ground sign may not exceed the following square footage in the districts named below:

C-1 200 square feet

C-2 No ground signs or billboards permitted

C-3 500 square feet

C-4 200 square feet

C-5 1,200 square feet

(g) Billboards, ground signs, and other similar outdoor advertising devices may be erected no closer than one foot (1') from the property line in the C-1, C-3, C-4, and C-5 zoning districts, provided however, such sign is not closer than twenty feet (20') from any street intersection nor closer than one hundred feet (100') from any residential district. Sign age which is closer than twenty feet (20') from any street intersection must be located five feet (5') from the front property line and five feet (5') from the side property line.

(h) Signs erected and overhanging any sidewalk must be placed at least nine feet (9') above the sidewalk and may extend over the

sidewalk a distance equal to two-thirds (2/3) the width of the sidewalk, but in no case exceeding ten feet (10').

(i) Professional signs and signs from home occupations shall not exceed two (2) square feet in area.

(j) Temporary signs shall not be erected or otherwise fixed to any pole, tree, stone, fence, or any other object within the right-of-way of any street. A temporary sign shall not be suspended across public streets or other public places.

(3) In the A-1 general agricultural district, the following regulations shall apply:

(a) Nameplates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.

(b) Not more than two (2) non-illuminating signs not to exceed a total of thirty-two (32) square feet in area, advertising the sale of farm products produced on the premises shall be permitted.

(c) Church, school, or public building bulletin boards or identification signs, not exceeding twenty (20) square feet in area are permitted.

(d) Flashing or intermittent illumination is prohibited.

(e) Billboards and other advertising structures are prohibited, except for those signs which are intended to direct the general public to areas designated by the planning commission as being of scenic beauty or historical interest. However, such directional signs shall not exceed sixty-four (64) square feet in area.

(4) In the R-1 and R-2 residential districts, the following regulations shall apply:

(a) Nameplates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.

(b) For apartment buildings, identification signs not exceeding nine (9) square feet in area are permitted.

(c) Church, school, or public building bulletin boards or identification signs, not exceeding twenty (20) square feet in area are permitted.

(d) Flashing or intermittent illumination is prohibited.

(e) Billboards and other advertising structures are prohibited.

(5) In the P-1 professional and civic districts, the following regulations shall apply:

(a) The same regulations apply to residential uses in the P-1 professional and civic districts as applied in the residential district regulations outlined above.

(b) Bulletin boards or identification signs, not exceeding twenty (20) square feet in area, shall be permitted for public recreation uses, community facilities, hospitals, and clinics.

(c) For other permitted principal uses, one (1) business sign, not exceeding one (1) square foot of surface for each one (1) lineal foot of lot adjoining a public street, will be permitted. Such sign shall be mounted on the main building and shall not extend above any portion of the roof of the building.

(d) Flashing or intermittent illumination is prohibited.

(e) Billboards and other advertising structures are prohibited.

(f) Billboards and other advertising structures are prohibited.

(6) In the commercial districts, the following regulations shall apply: bulletin boards or identification signs, not exceeding thirty-two (32) square feet in area, shall be permitted for public recreation uses, community facilities, hospitals, and clinics. In the commercial districts which are also in the designated Sweetwater Historic District, the advertising standards and guidelines adopted by the historic zoning commission shall also apply.

(7) In the historic zoning district, the following regulations shall apply:

(a) Advertising messages serve to promote business and therefore should be compatible with the business type or service being promoted.

(b) Advertising of all kinds should be compatible with the style and historic period of the building, as well as the business.

(c) Signs and other forms of advertising must relate to, rather than obscure, clutter or disrupt historical and architectural design features of the buildings or parts of buildings to which they are attached or applied.

(d) The installation of advertising materials must not physically or irreversibly alter or damage buildings or part of buildings.

(e) Advertising designs and techniques should reflect the rich diversity of style and the continuum of history seen in Sweetwater's street scape. Originality, creativity, and diversification should be encouraged.

(f) While satisfying the legitimate needs of commerce, advertising should not clutter the street scape nor interfere with the views of buildings or other signs.

(g) Portable signs, sample products, and services offered outside a building must not obstruct the safe and orderly passage of pedestrian and vehicular traffic.

(h) All advertising messages and signs must conform to the ordinance comprising this section,<sup>1</sup> of the Sweetwater Municipal Code,

---

<sup>1</sup>Ord. #888, Nov. 12, 2012.

unless specified otherwise in the Standards and Guidelines of the Historic Zoning Commission.

(i) Size, placement, and number of signs.

(A) The size and position of each sign must relate well to the size of the building and the scale of its individual features including but not necessarily limited to openings for windows and doors, wall panels, cornices and other ornaments, and columns and other support structures. Even through a proposed sign may be consistent with other size requirements in these guidelines, the commission reserves the right to deny approval of any sign which, in the judgment of a majority of the commissioners in any duly convened meeting, is too large for the particular related building, building feature, or adjacent building.

(B) The size and position of each sign must be appropriate for reasonable legibility (assuming normal visual acuity) relative to the position and/or movement of the intended viewer.

(C) In business zones, building-mounted signs shall not exceed one (1) square foot per lineal foot of store front. Free standing signs shall not exceed twenty-four (24) square feet. Projecting signs shall not project more than four feet zero inches (4'-0") from face of building.

(D) In residential zones, one (1) sign not exceeding eight (8) square feet per face in area shall be permitted for each building in which a business or office is also located. If there is more than one (1) business at any location, the total area per face for all signs or for a composite sign is not to exceed ten (10) square feet.

(E) The lowest part of any projecting or freestanding sign can be no lower than seven feet six inches (7' 6") above a walkway or ten feet zero inches (10'-0") above a driveway or alley. The highest part of any projecting sign can be no higher than the top of the highest opening in the wall on which the sign is to be mounted. The highest part of any sign can be no higher than the top of the highest opening on the ground floor of the related building, but in no case higher than fourteen feet zero inches (14'-0").

(F) A maximum of one (1) sign shall be permitted in each display area, with the exception of a historical detailed painted side wall building sign. In no event will a sign be permitted to cover a total of more than fifty percent (50%) of any one (1) display window, in which case no more

than twenty-five percent (25%) of the window can be covered.

(G) A maximum of two (2) signs shall be permitted per primary public entrance. If more than two (2) tenants use the same public entrance, a composite sign shall be permitted for proper listing and identification of the tenants or occupants.

(H) The historic zoning commission reserves the right to limit the total number of signs on any particular building as necessary consistent with the proper presentation of historic and architectural features.

(I) Duplicated signs or signs with duplicated messages shall not be permitted unless needed for specific purposes such as the identification of more than one (1) entrance, display window, or elevation of the same business or building, or to achieve balance on a single building elevation.

(J) Free standing and projecting, or portable signs painted or decorated on two (2) or more sides are not considered duplicates unless two (2) faces are simultaneously visible from any one (1) position of the viewer.

(K) The cluttering of individual signs is to be discouraged. A single contiguous sign containing two (2) or more distinctly different messages shall be considered as two (2) or more signs. The historic zoning commission reserves the right to limit the number of words used in any particular sign.

(L) Portable signs must not obstruct the safe and orderly movement of pedestrian and vehicular traffic. Signs may be brought out at opening of business and must be taken in at close of business.

(M) Obsolete signs shall be removed as soon as they become obsolete unless specifically designated by the historic zoning commission as contributing to the character of the particular property or of the historic zone, in such case they shall be retained and preserved consistent with the corresponding guidelines.

(ii) Lettering, accessories, and colors. (A) Historic spelling, lettering, fonts, and wording must be consistent with the guidelines set forth by the historic zoning commission.

(B) The historic zoning commission will not approve words that are misspelled for commercial purposes.

(C) The historic zoning commission will not approve words in any duly convened meeting, misrepresent the business, are misleading, or are offensive to significant numbers of people in the general population.

(D) Sign accessories are considered parts of signs and must be approved by the historic zoning commission.

(E) Sign accessories may be included in the overall size of the sign for purposes of calculating the size of a sign, as well as the visual impact of the sign on adjacent structures and the surrounding neighborhood.

(F) Any sign accessories symbolizing history must be consistent with the documented authentic history of Sweetwater.

(G) Colors should be compatible with the period or style related to the building.

(H) Florescent or day-glow paints and colors will not be approved for use in a historic zone.

(iii) Materials, mounting and quality. (A) Materials selected for the construction of signs must be compatible with the building materials to which a sign is to be attached.

(B) Sign construction materials exposed to public view must be visually consistent with the style and historic period of the related building.

(C) The sign construction materials selected should also enhance both the purpose and the message of the particular business or service.

(1) Compositional boards (MDF) are acceptable when completely covered with paint which substantially hides the identity of the material. No particle board will be allowed.

(2) Decal letters which have the appearance of painted letters are permitted.

(3) Exterior grade plywood is permitted, but for older buildings its edges must always be covered with framing material so as to hide laminations.

(4) Plastics may be approved when the use is compatible with the period and appearance of the building on which it is used.

(5) Unpainted aluminum shall not be permitted.

(6) Other materials such as, but not necessarily limited to, copper, brass, bronze, may be approved for use on buildings built during a period in

which such materials were in common use or on buildings showing dominant architectural features of the period in which such materials were in common use.

(D) Materials must always be of sufficiently high quality to be durable for the anticipated life of the sign. The historic zoning commission reserves the right to terminate approval of any deteriorating sign and require its removal.

(E) A sign must always be erected in such a way that there is no danger of it falling under ordinary circumstances.

(F) Consistent with requirements of safety, stability, and strength, flat signs and projecting signs must be attached to a building with a minimum number of fasteners inserted with the least amount of damage possible to building materials.

(G) On masonry surfaces, all penetrating points of attachment must be in mortar joints. No drilling, chipping, hammering, or penetrating of bricks, terra cotta or stone shall be permitted.

(H) The mounting of signs on ornamental architectural masonry, metal, or wood or on metal roofing materials shall not be permitted.

(I) Mounting materials must not be subject to rust or corrosion, which may over time, damage or deface any part of the building. The historic zoning commission reserves the right to terminate approval of any sign constructed of, or mounted with materials found to be damaging the building or staining or defacing the building. This includes, but is not necessarily limited to the destructive effects of the expansion of rusting iron imbedded in building materials.

(J) All signs must be of professional quality. The historic zoning commission reserves the right to rescind approval of any sign within sixty (60) days of its installation, if in the judgment of the majority of the commissioners; the sign does not meet the acceptable professional standards of quality. This is not intended to discourage individual artwork and careful craftsmanship on the part of people who do not necessarily make a living building signs.

(iv) Lighting. (A) In most locations in downtown Sweetwater signs are well lit by street lights and individual sign illumination is unnecessary and shall not be approved.

(B) External illumination may be approved when natural or street lighting does not provide sufficient light for reading a sign.

