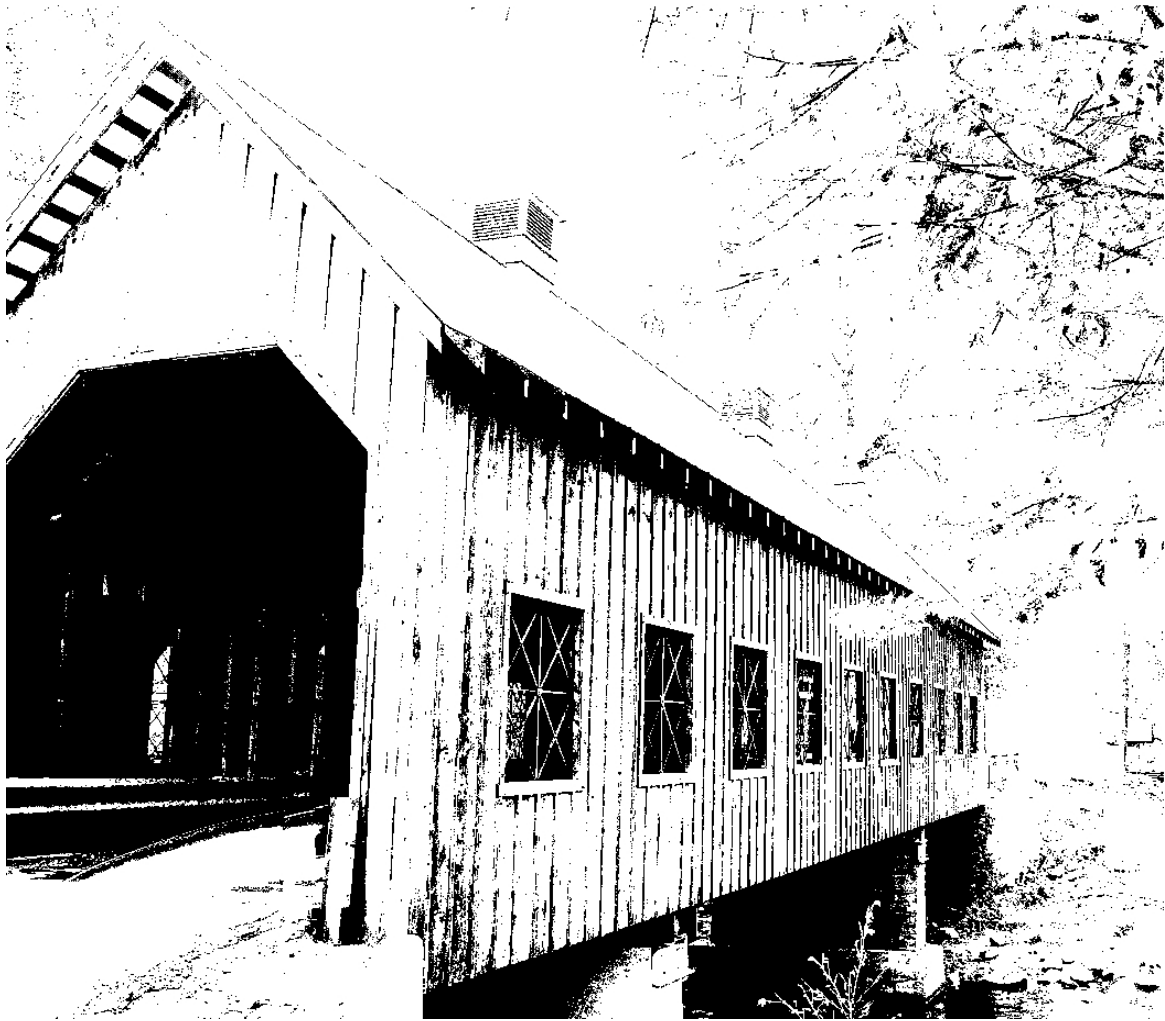


ZONING ORDINANCE



PITTMAN CENTER, TENNESSEE

**INSURING QUALITY DEVELOPMENT THAT DOES NOT CONFLICT WITH, BUT
ENHANCES OUR RELATIONSHIP TO THE GREAT SMOKY MOUNTAIN NATIONAL PARK**