(C) Internally illuminated signs shall not be permitted even for modern building in the H-1 Zone.

(D) The effect of any sign illumination on adjacent or neighboring buildings must be carefully considered prior to approval by the historic zoning commission.

(8) In the M-1 Light Industrial and M-2 General Industrial districts, the following regulations shall apply:

(a) Business signs shall be permitted which relate to the business on the premises. Such signs shall be located not closer than one-half (1/2) the required setback from all property lines.

(b) Flashing and intermittent illumination is prohibited.

(c) Billboards and other outdoor advertising structures are permitted.

(9) No sign shall be erected in the city unless a building sign permit is obtained as in the case of new construction, and the fee paid therefore. Each person erecting, replacing, expanding, or relocating a sign shall make application for a sign permit. A permit shall be required for each sign, except where specifically exempted in this ordinance. A sign permit shall be in addition to a building permit.

(a) Applicants for a sign permit shall submit a construction plan and a site plan with each application for a permit. The plans shall show the location of the proposed sign in relationship to property lines, right-of-way, flood hazard area and similar features, county tax map location, and specifications identifying the type and design of any sign.

(b) For signs related to new buildings and uses which require site plan review by the planning commission, the sign site plan shall be included as part of the general site plan, but will not exempt the applicant from submitting sign construction plans to the building official prior to issuance of a sign permit.

(c) The sign administrator may issue permits for signs meeting the provisions of this section and any city building and electrical codes in force, except that, the sign administrator shall not issue permits for signs within a public right-of-way, as set out in this section.

(d) The sign administrator shall inspect, at any time he/she deems necessary, each sign regulated by this section to insure that such sign conforms to this section and all other ordinances of the city.

(e) Signs existing on the effective date of this amendment shall be issued a sign permit within three (3) months of such date by the building inspector. Sign permits shall be displayed on the premises in a location that is easily visible to the building inspector.



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

(10) Approval. It shall be unlawful for any person to erect any sign requiring a permit without first complying with all the following requirements, unless hereafter accepted.

(a) Completion of the sign permit application.

(b) Site plan approval from the planning commission if part of a general site plan.

(c) Approval of the sign administrator.

(d) Issuance of a sign permit shall be kept on display on the premises.

(e) A sign permit shall become expired if erection is not commenced within one hundred eighty (180) days of issuance.

(11) Fees. In order to recoup the administrative costs associated with the processing, approval and issuance of a sign permit and inspecting the signs permitted under this section, except for pole signs, a minimum fee in the amount of twenty-five dollars (\$25.00) for each permit shall be paid to the city for each sign up to twenty-five (25) square feet in area and one dollar (\$1.00) for each additional square foot for each permit issued.

(a) Fees will be waived for non-profit civic organizations.

(12) If any application for a building permit to erect a sign does not fall within the standards and limitations set out herein, then and in that event the application must be reviewed by the board of zoning appeals as a special exception. (1982 Code, § 11-409, as amended by Ord. #\_\_\_\_, Aug. 1982, and Ord. #610, March 1988, and replaced by Ord. #888, Nov. 2012)

**14-410. Mobile homes and mobile home parks.** The following regulations shall apply to mobile homes and mobile home parks:

(1) Mobile homes shall be allowed only in mobile home parks excepting nonconforming mobile homes subject to § 14-502 of this code.

(2) A temporary permit not exceeding three (3) months may be issued for occupancy of a mobile home for the guarding of a construction site. A temporary permit can be renewed not exceeding a total of one (1) year.

(3) Site and lot size requirements for mobile home parks.

(a) No parcel of land containing less than ten (10) acres and less than ten (10) mobile home spaces, available at the time of first occupancy shall be utilized for a mobile home park.

(b) The mobile home park shall be subject to the density provisions of the districts in which it is located; provided, however, there shall be not less than four thousand (4,000) square feet of lot area for each space provided on the site. This space ratio shall include access roads and automobile parking.

(c) The mobile home park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.

(4) Dimensional requirements for parks.

(a) Each mobile home park shall have a front yard of thirty (30) feet extending for the full width of the parcel devoted to said use.

(b) Each mobile home park shall provide rear and side yards of not less than fifteen (15) feet from the parcel boundary.

(c) In instances where side or rear yard abuts a public street, said yard shall not be less than thirty (30) feet.

(d) No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.

(5) Dimensional requirements for mobile home spaces. Each mobile home space shall be of sufficient size that, in addition to the trailer, the following space shall be provided:

(a) Each mobile home space shall be at least thirty (30) feet wide and such space shall be clearly defined by permanent markers.

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

(c) Mobile homes shall be so harbored on each space so that there shall be at least a twenty (20) foot clearance between mobile homes; provided, however, with respect to mobile homes parked end-to-end, the end-to-end clearance shall not be less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.

(d) There shall be at least one (1) paved, off-street parking space for each mobile home space, which shall be on the same site as the trailer served, and may be located in the rear or side yard of said trailer space.

(e) Each mobile home space shall be provided with a paved patio of at least two hundred (200) square feet.

(6) General requirements.

(a) There shall be established and maintained within each mobile home park an automobile parking area for the use of guests. The number of spaces within this area shall be equal to one (1) space for every four (4) trailer sites.

(b) Access roads within a mobile home park shall be paved to a width of not less than twenty-four (24) feet. Said roads shall be constructed to the standards set forth in the Sweetwater Subdivision Regulations.

(c) Mobile home spaces may abut upon a driveway of not less than twenty (20) feet in width, which shall have an unobstructed access to the access road within a mobile home park. The sole vehicular access

shall not be by alley, and all dead-end driveways shall include adequate vehicular turning space or cul-de-sac.

(d) A minimum of six (6) inches of compacted gravel, or other suitable pavement material, should be installed for each trailer space. Size of pads shall be 12' x 50' or larger.

(e) Each mobile home space shall be provided with a connection to the sanitary sewer or to a sewer system approved by the Monroe County Health Officer.

(f) Trailers, with or without toilet facilities, that cannot be connected to a sewer system approved by the health officer shall not be permitted in a mobile home park.

(g) Cabanas, travel trailers, and other similar enclosed structures are prohibited.

(h) Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within a mobile home park.

(i) A mobile home park shall be entirely enclosed, exclusive of driveways, at its external boundaries by a solid wall, fence, or evergreen hedge not less than seven (7) feet in height. Such wall, fence, or hedge shall not be constructed within the required front yard setback.

(j) Each mobile home park shall be permitted to display on each street frontage one identifying sign of a maximum size of nine (9) square feet. Said sign shall contain thereon only the name and address of the mobile home park and may be lighted by indirect lighting only.

(7) Application for permit. Applications for a building permit shall be filed with and issued by the building inspector, subject to the approval of the planning commission. According to § 14-604, each application shall be accompanied by three (3) copies of the plot plan drawn to scale and displaying the following information:

(a) The location and legal description of the proposed mobile home park.

(b) Location and dimensions of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.

(c) The proposed use of buildings shown on the site.

(d) The location and size of all mobile home spaces.

(e) The location of all points of entry and exit for motor vehicles and the internal circulation pattern.

(f) The location of all off-street parking facilities.

(g) The location of all walls, fences, and screens and the indication of their height and the materials of construction.

(h) The location and size of park and recreation areas.

(i) The name and address of the applicant.

(j) Such other architectural, engineering, and topographic data as may be required to permit the health officer, building inspector, and

board of zoning appeals to determine if the provisions of these regulations are being complied with shall be submitted with the plot plan.

(k) A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.

(l) Certification of approval of the sanitary sewer system by the county health officer or signed certificates for public utilities. (1982 Code, § 11-410, modified)

**14-411. Standards for automobile wrecking, junk, and salvage yards.**<sup>1</sup> Because of the nature and character of their operations, automobile wrecking and salvage yards, junkyards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic, and health hazards, and may adversely affect property values by their general appearance. The following standards shall be used as a guide to evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

(1) All motor vehicles stored or kept in such yards 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.

(2) No automobile wrecking, junk, and salvage yard shall be permitted closer than three hundred (300) feet from any residential district.

(3) All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, from eight (8) to twelve (12) feet in height. Storage between the street and such fence or wall is expressly prohibited. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition.

(4) No person shall own or maintain an automobile wrecking, junk, or salvage yard within the City of Sweetwater until he has secured approval from the board of zoning appeals in accordance with § 14-605. (1982 Code, § 11-411)

**14-412. Standards for cemeteries.** (1) The following development standards shall apply to all cemeteries:

(a) The site proposed for a cemetery shall not interfere with the development of a system of streets and in addition shall have direct access to a thoroughfare.

---

<sup>1</sup>Municipal code reference

Junked motor vehicles: title 15, chapter 8.

(b) Any new cemetery shall be located on a site containing not less than ten (10) acres.

(c) All structures and facilities including but not limited to mausoleums, graves, burial lots, monuments, and maintenance buildings shall be set back at least thirty (30) feet from any property line or street right-of-way.

(d) All required yards shall be landscaped and maintained.

(2) Proposals for cemeteries shall be approved by the board of zoning appeals according to § 14-605. (1982 Code, § 11-412)

**14-413. Site plan requirements for commercial, industrial, multifamily, public and semi-public uses.** It is the general purpose and intent of this section to require site plans for all new developments or redevelopments of commercial, industrial, multi-family, public and semi-public uses to provide a site plan to be approved by the planning commission to ensure compliance with this section.

Site plans for shopping center, travel trailer parks, apartments, condominiums and other similar types of projects shall also be developed under the provision of the Planned Unit Development (PUD) regulations set out in § 14-415 of this chapter. Site plans for mobile home parks shall also be developed under the provisions of § 14-410 of this chapter.

In accordance with § 14-801 of this chapter, the planning commission may require a bond for any and/or all improvements proposed on the submitted site plan.

A site plan shall set forth the proposed development of the total land, tract or parcel and shall meet the following site plan requirements:

(1) All site plans shall be prepared and certified by a licensed engineer, landscape architect, architect, or registered land surveyor as may be appropriate and in accordance with state law regarding the practice of these professions.

(2) Drawings shall be at a scale of not less than 1"=20' for small tracts and not less than 1"=50' for large tracts.

(3) North point, scale, acreage of site, and location map.

(4) Proposed square footage for each proposed building.

(5) Dimensions and calls for all property lines.

(6) Topographical data on five (5) ft. contours reflecting existing and finished grades.

(7) Size and dimensions of all existing and proposed structures including required setback lines.

(8) Location of all existing and proposed street rights-of-way, alleys, sidewalks and/or easements.

(9) Location of all existing and proposed signage.

(10) Location of off street loading and unloading zones.

(11) Parking area design to include ingress and egress, vehicular and pedestrian circulation, number and dimension of parking spaces.

(12) Paved parking shall be required, and a bond may be required by the planning commission upon review of the site plan.

(13) All site plans shall provide landscaping for at least ten (10) percent of the front yard.

(14) For all sites one (1) acre or more in size, a certified plan for storm water drainage shall be included with the site plan, which identifies all easements, drainage structures including size/capacities, and other pertinent information concerning the assumptions upon which the plan is based. The estimated storm water runoff based on a twenty-five (25) year storm event shall be calculated for pre-development and post-development. The amount of storm water runoff shall not be increased and shall be accommodated on site.

(15) Location and layout of all existing and/or proposed utilities with the required certificates of approval for such existing and/or proposed public utilities by the Sweetwater Utilities Board. (See below for required certificates to be included on the site plan).

CERTIFICATE OF PUBLIC WATER

I hereby certify that public water is currently available or has been installed as identified on this site plan, or that the developer has entered into an agreement for the needed public water improvements to be installed in an acceptable manner in accordance with the specifications of the Sweetwater Utilities Board standards.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature--Sweetwater Utilities

CERTIFICATE OF PUBLIC SEWER

I hereby certify that public sewer is currently available or has been installed as identified on this site plan, or that the developer has entered into an agreement for the needed public sewer improvements to be installed in an acceptable manner in accordance with the specifications of the Sweetwater Utilities Board standards.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature--Sweetwater Utilities

**14-414. Standards for day care centers.** (1) The following development standards shall apply to all day care centers:

(a) All regulations of the State of Tennessee regarding day care centers shall be met.

(b) The structure which will house the day care center shall be in good condition and certified by the building inspector.

(c) The structure which will house the day care center must meet all current requirements of the Standard Building Code.

(d) The structure which will house the day care center must be approved by the Chief of the Sweetwater Fire Department. He must be certify that there are no potentially hazardous conditions which would be conducive to fire.

(e) There must be adequate parking facilities for staff personnel. At no time will on-street parking be allowed.

(f) The structure which will house the day care center must be utilizing public water, sewer, and solid waste collection.

(g) Appropriate fencing, as required by the State of Tennessee regulations must be installed. Additional fencing may be required.

(h) The board of zoning appeals reserves the right to require additional requirements upon considering the public health, safety, and welfare.

(i) At no time will the yard, grounds, or building structure be allowed to fall into disrepair.

(2) Proposals for day care centers shall be approved by the board of zoning appeals according to § 14-604. (1982 Code, § 11-414)

**14-415. Planned unit development.** The purpose of this district is to provide for the efficient use of land by clustering commercial and residential developments, limiting access points, and minimizing sign clutter. P.U.D.'s are allowed in all commercial and industrial zoning districts. No variances will be permitted from the requirements set below, and these requirements supercede any other requirements set forth in the Sweetwater Zoning Ordinance.

(1) More than one building may be located on the lot.

(2) Each building may be located no closer than twenty (20) feet from another building.

(3) Ten (10) percent of the total land area must be landscaped and a landscaping plan submitted, noting plantings, trees, shrubs, etc.

(4) Parking stalls shall be nine (9) feet by eighteen (18) feet. One parking space shall be required for every four hundred (400) feet of gross floor space.

(5) Driveway access will be permitted as follows:

(a) 100 feet road frontage =one driveway

(b) 101 feet to 200 feet road frontage = two driveways

(c) 201 feet to 400 feet road frontage =three driveways

(d) 401 feet and over = four driveways

Each driveway can be no wider than forty (40) feet. Continuous road frontage access is prohibited. Curbs shall be required to divert traffic into driveways.

(6) All parking areas and driveways must be paved.

(7) One ground sign shall be permitted per P.U.D. developments. Ground signs shall be no higher than thirty (30) feet.

Total square footage of the sign shall not exceed 288 square feet. The setbacks shall meet the requirements for the zoning district in which it is located.

(8) Front yard setbacks are thirty-five (35) feet. Rear yard setbacks are fifteen (15) feet. Side yard setbacks are fifteen (15) feet.

(9) One wall sign, not exceeding forty (40) square feet, shall be permitted for each business in the P.U.D.

(10) Utilities shall be shown on the site plan. The health department must sign the site plan where subsurface sewage disposal is used. The utility departments must also sign.

(11) A site plan in accordance with § 14-413.

(12) Bond shall be posted for utilities, paving of parking areas, landscaping and road construction.

(13) No building shall exceed two stories in height.

(14) The planning commission may require additional site improvements, such as drainage plans and other documents, as conditions warrant. The planning commission may deny the site plan due to inadequacy of information, poor site design, or other factors impeding the public health, safety, and welfare.

(15) All P.U.D.'s must meet the density of the zoning districts in which they are to be located.

(16) Adjacent property owners who develop P.U.D.'s must coordinate site plans with existing developments, where possible driveways between P.U.D.'s are encouraged to facilitate off-street traffic flow. (Ord. #615, Nov. 1988, modified)

**14-416. Special exception criteria for signs.** To allow flexibility in signage height and afford maximum visibility without impairing health, safety, and welfare, the board of zoning appeals is empowered to allow deviations in sign height from the requirements set forth in § 14-409 for all commercial districts. The deviations permitted as a special exception to sign height, shall be reviewed in regard to the following criteria:

(1) No special exception can be granted for a sign if the property on which the sign is to be located does not conform to all requirements of current zoning.

(2) Special exceptions may only be granted where signage within 300 feet of the proposed sign will adversely affect the proposed sign by impairing its visibility.

(3) No special exception can be granted for existing signs constructed prior to the passage of this amendment. Signs removed, on existing commercial



property, after passage of this ordinance may not be replaced with higher signage under this special exception provision.

(4) Applicants must furnish written proof that the sign height requirements will impair visibility due to: blockage due to buildings, other signs, natural factors.

(5) The board of zoning appeals may allow sign height extensions or additions up to twenty-five (25) percent of the existing required sign height. Allowances to exceed sign height requirements will be allowed only the minimum amount to allow compatibility or visibility, and under no circumstances can exceed the twenty-five (25) percent maximum allowance for extended height. The maximum height extension allowance of twenty-five (25) percent shall only be permitted in extreme cases.

(6) Sign height exception may not be permitted where a proposed sign will adversely impact an adjacent sign, impede traffic visibility, or impair the view of adjacent residents. (Ord. #614, Nov. 1988, modified)

**14-417. Fireworks storage.** (1) The storage of Class C fireworks is permitted only in the C-5 Interstate/interchange district and shall be governed by the provisions of Tennessee Code Annotated, §§ 68-22-101 through 68-22-116 and as amended; the most current editions of the Fire Prevention Code (NFPA No.1) and the National Electric Code of the National Fire Protection Association, and these regulations.

(2) Prior to commencing the operation of any business requiring the handling, storage, and/or sales of fireworks, the responsible person or agent shall obtain a municipal privilege license.

(3) Said license may be issued after documentation of the following:

(a) Certification by the building inspector that the site is in a C-5 zoning district and that the building meets minimum standards for the safe storage of fireworks. The review shall consider the following:

(i) Merchandise, product, materials will be stored in an enclosed, secure structure.

(ii) The structure has at least a four (4) hour fire rating.

(iii) The structure has setbacks of no less than thirty (30) feet from all property lines and shall not be adjacent to a residential district.

(iv) The applicant is a state licensed retailer.

(v) The applicant specifies the maximum quantities and time periods that materials will be stored.

(b) Certification by the fire department that the operation meets minimum fire codes for safe operation.

(c) Certification by the police department that it is aware of the proposed location, quantities, and time period(s) that materials will be stored. (Ord. #677, Nov. 1995, modified)

## CHAPTER 5

### EXCEPTIONS AND MODIFICATIONS

#### SECTION

- 14-501. Scope.
- 14-502. Nonconforming uses.
- 14-503. Lots of record.
- 14-504. Minimum lot size.
- 14-505. Exceptions to height limits.
- 14-506. Setback line.

**14-501. Scope.** Chapter 5 of this title is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided for in chapters 3 and 4. (1982 Code, § 11-501)

**14-502. Nonconforming uses.** It is the intent of the zoning code to recognize that the elimination as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of the zoning code is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of the zoning code. It is also the intent of the zoning code to so administer the elimination of nonconforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings, and structures existing at the time of the passage of the zoning code or any amendment thereto shall be allowed to remain subject to the following provisions:

(1) An existing nonconforming use of a building may be changed to a conforming use, to a nonconforming use of the same classification, or to a nonconforming use of a more restrictive classification; provided, however, that establishment of another nonconforming use of the same or more restrictive classification shall be subject to written approval of the board of zoning appeals, and subject to such conditions as the board of zoning appeals may require in order to protect the area.

(2) A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of the zoning code. A nonconforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of the zoning code.

(3) When a nonconforming use of any structure or land, excepting nonconforming mobile homes or mobile home parks, has been discontinued for a period of six (6) months, it shall not be reestablished or changed to any use not in conformity with the provisions of the zoning code. Immediately upon the removal of a nonconforming mobile home or discontinuance of a nonconforming

mobile home park, the nonconformity of such structure and use of land shall lapse.

(4) Any nonconforming building or nonconforming use, which is damaged by fire, flood, wind, or other act of God or man, may be reconstructed and used as before, if it be done within twelve (12) months of such damage, unless damaged to an extent of more than sixty (60) percent of its fair sales value immediately prior to damage, in which case any repair or reconstruction shall be in conformity with the provisions of the zoning code.

(5) A nonconforming building or building housing a non-conforming use shall not be structurally altered except in conformance with the provisions of the zoning code. These provisions shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety. (1982 Code, § 11-502)

**14-503. Lots of record.** Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of the zoning code does not own sufficient land to enable him to conform to the yard or other requirements of the zoning code, an application may be submitted to the board of zoning appeals for a variance from the terms of the zoning code. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the board of zoning appeals is possible.

No lot which is now or hereafter built upon shall be so reduced in area that the yards and open spaces will be smaller than prescribed by the zoning code, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof shall again be considered as a yard, court, or other open space for another building.

Where two (2) or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one (1) or more building sites meeting the minimum requirements of the district in which they are located. (1982 Code, § 11-503)

**14-504. Minimum lot size.** Minimum lot size is determined by the zoning district. In no case shall the board of zoning appeals permit a residence to be erected on a lot whose width at the building line is less than fifty (50) feet and/or whose total lot area is less than five thousand (5,000) square feet. (1982 Code, § 11-504, modified)

**14-505. Exceptions to height limits.** The height limitations of the zoning code shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments; water towers; observation towers; transmission towers; windmills; chimneys; smokestacks; derricks; conveyors; flag poles; radio towers; masts; and aerials. (1982 Code, § 11-505)

**14-506. Setback line.** The setback requirement of the zoning code for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line. (1982 Code, § 11-506)

## CHAPTER 6

### ADMINISTRATION AND ENFORCEMENT

#### SECTION

- 14-601. Administration.
- 14-602. The enforcement officer.
- 14-603. Building permits.
- 14-604. Procedure for authorizing uses permitted on review.
- 14-605. Board of zoning appeals.
- 14-606. Variances.
- 14-607. Amendments.
- 14-608. Remedies.

**14-601. Administration.** Except as otherwise provided, no structure or land shall after the effective date of the provisions of chapters 2 through 7 of this title be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of chapters 2 through 7 of this title shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. (1982 Code, § 11-601)

**14-602. The enforcement officer.** The provisions of chapters 2 through 7 of this title shall be administered and enforced by the building inspector. This official shall have the right to enter upon any premises necessary to carry out the duties in the enforcement of the zoning code. In addition, he shall issue all building permits and make and maintain records thereof, and conduct inspections as prescribed by chapters 2 through 7 of this title and other such inspections as necessary to insure compliance with the zoning code, and in addition, he shall:

- (1) Issue and renew, where applicable, all temporary use permits and make and maintain records thereof.
- (2) Maintain and keep current zoning maps and records of amendments thereto.
- (3) Review all proposed developments, especially those to be located in the floodway or flood fringe areas to insure that all necessary permits have been reviewed for those governmental agencies for which approval is required by state and federal agencies.

(4) Obtain and review base flood elevation data to insure that all new or substantially improved residential structures are in compliance with flood hazard regulations.

(5) Review all subdivision proposals and proposed new developments greater than fifty (50) lots or five (5) acres whichever is lesser to insure that all such developments within the flood fringe areas contain base flood elevation data. (1982 Code, § 11-602, modified)

**14-603. Building permits.** (1) It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures; to commence the moving, alteration, or repair of any structure, including accessory structures; or to commence the filling of land until the building inspector has issued for such work a building permit containing a statement that the plans, specifications, and intended use of such structure in all respects conform with the provisions of the zoning code. Application for a building permit shall be made in writing to the building inspector on forms provided for that purpose.

(2) It shall be unlawful for the building inspector to approve the plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them to be in conformity with the zoning code. To this end, the building inspector shall require that every application for a building permit for excavation, construction, moving, or alteration shall be accompanied by a plan or plat drawn to a scale and showing the following in sufficient detail to enable the building inspector to ascertain whether the proposed excavation, construction, moving, or alteration is in conformance with the zoning code.

(a) The actual shape, location, and dimensions of the lot to be built upon.

(b) The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of any buildings or other structures already on the lot.

(c) The existing and intended use of all such buildings or other structures.

(d) Location and design of off-street parking areas and off-street loading areas. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of the zoning code are being observed.

(3) If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of the zoning code, the building inspector shall issue a building permit for such excavation or construction. If an application for a building permit is not approved, the building inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall, in no case, be construed as waiving any provision of the zoning code, and building permits shall be void after six (6)

months from date of issue unless substantial progress on the project has been made by that time. (1982 Code, § 11-603)

**14-604. Procedure for authorizing uses permitted on review.** The following procedure is established to provide procedures for review of a proposed use by the board of zoning appeals. The procedure shall be the same whether review is required by chapters 2 through 7 of this title or whether a review is requested by the building inspector to determine whether a proposed use is potentially noxious, dangerous, or offensive.

(1) Application. An application shall be filed with the board of zoning appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners and existing land uses within two hundred (200) feet, and any other material pertinent to the request which the board of zoning appeals may require.

(2) Restrictions. In the exercise of its approval, the board of zoning appeals may impose such conditions regarding the location, character, or other features of the proposed uses or buildings as it may deem advisable in the furtherance of the general purposes of the zoning code.

(3) Validity of plans. All approved plans, conditions, restrictions, and rules made a part of the approval of the board of zoning appeals shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.

(4) General requirements. A use permitted on review shall be granted provided that the board of zoning appeals finds that it:

(a) Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;

(b) Will not adversely affect other property in the area in which it is located;

(c) Is within the provision of "uses permitted on review" as set out in chapters 2 through 7 of this title; and

(d) Conforms to all applicable provisions of chapters 2 through 7 of this title. (1982 Code, § 11-605)

**14-605. Board of zoning appeals.** A board of zoning appeals is hereby established in accordance with Tennessee Code Annotated, §§ 13-7-205 through 13-7-207. As permitted by Tennessee Code Annotated, § 13-7-205, the Sweetwater Planning Commission is hereby designated as the board of zoning appeals.

(1) Procedure. Meetings of the board of zoning appeals shall be held at the call of the chairman, and at such other times as the board may determine. Such chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

(2) Appeals to; how taken. An appeal to the board of zoning appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of the zoning code. Such appeal shall be taken by filing with the board of zoning appeals a notice of appeal specifying the grounds thereof. The building inspector shall transmit to the board all papers constituting the record upon which the action appealed was taken. The board shall fix a reasonable time for the hearing of the appeal, give due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

(3) Power. The board of zoning appeals shall have the following powers;

(a) Administrative review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the building inspector or other administrative official in the carrying out of enforcement of any provision of the zoning code.

(b) Special exceptions. To hear and decide application for special exceptions as specified in the zoning code, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the board of zoning appeals is authorized to pass.

(c) Variances. To hear and decide applications for variances from the terms of the zoning code. (1982 Code, § 11-606, as amended by Ord. #768, May 2004)

**14-606. Variances.** The purpose of the variance is to modify the strict application of the specific requirements of chapters 2 through 7 of this title in the case of exceptionally irregular, narrow, shallow, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under the zoning code.

(1) Application. After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the board of zoning appeals.

(2) Standards for variances. In granting a variance, the board shall ascertain that the following criteria are met:



(a) Variances shall be granted only where special circumstances or conditions, fully described in the funding of the board, do not apply generally in the district.

(b) Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.

(c) For reasons fully set forth in the findings of the board, the aforesaid circumstances or conditions are such that the strict application of the provisions of the zoning code would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.

(d) The granting of any variance shall be in harmony with the general purposes and intent of the zoning code and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.

(e) In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the person applying therefor. (1982 Code, § 11-607)

**14-607. Amendments.** The regulations and the number or boundaries of districts established by the zoning code may be amended, supplemented, changed, modified, or repealed by the mayor and board of commissioners, but in accordance with the Tennessee enabling legislation, no amendment shall become effective unless it is first submitted to and approved by the planning commission, or, if disapproved, shall receive a majority vote of the mayor and board of commissioners. The planning commission upon its own initiative may hold a public hearing, public notice of which shall be given, for the consideration of any proposed amendment of the provisions of chapters 2 through 7 of this title or to the zoning map, and report its recommendations to the mayor and board of commissioners. (1982 Code, § 11-608)

**14-608. Remedies.** In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained; or any building, structure, or land is used in violation of the zoning code, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land. (1982 Code, § 11-609)

## CHAPTER 7

### FLOODPLAIN ZONING ORDINANCE

#### SECTION

14-701. Statutory authorization, findings of fact, purpose and objectives.

14-702. Definitions.

14-703. General provisions.

14-704. Administration.

14-705. Provisions for flood hazard reduction.

14-706. Variance procedures.

**14-701. Statutory authorization, findings of fact, purpose and objectives.** (1) Statutory authorization. The Legislature of the State of Tennessee has in Tennessee Code Annotated, §§ 13-7-201 through 13-7-210, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Sweetwater, Tennessee, Mayor and Board of Commissioners, do ordain as follows:

(2) Findings of fact. (a) The City of Sweetwater, Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in title 44 of the Code of Federal Regulations (CFR), ch. 1, section 60.3.

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

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

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

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

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

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

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

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

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

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

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

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

(d) To minimize prolonged business interruptions;

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

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

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

(h) To maintain eligibility for participation in the NFIP. (Ord. #723, Aug. 2000, as replaced by Ord. #842, Nov. 2009)

**14-702. Definitions.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application given its stated purpose and objectives.

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

(a) Accessory structures shall only be used for parking of vehicles and storage.

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

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

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

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

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

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

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

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

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

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

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

(9) "Building" see "structure."

(10) "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.

(11) "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.

(12) "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.

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

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

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

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

(17) "Existing structures" see "existing construction."

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

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

(a) The overflow of inland or tidal waters.

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

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

(21) "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.

(22) "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.

(23) "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.

(24) "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.

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

(26) "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.

(27) "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.

(28) "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.

(29) "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.

(30) "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.

(31) "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.

(32) "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.

(33) "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes offloodplain 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.

(34) "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.

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

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

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

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

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

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

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

(ii) Directly by the Secretary of the Interior.

(37) "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.

(38) "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.

(39) "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 ordinance.

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

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

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

(43) "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 ordinance, 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.

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

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

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

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

(48) "100-year flood" see "base flood."

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

(50) "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.

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

(a) Built on a single chassis;



(b) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck;

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(52) "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.

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

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

(55) "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, AD, A1-30, AE, A99, or AH.

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

(57) "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.

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

(59) "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.

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

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

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

The term does not, however, include either:

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

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

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

(62) "Variance" is a grant of relief from the requirements of this ordinance.

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

(64) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas. (Ord. #723, Aug. 2000, as replaced by Ord. #842, Nov. 2009)

**14-703. General provisions.** (1) Application. This ordinance shall apply to all areas within the incorporated area of the City of Sweetwater, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the City of Sweetwater, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) number 47123CVOOOA and Flood Insurance Rate Map (FIRM), community panel number(s) 47123C0039D, 47123C0110D, 47123C0126D, 47123C0127D, 47123C0128D, 47123C0129D, and 47123C0135D dated February 3, 2010, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

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

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

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

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

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

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

(8) Penalties for violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by

Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Sweetwater, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #723, Aug. 2000, as replaced by Ord. #842, Nov. 2009)

**14-704. Administration.** (1) Designation of ordinance administrator. The building official is hereby appointed as the administrator to implement the provisions of this ordinance.

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

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

(ii) 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 ordinance.

(iii) 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 § 14-705(1) and (2).

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

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by, or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a 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.

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

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

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

(c) 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.

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

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

(f) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with § 14-704(2).

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with § 14-704(2).

(h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-704(2).

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

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

(k) Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (Ord. #723, Aug. 2000, as replaced by Ord. #842, Nov. 2009)

**14-705. Provisions for flood hazard reduction.** (1) General standards. In all areas of special flood hazard, the following provisions are required:

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

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

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

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

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

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

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

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

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

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

(k) 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 USC 1334;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-705(2);

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

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

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-705(1), are required:

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

Within approximate A Zones where base flood elevations have not been established and where alternative data is not available, the

administrator shall require the lowest floor of a building to be elevated to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-702). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

(b) 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 foot (1') above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-702). 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 § 14-704(2).

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

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



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

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

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

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

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 14-705(2).

(d) Standards for manufactured homes and recreational vehicles. (i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels;

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

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

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

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

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-702).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-705(1) and (2).

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

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

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

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

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

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

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

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

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

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (see § 14-705(5)).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-703(2) are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the base flood elevation, velocities, or floodway widths during

the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective flood insurance study for the City of Sweetwater, Tennessee and certification, thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-705(1) and (2).

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-703(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

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

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-705(1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-703(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 14-705(1) and (2).

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

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or

floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-702). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-704(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-705(2).

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

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-705(1) and (2). Within approximate A Zones, require that those subsections of § 14-705(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.

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the special flood hazard areas established in § 14-703(2) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' – 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in § 14-705(1) and (2), apply:

(a) All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRMs, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-705(2).

(b) 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 foot (1') above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three feet (3') above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this ordinance and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-704(2).

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

(7) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-703(2) are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of §§ 14-704 and 14-705 shall apply.

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

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

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-704 and 14-705. (Ord. #723, Aug. 2000, as replaced by Ord. #842, Nov. 2009)

**14-706. Variance procedures.** (1) Municipal board of zoning appeals.

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

(b) Procedure. Meetings of the municipal board of zoning appeals shall be held at such times, as the board shall determine. All

meetings of the municipal board of zoning appeals shall be open to the public. The municipal board of zoning appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the municipal board of zoning appeals shall be set by the legislative body.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-706(1).

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

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

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (Ord. #723, Aug. 2000, as replaced by Ord. #842, Nov. 2009)



## CHAPTER 8

### BONDING REQUIREMENTS FOR ALL SITE PLANS

#### SECTION

14-801. Requirements and procedure.

**14-801. Requirements and procedure.** (1) All site plans presented for review and approval to the Sweetwater Municipal Planning Commission may be required to present the planning commission a bond for improvements shown on the site in the amount of one hundred and twenty (120) percent of cost of said improvements.

(2) Said improvements shown on the site plan can include, but is not limited to, existing road improvements, proposed road construction, driveways, sewer and water extensions or connections, tiles, culverts, drainageways including catch basins, or any other improvements required by the planning commission before the site plan is approved.

(3) The performance bond must be payable to the Sweetwater Municipal Planning Commission and its authorized representative.

(4) The performance bond must be retained for a period of one year from the approval date of the site plan. If improvements have been made within one year period, the planning commission may release the bond after inspection of improvements and approval of those improvements by the planning commission. If improvements have not been installed in a satisfactory manner, the planning commission shall retain and cash the performance bond. (Ord. #541, Dec. 1982, modified)

## CHAPTER 9

### HISTORIC DISTRICTS AND LANDMARKS

#### SECTION

- 14-901. Purpose.
- 14-902. Administration.
- 14-903. Permitted uses.
- 14-904. Historic zoning commission.
- 14-905. Ordinance of designation.
- 14-906. Designation report.
- 14-907. Certificate of appropriateness.
- 14-908. Issuance of certificate of appropriateness.
- 14-909. Remedies.
- 14-910. Enforcement.
- 14-911. Appeals.

**14-901. Purpose.** The heritage of the City of Sweetwater is one of its most valued assets. Conservation of historic properties will stabilize and increase property values in their areas as well as strengthen the overall economy of the city, county and state. By means of identification and regulation of historic properties, the city seeks, within its zoning jurisdiction, to:

(1) Safeguard its heritage and historic character by preserving any property therein that embodies important elements of its culture, history, or architectural history; and

(2) Promote the use and conservation of such district or landmark for the education, economic welfare, pleasure and cultured enrichment of the residents of the city, county, and the state as a whole. (as added by Ord. #781, April 2006)

**14-902. Administration.** Except as otherwise provided, no structure or land shall be used and no structure or part thereof shall be erected, altered, moved, or demolished unless in conformity with the regulations herein specified for the historic district in which it is located. In their interpretation and application, the provisions of chapters 2 through 9 of this title shall be considered minimum requirements adopted for the promotion of public health, safety, and general welfare of the community. Where other ordinances or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. (as added by Ord. #781, April 2006)

**14-903. Permitted uses.** Property and buildings designated in a Historic Overlay District shall be used for the purpose permitted by the base zoning district in effect at the time of historic overlay zoning or subsequent

zoning districts legislatively approved for the site. (as added by Ord. #781, April 2006)

**14-904. Historic zoning commission.** (1) Creation: compensation; appointments. There is hereby established, by the authority of Tennessee Code Annotated, § 13-7-401, et seq., the Sweetwater Historic Zoning Commission to consist of nine (9) persons of which one (1) shall be a representative of a local patriotic or historic organization, one (1) shall be an architect, one (1) shall be a member of the Sweetwater Municipal-Regional Planning Commission or city staff, and the remainder shall be citizens of the City of Sweetwater. All members of the historic zoning commission shall be residents or owners of property within the corporate limits and all members shall serve without compensation. The historic zoning commission members shall be appointed by the mayor and board of commissioners. The terms of members of the historic zoning commission shall be four (4) years, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member, but not more than two (2) members, shall expire each year, (excluding the planning commission member who shall serve according to their planning commission term of up to four (4) years).

(2) Rules of procedure: annual report. The historic zoning commission shall adopt rules of procedure (by-laws) for the conduct of its business. The commission annually shall elect from its membership a chairman, vicechairman, and a secretary. The commission shall establish its own regular meeting time; however, the first meeting shall be held within thirty (30) days of the adoption of this ordinance and regular meetings shall be scheduled once every month. The commission shall keep a record of its members' attendance, meeting minutes, its resolutions, findings and recommendations, which record shall be public records.

An annual report shall be prepared and submitted to the Sweetwater Planning Commission and the mayor and board of commissioners by May 1 of each year. Such report shall include a review of the activities, problems and actions of the historic zoning commission.

(3) Powers. The Sweetwater Historic Zoning Commission is authorized and empowered to undertake such actions as are reasonably necessary to the conduct of its duties and responsibilities outlined in this chapter and Tennessee Code Annotated 13-7-401 et. seq., including, but not limited to, the following:

(a) As soon as practical after its creation, and consistent with the resources available to it, the historic zoning commission shall undertake an inventory of properties of historical, architectural, and cultural significance within its jurisdiction as a guide for the identification and evaluation of landmarks and districts.

(b) Recommend to the mayor and board of commissioners areas to be designated by ordinance as an "historic district overlay" and

buildings, structures, sites or objects to be designated by ordinance as "historic landmarks."

(c) Conduct educational programs with respect to historic properties within its jurisdiction.

(d) Cooperate with the state, federal and local governments in pursuit of the purposes of this chapter.

(e) Review and act upon proposals for alterations, site improvements, demolitions, or new construction within historic districts or of designated landmarks, pursuant to this chapter.

(f) Grant or deny certificates of appropriateness.

(g) Adopt rules for design guidelines to determine appropriateness, whose purpose shall be to ensure, insofar as possible, that changes in designated historic properties shall be in harmony with the reasons for their designation. Said guidelines shall, insofar as possible, be consistent with local, state and federal guidelines and regulations, including, but not limited to, building codes, fire codes and the Secretary of the Interior's Standards for Rehabilitation.

(h) Grant variances from its adopted design guidelines only when special circumstances or conditions, including but not limited to economic hardships; such that the strict application of the guidelines would deprive the property owner of a reasonable use of the property. (as added by Ord. #781, April 2006, and amended by Ord. #874, Nov. 2011)

**14-905. Ordinance of designation.** No ordinance designating a historic district or a historic landmark may be adopted until the following procedural steps have been taken:

(1) The Sweetwater Historical Zoning Commission shall prepare and adopt rules of procedure and prepare and adopt design guidelines not inconsistent with Tennessee Code Annotated 13-7-401 *et. seq.*, or this chapter for altering, restoring, moving, or demolishing properties designated as historic districts or landmarks.

Before said design guidelines are adopted, the proposed design guidelines shall be forwarded to the mayor and board of commissioners for their review and approval. The Sweetwater Historical Zoning Commission shall then hold a public hearing on the proposed guidelines with a minimum 15 days notice of the time and place of said public bearing prior to their adoption of the design guidelines.

(2) The Sweetwater Historical Zoning Commission shall prepare and submit to the Sweetwater Planning Commission a designation report, as described in § 14-906, of the historic, architectural, educational, or cultural significance of each building, structure, site, area, or object proposed for designation. The Sweetwater Planning Commission shall then forward its recommendation, along with the report from the Sweetwater Historical Zoning

Commission, to the mayor and board of commissioners for their review and consideration.

(3) The mayor and board of commissioners shall hold a public hearing on the proposed ordinance of designation with a minimum 15 days public notice of the time and place of said public hearing. Following the public hearing, the mayor and board of commissioners may adopt the ordinance of designation with any amendments it deems necessary, or reject the proposed ordinance. (as added by Ord. #781, April 2006)

**14-906. Designation report.** No ordinance designating a historic district or a historic landmark shall be forwarded to the mayor and board of commissioners for consideration until the designation report has been approved by the Sweetwater Historic Zoning Commission and has received a recommendation from the Sweetwater Planning Commission.

(1) Prepared by the historic zoning commission. If the commission decides that a property or area should be considered for designation, the commission shall make or cause to be made an investigation and report meeting the minimum standards contained in sub-section (3) of this section.

(2) Prepared by the property owner. To receive consideration for designation of a property as historic, a property owner must submit to the historic zoning commission an application meeting the minimum standards contained in sub-section (3) of this section. Applications prepared by owners will be reviewed and evaluated by the same standards as those prepared by the commission.

(3) Contents. Designation reports shall include the following:

(a) The name of the property, both common and historic names if they can be determined.

(b) The name and address of the current property owner.

(c) Identification of property by tax map and parcel.

(d) The date of construction; if available.

(e) An assessment of the significance of the site, structure, or area pursuant to the criteria for designation established in sub-section (7) below.

(f) An architectural or archaeological description of the site, structure, or area.

(g) A historical discussion of the site, structure, or area with its type, period, locality, and significance.

(h) An overall photograph that clearly depicts the property proposed for designation and supplementary photographs showing facades, details and setting.

(i) Tax map with the boundaries of the designated properties marked.

(4) Submission of reports. A designation report prepared by or for the historic zoning commission may be considered at any meeting of the commission

provided that the notification requirements contained in section (5) are met. An application for designation prepared by the property owner and meeting the standards contained in section (3), as identified above, must be received at least 30 days prior to the next meeting of the commission in order to be considered at the meeting.

(5) Notification procedures. When a designation report is to be considered at a commission meeting, the chairperson shall notify by certified mail the owners of the property proposed for designation prior to the meeting at which the matter is to be heard, unless the report has been submitted by the property owner. The chairperson shall also have a notice published in the local paper, not less than 10 days prior to the meeting date, the agenda for the upcoming meeting including the name of all property owners and street addresses of any properties proposed for designation.

(6) Consideration of report. Once the designation report has been prepared, either by the commission or by the property owner, and once the notification requirements of this section have been met, the commission shall consider the report. The commission may accept it, amend it, reject it or recommend further study. Prior to the final action of adopting the designation report, the commission shall indicate the extent to which the property or properties meets the criteria for designation contained in section (7) below.

(7) Criteria for designation. For the purpose of this section, historic designation is defined as geographically definable areas which have a significant individual structure or a concentration, linkage or continuity of sites, buildings, structures, or objects which are united by past events or aesthetically by plan or physical development, and which meet one or more of the following criteria for designation:

- (a) Association with an event which has made a significant contribution to local, state or national history;
- (b) Association with the lives of persons significant in local, state or national history;
- (c) Structures or groups of structures which embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction;
- (d) It has yielded or may likely yield archaeological information important in history or prehistory; or
- (e) It is listed in the National Register of Historic Places. (as added by Ord. #781, April 2006)

**14-907. Certificates of appropriateness.** No exterior features of any structure designated as an historic landmark or within a designated historic district shall be altered, added to, remodeled, new construction, or demolished

until after an application for a certificate of appropriateness of such work has been approved by the Sweetwater Historic Zoning Commission. Therefore;

(1) The Sweetwater Historic Zoning Commission shall serve as a review body with the powers to approve or deny applications for certificates of appropriateness.

(2) In approving or denying applications for certificates of appropriateness, the commission shall accomplish the purposes of this chapter.

(3) The commission shall use its adopted design guidelines for the specific district and or landmark when reviewing an application.

(4) All decisions of the commission shall be in writing and shall state the findings of the commission, its recommendations and the reasons therefore.

(5) A certificate of appropriateness shall expire 6 months after its issuance if work as approved has not begun. If a certificate expires, an applicant may seek a new certificate.

(6) Six months after denial of an application for certificate, the application may be resubmitted without change. A changed application may be resubmitted at any time. (as added by Ord. #781, April 2006)

**14-908. Issuance of certificate of appropriateness.** No building permit shall be issued by the city code enforcement officer, which affects property located within a designated district or is a designated landmark, unless an application for a certificate of appropriateness has been submitted to and approved by the Sweetwater Historic Zoning Commission. Said applications shall be provided to the public by the commission and reviewed in accordance with the following procedure:

(1) When any such application is filed, the code enforcement officer shall notify the commission chairman.

(2) The chairman shall set the agenda for the regular meeting date or set a time and date, which shall be no later than thirty (30) days after the filing of the application.

(3) The chairman shall notify the applicant and all other commission members of the date set for the meeting. Notice of time and place of said hearing shall also be given to the public by publication in a newspaper having general circulation at least 10 days prior to the set meeting date.

(4) At such hearing, the applicant for a certificate of appropriateness shall have the right to present any relevant evidence in support of the application. Likewise, the governing body shall have the right to present any additional relevant evidence in support of the application.

(5) The commission may grant conditional approval.

(6) Either at the meeting or within not more than fifteen (15) days after the hearing on an application, the commission shall act upon it, either approving, denying, on deferring action until the next meeting of the commission. Evidence of approval of the application shall be by certificate of

appropriateness issued by the commission and, whatever its decision, notice in writing shall be given to the applicant and the city building official.

(7) The issuance of a certificate of appropriateness shall not relieve an applicant from the obligation to obtain a building permit, special use permit, variance, or other authorization from compliance with any other requirement or provision of the laws of the city concerning zoning, construction repair, or demolition. (as added by Ord. #781, April 2006)

**14-909. Remedies.** In case any building or other structure herein specified for the district in which it is located is erected, constructed, altered, repaired, or converted in violation of this chapter, the code enforcement officer, other appropriate authority or owner of property in the district who would suffer special damage by such violation, in addition to other remedies to include citation to city court seeking fine of up to \$50 per day or may institute an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; to correct or abate such violation; or to prevent occupancy of such building, structure or land. (as added by Ord. #781, April 2006)

**14-910. Enforcement.** This chapter shall be enforced by the city's building official, who shall have the authority to enter upon any premises necessary to carry out his duties. (as added by Ord. #781, April 2006)

**14-911. Appeals.** Anyone who may be aggrieved by any final order, judgment, or decision of the Sweetwater Historic Zoning Commission may have such order, judgment or decision reviewed by the procedures of statutory certiorari, as prescribed in chapter 8, title 27 of the Tennessee Code Annotated. (as added by Ord. #781, April 2006)



## CHAPTER 10

### LANDSCAPE ORDINANCE

#### SECTION

- 14-1001. Definitions.
- 14-1002. Purpose and intent.
- 14-1003. Applicability.
- 14-1004. Landscape plan submittal.
- 14-1005. Plant installation detail plan.
- 14-1006. Hardships.
- 14-1007. Conflict with other articles in the zoning ordinance and existing zoning conditions.
- 14-1008. Trees projecting over streets, alleys, or sidewalks prohibited.
- 14-1009. Trees, etc., obstructing view at intersections prohibited.
- 14-1010. Street yard requirements.
- 14-1011. Parking lot requirements.
- 14-1012. Screening requirements.
- 14-1013. Plant installation specifications.
- 14-1014. Utility easement policy.
- 14-1015. Maintenance/bonding.
- 14-1016. Certificate of occupancy/bonding.
- 14-1017. Appeals.
- 14-1018. Responsibility and enforcement of policy.

**14-1001. Definitions.** For the purposes of this chapter, the following terms, phrases, and words shall have the meaning given herein:

(1) "Caliper." A measurement of the tree trunk diameter measured at two and one half (2 1/2) feet above grade level.

(2) "Gross floor area." The total interior space as defined by the Southern Building Code.

(3) "Impervious surfaces." Includes concrete, asphalt, brick, metal, or any other material constructed or erected on landscaped or natural buffer areas that impede the percolation of water into the ground.

(4) "Interior parking bay." All parking bays that do not qualify as a perimeter bay.

(5) "Landscaped area/landscape yard." An area to be planted with grass, trees, shrubs or other natural ground cover. No impervious surfaces are permitted in these areas.

(6) "Landscaped island." A landscaped area defined by a curb and surrounded by paving on all sides.

(7) "Landscaped peninsula." A landscaped area defined by a curb and surrounded by paving on three (3) sides.

(8) "Natural buffer." An area of land set aside for preservation in its natural vegetative state. Plants may not be removed with the exception of poisonous or non-native plant species. In addition, fill/cutting activities, storage of materials, and impervious surfaces are not permitted in these areas.

(9) "New development." Construction of a new building or structure on its own lot is considered as new development. New buildings or structures constructed on a lot which already contains existing buildings is considered as an expansion.

(10) "Perimeter bay." All parking bays that are adjacent to the perimeter of a development.

(11) "Screening shrubs." Evergreen shrubs that maintain their foliage year-round.

(12) "Screening trees." Evergreen trees that maintain their foliage year-round.

(13) "Street yard." A designated landscaped area where private property abuts the public street right-of-way for planting of grass, trees, and shrubs. (as added by Ord. #832, Jan. 2009)

**14-1002. Purpose and intent.** The purpose and intent of this section is to preserve and promote the health, safety, and the general welfare of the public; to conserve properties and their values; and to preserve the character of an area by preventing the harmful effects of prejudicial land uses. Landscaping requirements were developed and have evolved over the years because of the many benefits associated with appropriate uses of landscaping within a community. Carefully designed landscaping can preserve the aesthetic character of communities or even improve the aesthetic quality of the built environment. Landscaping can screen undesirable views, interrupt the barren expanse of large parking lots, and relieve the scale of large buildings. Well-chosen landscaping can improve the compatibility between different types or intensities of land uses by providing a visual buffer. It can also deter erosion, promote native wildlife, allow for infiltration of surface water into groundwater resources and reduce the quantity and improve the quality of storm water discharge. (as added by Ord. #832, Jan. 2009)

**14-1003. Applicability.** The requirements of this section shall apply to:

- (1) All new public/private development.
- (2) Existing public/private developments. For existing developments and parking facilities, expansions in gross floor area (GFA) or parking spaces shall trigger landscape requirements based on the scope of work proposed as established below. Where both the building expansion and parking lot expansion requirements are applicable, the building expansion requirements shall supersede:

## (a) Building expansions:

(i) If an existing building, structure, or development is expanded by fifty percent (50%) or more in gross floor area, then the entire building, structure, or development shall comply with the provisions of this chapter.

(ii) If an existing building, structure, or development is expanded by twenty-five percent (25%) to forty-nine percent (49%) of the gross floor area, then the area of expansion of the building, structure, or development shall comply with the provisions of this chapter.

(iii) If an existing building, structure, or development is expanded by twenty-four percent (24%) or less in gross floor area, then the entire building, structure, or development shall be exempt from complying with the provisions of this chapter.

## (b) Parking lot expansions:

(i) If the number of existing parking spaces for an existing building, structure or development is expanded by twenty-five percent (25%) to forty-nine percent (49%), then the area of expansion shall comply with the provisions of this chapter.

(ii) If the number of existing parking spaces for an existing building, structure or development is expanded by fifty percent (50%) or more, then the entire parking lot shall comply with the provisions of this chapter.

(3) Exemptions: One-family detached and two-family residential dwellings are exempt from landscaping requirements. (as added by Ord. #832, Jan. 2009)

**14-1004. Landscape plan submittal.** Proposed developments subject to the provisions of this section shall submit a landscape site plan to the building inspections office. A licensed landscape architect, architect, or engineer may be required to design the landscape plan. Such requirements will be based on the complexity of the conditions, the adjacent properties, and the site itself. This determination will be made by the code enforcement officer, or their designee. This plan may be incorporated into a site plan or parking/paving plan, provided the scale is not less than one (1) inch equals forty (40) feet. The following elements shall be shown on the landscape site plan:

- (1) Zoning of site and adjoining properties;
- (2) Existing and proposed contours at five (5) feet intervals or less;
- (3) Boundary lines and lot dimensions;
- (4) Date, graphic scale, north arrow, title and name of owner, and the phone number of the person or firm responsible for the landscape plan;
- (5) Location of all proposed structures and storage areas;
- (6) Existing and proposed drainage features and 100-year floodplain, if applicable;

- (7) Parking lot layout including parking stalls, bays, and driving lanes;
- (8) Existing and proposed utility lines, and easements;
- (9) All paved surfaces and curbs, including curb breaks/cuts for drainage;
- (10) Existing trees or natural areas to be retained; and
- (11) Location of all required landscaping areas (street yard, landscaped peninsulas, landscaped islands, and screening buffers). (as added by Ord. #832, Jan. 2009)

**14-905. Plant installation detail plan.** Prior to receiving a certificate of occupancy, a plant installation plan shall be submitted to the building inspections office and approved containing the following information:

- (1) Location, installation size, quantity, and scientific and common names of landscaping to be installed; and
- (2) Spacing between trees and shrubs used for screening. The applicant has the option of submitting both the landscape plan and the plant installation detail plan at the same time. (as added by Ord. #832, Jan. 2009)

**14-1006. Hardships.** (1) Intent. This section does not intend to create undue hardship on affected properties. The required landscaping should not exceed fifteen percent (15%) of the total lot area. For existing developments, where the GFA or parking areas are being increased, the loss of off-street parking spaces (required by zoning ordinance) as a result of compliance with the landscaping provisions should not exceed ten percent (10%).

(2) Special administrative remedies. Lots with a depth of one hundred fifty (150) feet or less, or an area of fifteen thousand (15,000) square feet or less, have the following special exceptions:

(a) An automatic fifty percent (50%) reduction in landscape yard depth requirements for screening, street yard, and parking lot landscaping sections; and

(b) A twenty-five percent (25%) reduction in planting requirements for all sections except for the required evergreen plantings for screening. Lots, which front on more than one street, have the following special exception: all street frontages other than the primary street frontage may have a street yard with a minimum depth of four (4) feet. In situations where the landscape requirements would result in the demolition of an existing building, a loss of more than ten percent (10%) of the gross required off-street parking for an existing development; or a loss greater than fifteen percent (15%) of the lot area for development, the following administrative remedies may be applied:

(i) Reduce the required minimum landscaped area widths up to fifty percent (50%); and

(ii) Reduce the tree planting requirements by up to twenty-five percent (25%).

(3) Administrative guidelines. (a) Where possible, reduction of landscaping requirements in one area should be offset by an increase of landscaping requirements in other portions of the site.

(b) The first priority is to provide trees along the street frontage.

(c) The second priority is to provide trees within portions of the parking lot that are highly visible from the street.

(d) A screen should always be provided if it is required by this section. Where there are space limitations or potential sight distance problems, reduce the landscape yard as necessary. If the planting area is less than five (5) feet in width, require a minimum six (6) feet tall wood or composite fence or masonry wall. (as added by Ord. #832, Jan. 2009)

**14-1007. Conflict with other articles in the zoning ordinance and existing zoning conditions.** Where any requirement of this section conflicts with the requirement of another article or existing zoning conditions in the zoning ordinance, the provisions of this landscaping section shall override. (as added by Ord. #832, Jan. 2009)

**14-1008. Trees projecting over streets, alleys, or sidewalks prohibited.** In accordance with title 16 entitled "Streets and Sidewalks, etc." of the Sweetwater Municipal Code, § 16-102. (as added by Ord. #832, Jan. 2009)

**14-1009. Trees, etc., obstructing view at intersections prohibited.** In accordance with title 16 entitled "Streets and Sidewalks, etc." of the Sweetwater Municipal Code, § 16-103. (as added by Ord. #832, Jan. 2009)

**14-1010. Street yard requirements.** (1) Intent. The intent of this section is to add quality and definition to the street by planting trees within a landscaped area along the edges of the right-of-way.

(2) Dimensions. Except for points of access, a street yard shall be provided where the proposed development site adjoins the public street right-of-way. Alleys are exempt from this requirement. The street yard shall have a minimum depth of eight (8) feet as measured from the edge of the public street right-of-way towards the interior of the property. The yard shall consist of sod grass or other natural living ground cover material. No impervious surfaces are permitted in the street yard area. If the area between the street right-of-way and/or property line and the edge of pavement or back of curb is disturbed, that area shall be restored to the original condition prior to disturbance.

(3) Plantings. Trees shall be planted within the street yard at a minimum ratio of one (1) tree per thirty-five (35) linear feet of right-of-way frontage. Trees do not have to be evenly spaced in thirty-five (35) feet increments. Fractions of trees shall be rounded up to the nearest whole number.

The minimum spacing between trees is fifteen (15) feet measured trunk to trunk. The maximum spacing is fifty (50) feet measured trunk to trunk. The trees referred to in this section shall have a minimum expected maturity height of at least twenty-five (25) feet and should be of a species common to southeast Tennessee.

(4) Existing woodlands. Existing woodlands along the street right-of-way frontage can be substituted for the street yard requirements subject to the following:

(a) Existing woodlands to be set aside shall have a minimum depth of twenty-five (25) feet as measured from the public street right-of-way;

(b) Number of woodland trees (not including prohibited trees) having a minimum caliper of six (6) inches shall equal or exceed the minimum street tree planting ratio of one (1) tree per thirty-five (35) linear feet;

(c) No impervious surfaces are permitted within the protected woodlands area except for approved access points to the site or as a part of the storm water plan; and

(d) No cutting/filling activities or storage of materials/equipment are permitted within the protected woodlands.

(5) Exemptions/special situations. Properties adjoining rights-of-way that encroach into established parking areas more than twenty (20) feet have the following street yard options:

(a) Plant street trees within the right-of-way provided written permission is obtained from the owner of the public right-of-way;

(b) If permission cannot be obtained to plant in the right-of-way, no street yard will be required. However, the street trees will be relocated somewhere within the site in an area highly visible from the street. These trees cannot be used to meet requirements in other sections. Existing street trees planted within the right-of-way (not including the center median or opposite side of the street) can be used to meet the street yard requirements.

Where overhead power lines encroach into the street yard, smaller shade trees may be substituted for larger shade trees. Storm water facilities may be located within the street yard subject to the following conditions:

(i) Trees and other living organic materials can be planted along the storm water facility; however, the facility must be maintained in accordance with the storm water management policy;

(ii) The storm water facility must meet all requirements of the City of Sweetwater.

With the written approval of the right-of-way owner, portions of the public right-of-way may be used to meet the street yard requirements. (as added by Ord. #832, Jan. 2009)

**14-1011. Parking lot requirements.** (1) Intent. The intent of this section is to breakup the expanse of asphalt, to provide shade, and to reduce the glare from parked cars and loading docks.

(2) Design criteria. (a) No parking space shall be more than sixty (60) feet from a tree;

(b) Ends of all interior parking bays that contain a minimum of ten (10) contiguous parking spaces shall be bordered on both sides by a landscape island;

(c) Ends of all perimeter parking bays shall be bordered by a landscaped peninsula;

(d) Side and front-facing truck delivery stalls and loading bays shall be screened from the public right-of-way as described below.

(3) Dimensions/planting criteria. Landscaped islands and peninsulas used to meet the landscaping requirements shall have a minimum width of eight (8) feet and a minimum landscaped area of two hundred (200) square feet. Landscaped islands and peninsulas used to meet the landscaping requirements shall be planted with at least one (1) tree. The trees referred to in this parking section shall be of a species common to southeast Tennessee. In the special situations specified below, smaller shade trees may be substituted for larger shade trees:

(a) An overhead obstacle such as a canopy or power line limits the tree height; or

(b) The tree is located within twenty (20) feet of a building. All landscaped islands, and peninsulas shall be bordered by a curb or a wheel stop. Curb breaks should be utilized to allow storm water to enter planted areas. The screening material for loading docks and delivery stalls shall consist of the following:

(i) One (1) row of evergreen shrubs spaced a maximum of five (5) feet on-center or a row of evergreen trees spaced a maximum of ten (10) feet on-center; and

(ii) Provide a landscaped yard with a minimum depth of eight (8) feet for the planted screen. (as added by Ord. #832, Jan. 2009)

**14-1012. Screening requirements.** (1) Intent. To provide a transition between incompatible land uses and to protect the integrity of less-intensive uses from more intensive uses, screening and buffering will be required. The purpose of the screen is to provide a year-round visual obstruction. The buffer provides transition between the incompatible uses by requiring a landscape yard of a minimum specified depth along the shared property line.

(2) Procedure. Refer to the matrix below to determine any screening requirements for the proposed development. First, identify the type of zoning for the proposed development (along the left side of the matrix) and each adjoining property (along the top of the matrix). Find where the zoning of the proposed development and each adjoining property intersect on the matrix. If a screen is required, a capital letter will indicate the type of screen to be applied. A description of each screen type is provided below.

EXISTING					
	Industrial	Commercial	Professional	High-Density Residential	Low-Density Residential
Industrial	Δ	C	B	A	A
Commercial	Δ	Δ	Δ	B	B
Professional	Δ	Δ	Δ	C	C
High-Density Residential	A	B	C	Δ	C

No Screen or buffer required = Δ

ZONING DISTRICTS	
Industrial	M-1, M-2
Commercial	C-2, C-3, C-4, C-5
Professional	P-1
High-Density Residential	R-2, R-3, TND
Low-Density Residential	R-1

(3) Screening types. (a) Type A- thirty (30) feet deep landscape yard planted with:

(i) Evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows {spaced a maximum of seven (7) feet apart} of shrubs spaced a maximum of eight (8) feet on-center; and two (2) rows of shade trees spaced a maximum of thirty-five (35) feet on-center.

(ii) All plantings shall be of a species common to southeast Tennessee.

(b) Type B - twenty (20) feet deep landscape yard planted with:



(i) Evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows {spaced a maximum of seven (7) feet apart} of shrubs spaced a maximum of eight (8) feet on-center; and one (1) row of shade trees spaced a maximum of thirty-five (35) feet on-center.

(ii) All plantings shall be of a species common to southeast Tennessee.

(c) Type C - ten (10) feet deep landscape yard planted with:

(i) Evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows (spaced a maximum of seven (7) feet apart) of shrubs spaced a maximum of eight (8) feet on-center.

(ii) All plantings shall be of a species common to southeast Tennessee.

(d) Type D - Dumpsters to be screened in the manner described below:

(i) Screening shall be a minimum height of six (6) feet;

(ii) All four (4) sides of the dumpster shall be screened;

(iii) The screen should incorporate access to the dumpster by using a wood fence or other opaque device to serve as a gate;

(iv) Screening materials can be any combination of evergreen plantings, wood, composite or masonry material.

(e) Type E - Stormwater facilities located in the landscaped yard subject to the following conditions:

(i) Trees and other living organic materials can be planted along stormwater facility. (as added by Ord. #832, Jan. 2009)

**14-1013. Plant installation specifications.** (1) Intent. All landscaping materials shall be installed in a sound professional manner, and according to professionally accepting good planting procedures. Any landscape material, which fails to meet the minimum requirements at the time of installation, shall be removed and replaced with acceptable materials.

(2) Prohibited plants. The following plants are prohibited from being used to meet these requirements due to problems with hardiness, maintenance, or nuisance:

- Kudzu Vine
- Garlic Mustard
- Purple Loosestrife
- Paulownia
- Japanese Honeysuckle
- Multiflora Rose
- Shrub Honeysuckle
- Siberian Elm

Autumn Olive  
Silver Poplar  
Common Privet  
Mimosa  
Tree of Heaven Mulberry

(3) Non recommended plants. The following plants are not recommended for being used to meet these requirements due to problems with hardiness, maintenance, or nuisance:

Silver Maple  
Bradford Pear  
Birch (as added by Ord. #832, Jan. 2009)

**14-1014. Utility easement policy.** (1) Intent. To avoid damage to utility lines and landscape plantings, all trees and shrubs should be planted outside of existing and proposed utility easements.

(2) Policy. Any tree or shrub used to meet the requirements of this section shall not be located within proposed or existing utility easements unless it meets one of the special exceptions as defined below.

(3) Special exceptions:

(a) Written permission has been obtained from the holder of the utility easement.

(b) Where overhead powerlines cross an area required by the ordinance to be planted with shade trees, smaller shade trees may be substituted.

(4) If none of the special exceptions above apply, the following options shall be considered in order of priority:

(a) Priority 1 - Plant the tree as close to the easement as possible.

(b) Priority 2 - For highly visible areas (street yards, parking lots in front), plant the tree in the same general area where it can be seen from the street or parking lot.

(5) In order to allow fire department personnel adequate visibility and access to fire hydrant locations, a three (3) foot buffer with visibility shall be required/provided around all fire hydrants located in areas where landscaping is required by the provisions of this chapter. (as added by Ord. #832, Jan. 2009)

**14-1015. Maintenance/bonding.** The persons in charge of or in control of the property whether as owner, lessee, tenant, occupant or otherwise, shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in proper, neat and orderly appearance, from refuse and debris, at all times. All unhealthy or dead plant material shall be replaced within one (1) year, or by the next planting period, whichever comes first. Other defective landscape material shall be replaced or repaired within

three (3) months that meet the requirements of this section. (as added by Ord.#832,Jan.2009)

**14-1016. Certificate of occupancy/bonding.** If the landscaping has not been installed and inspected for proper installation prior to receiving certificate of occupancy, a certificate of occupancy may be granted provided the following conditions are met:

(1) Property owner posts a performance bond or irrevocable letter of credit with the city treasurer;

(2) The amount of the bond or letter of credit shall be based on material and installation costs of the uninstalled landscape material, including a (10%) contingency cost, as shown on the submitted landscape plan; and

(3) The cost of the landscaping shall be certified by a licensed contractor.

After receiving the certificate of occupancy, the remaining landscape material shall be installed within six (6) months. The bond or letter of credit shall be called if the required landscaping has not been installed by the end of the six (6) month period, and the funds shall be applied to complete the landscaping work. (as added by Ord. #832, Jan. 2009)

**14-1017. Appeals.** Any person aggrieved by the administration, interpretation, or enforcement of this section may appeal to the board of zoning appeals within thirty (30) days of the decision imposed by the building inspector, city manager, public works director, or any other agent of the City of Sweetwater. Decisions of the board of zoning appeals may be appealed to court of competent jurisdiction. Should any court of competent jurisdiction find any portion of this section to be unlawful or unconstitutional, such finding shall not affect this section as a whole or any portion of it not found invalid. (as added by Ord. #832, Jan. 2009)

**14-1018. Responsibility and enforcement of policy.** This policy is adopted by the Mayor and Board of Commissioners of the City of Sweetwater and by the Sweetwater Regional Planning Commission. Inspection and enforcement of the conditions described in this policy are the responsibility of, but not limited to, the city building inspector, code enforcement officer, or other person(s) as designated by the director of planning and development. Inspection and enforcement of the conditions described in this policy are the responsibility of, but not limited to, the city building inspector, code enforcement officer, or other person(s) as designated by the director of planning and development. (as added by Ord. #832, Jan. 2009)

## CHAPTER 11

### PAIN MANAGEMENT AND METHADONE CLINICS

#### SECTION

- 14-1101. Definitions.
- 14-1102. License required.
- 14-1103. Application for license.
- 14-1104. Standards for issuance of license.
- 14-1105. Permit required.
- 14-1106. Fees.
- 14-1107. Display of license or permit.
- 14-1108. Renewal of license or permit.
- 14-1109. Revocation of license of permit.
- 14-1110. Inspections.
- 14-1111. Penalties and prosecution.
- 14-1112. Invalidity of part.

**14-1101. Definitions.** For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

(1) "Applicant." Owner of clinic who has submitted or is in the process of submitting an application.

(2) "Methadone treatment clinic or facility" means a licensed facility for counseling of patients and the distribution of methadone for out-patient, non-residential purposes only. A methadone treatment clinic or facility is not a medical clinic or substance abuse treatment facility as per the Sweetwater Zoning Ordinance.

(3) "Pain management clinic" means a privately owned facility in which a full-time medical doctor and/or osteopathic physician provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed, opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve (12) month period. A pain clinic does not include a hospital, medical or dental school, nursing school, physician assistant program, outpatient clinic or hospital or clinic operated by the federal government. (as added by Ord. #882, July 2012)

**14-1102. License required.** From and after the effective date of this chapter, no methadone clinic or pain management clinic shall be operated or maintained in the City of Sweetwater without first obtaining a license to operate issued by the City of Sweetwater.

(1) A license may be issued for one (1) methadone or pain management clinic located at a fixed and certain place.

(2) No license or interest in a license may be transferred to any person, partnership, or corporation.

(3) Any existing methadone or pain management clinics at the time of the passage of this chapter must submit an application for a license within one hundred twenty (120) days of the passage of this chapter on second and final reading. If a license is not issued within said one hundred twenty (120) day period, then such existing methadone or pain management clinic shall cease operations.

(4) No license may be issued for any location unless the premises are lawfully zoned for methadone or pain management clinics and unless all requirements of the zoning ordinance are met. (as added by Ord. #882, July 2012)

**14-1103. Application for license.** (1) Any person, partnership, or corporation desiring a license shall make application to the Police Chief of the City of Sweetwater. The application shall be filed in triplicate with and dated by the police chief. A copy of the application shall be distributed promptly by the police chief to the city recorder and to the applicant.

The application for a license shall be upon a form provided by the police chief. The application shall include the following information under oath:

(a) Name and address.

(b) Valid unrestricted license to operate such clinic by a board approved licensed physician to operate in the State of Tennessee.

(c) All residential addresses of the applicant(s) for the past three (3) years.

(d) Demonstrate that all applicable state requirements are met.

(e) A completed questionnaire that addresses the services offered, evaluation methods, treatment methods, the business, occupation or employment of the applicant(s) for five (5) years immediately preceding the date of the application, patient billing procedures, types of controlled substances that will be dispensed and standards implemented to ensure patient quality care.

(f) If the premises are leased or being purchased under contract, a copy of such lease or contract shall accompany the application.

(g) A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

(h) When applicable, proof for a dispenser of controlled substances that compliance with the Tennessee Controlled Substance Database has been met.

(2) Within ten (10) days of receiving the results of the investigation conducted by the Sweetwater Police Department, the police chief shall notify the applicant that his/her application is conditionally granted, denied or held for further investigation. Such additional investigation shall not exceed thirty (30) days unless otherwise agreed to by the applicant. Upon conclusion of such

additional investigation, the police chief shall make a formal recommendation to the City of Sweetwater City Council for the granting of a permit or denial of the permit. The City of Sweetwater City Council shall then consider the application at their regular meeting and make a decision on the application. Following this decision, the police chief shall advise the applicant in writing whether the application was granted or denied and the basis for the decision. All licenses shall further be held pending review/action of the board of zoning appeals.

(3) Whenever an application is denied or held for further investigation, the police chief shall advise the applicant in writing of the reasons for such action.

(4) Failure or refusal of the applicant to give any information relevant to the investigation of the application, or refusal to submit required information and shall be grounds for denial thereof by the police chief. (as added by Ord. #882, July 2012)

**14-1104. Standards for issuance of license.** To receive a license to operate a methadone or pain management clinic, an applicant must meet all state licensing and certification requirements pertaining to such clinic. (as added by Ord. #882, July 2012)

**14-1105. Permit required.** In addition to the license requirements previously set forth for owners and operators of such clinics, no clinic shall begin operations without first obtaining a valid permit issued by the building inspector. (as added by Ord. #882, July 2012)

**14-1106. Fees.** The following fees shall apply to all methadone and pain management clinics within the corporate limits:

(1) A license fee of one thousand dollars (\$1,000.00) shall be submitted with the application for a license. If the application is denied, no fee shall be returned.

(2) A permit fee of two hundred dollars (\$200.00) shall be submitted with the application for a permit. If the application is denied, no fee shall be returned. (as added by Ord. #882, July 2012)

**14-1107. Display of certification, license and permit.** All applicable state certifications, medical licenses, city license and city permit shall be displayed in a conspicuous public place in the clinic. (as added by Ord. #882, July 2012)

**14-1108. Renewal of license.** (1) Every license issued pursuant to this chapter will terminate at the expiration of one (1) year from date of issuance, unless revoked, and must be renewed before operation is allowed in the subsequent years.

(2) Any operator desiring to renew a license shall make application to the police chief. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the police chief. A copy of the application for renewal shall be distributed promptly by the police chief to the city recorder and to the operator. The application for renewal shall be a form provided by the police chief and shall contain such information and data, given under oath or affirmation, as may be required by the city council.

(3) A license renewal fee of one thousand dollars (\$1,000.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of two hundred dollars (\$200.00) shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, no fees collected shall be returned. (as added by Ord. #882, July 2012)

**14-1109. Revocation of license or permit.** The police chief shall revoke a license or permit for any of the following reasons:

(1) Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.

(2) The operator, entertainer, or any employee of the operator, violates any provision of this chapter or any rule or regulation adopted by the city council pursuant to this chapter.

(3) The owner and/or operator becomes eligible to obtain the required license from the applicable board.

(4) Applicable state certification is denied or revoked.

(5) Any cost or fee required to be paid by this chapter is not paid. (as added by Ord. #882, July 2012)

**14-1110. Inspections.** Any law enforcement or code enforcement officer is authorized access to inspect any facility registered under this chapter for proof of registration, at any reasonable hour, without notice. Receipt of or application for a license to operate a pain management clinic is explicit consent to such inspection, even if same be characterized as a search and/or seizure within the meaning of the federal or state constitutions and/or federal or state criminal law or procedure. Nothing in this chapter shall be read to limit the authority of law enforcement in any matter as relates to their authority to conduct criminal investigations. (as added by Ord. #882, July 2012)

**14-1111. Penalties and prosecution.** Any person, partnership, corporation, or other business entity that is found to have violated this chapter shall be fined a definite sum not exceeding fifty dollars (\$50.00) for each violation and shall result in the suspension or revocation of any permit or license. Each violation of this chapter shall be considered a separate offense, and

any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation. (as added by Ord. #882, July 2012)

**14-1112. Invalidity of part.** Should any court of competent jurisdiction declare any section, clause, or provision of this chapter to be unconstitutional, such decision shall affect only such section, clause, or provision of this chapter to be unconstitutional, such decision shall affect only such section, clause, or provision so declared unconstitutional, and shall not affect any other section, clause or provision of this chapter. (as added by Ord. #882, July 2012)