THE PITTMAN CENTER ZONING ORDINANCE

Prepared for

THE PITTMAN CENTER MUNICIPAL-REGIONAL PLANNING COMMISSION

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CHAPTER I

MUNICIPAL PLANNING COMMISSION

11-101. Creation and Purpose

11-102. Membership

11-103. Organization, Rules, Staff, and Finances

11-104. Powers and Duties

SECTION

11-101. Creation and Scope. In order to guide and accomplish a coordinated and harmonious development of the municipality which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, a municipal planning commission is hereby created and established as authorized by Chapter 34 of the Tennessee Public Acts of 1935 and said Commission shall be organized and empowered as follows:

11-102. Membership. The municipal planning commission shall consist of seven (7) members. One of the members shall be the mayor of the City of Pittman Center. One shall be a member of the city council selected by the council and the five (5) remaining members shall be citizens appointed by the mayor and ratified by the council. The terms of the five (5) appointive members shall be for three (3) years, excepting that in the appointment of the first municipal planning commission under the terms of this chapter, two (2) of the five (5) members shall be appointed for terms of three years, two (2) for terms of two (2) years, and one (1) for a term of one year. Any vacancy in any appointive membership shall be filled for the unexpired term by the mayor, with the approval of the council, who shall have the authority to remove any appointive member with the consent of the council. The terms of the mayor and the member selected from the city council shall run concurrently with their membership on the city council. All members shall serve without compensation.

11-103. Organization, Rules, Staff, and Finances. The municipal planning commission shall elect its chairman from among its appointive members. The term of the chairman shall be one year with eligibility for re-election. The commission shall adopt rules for its transactions, findings, and determinations, and shall keep a record of same which record shall be a public record to be filed with the city clerk. The commission may appoint such employees and staff as it may deem necessary for its work and may contract with city planners and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by city council.

11-104. Powers and Duties. From and after the time when the municipal planning commission shall have organized and selected its officers, together with the adoption of its rules of procedure, the commission shall have all the powers, duties, and responsibilities as set forth in Chapter 34, Chapter 44, and Chapter 45 of the Tennessee Public Acts of 1935 and other acts relating to the duties and powers of municipal planning commissions adopted subsequent thereto.

Ordinance No. 58

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF PITTMAN CENTER, TENNESSEE, THAT:

CHAPTER II

ZONING ORDINANCE

SECTION

11-201. Zoning Ordinance and Zoning Map

11-202. Purpose of Zoning Ordinance

11-203. Statement of Principles

11-204. Definitions

11-201. Zoning Ordinance and Zoning Map. Ordinance No. 58, Chapter 2 through 6, inclusive of this code shall be known as the zoning code, and a map entitled "Zoning Map of Pittman Center, Tennessee," dated August 2007 (Ordinance 216, 01/17/2008), and referred to in this code as the zoning map and all explanatory matter thereon is hereby made a part of the zoning code.

11-202. Purpose of Zoning Ordinance. 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 of 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 provisions of transportation, water, sewerage, schools, parks, and other public requirements; and to insure that the growth and development of Pittman Center is consistent and harmonious with the existing pattern, density, and character of development and contributes to the overall quality of life in the community. 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 while insuring quality development throughout the city that does not conflict with, but enhances our special relationship to the Great Smoky Mountains National Park.

11-203. Statement of Principles. The Town of Pittman Center is a special place. Because its entire southern border is the Great Smoky Mountains National Park and its northern border is the Foothills Parkway Pittman Center has a special relationship to the most visited National Park in America and therefore a responsibility of national importance.

In 1989 the town of Pittman Center went through a series of community wide goal-setting activities directed by the Municipal Technical Advisory Service of the University of Tennessee that validated the Town vision statement:

To create and perpetuate a quality living environment and to encourage quality development that supports that end. To encourage development that supports a tourist-oriented economic base that relates to and magnifies our unique relation to and with the Great Smoky Mountains.

The Town of Pittman Center understands that incompatible development adjacent to the national park threatens its visual quality and is detrimental to the values that make it special. The Town of Pittman Center further understands that the Town's future wellbeing is directly tied to maintaining a harmonious relationship with the national park and that its future development should emulate national park values.

Therefore, the Town of Pittman Center recognizes the following principles:

1. Incompatible development, including uses of property on land adjacent and in close proximity to the National Park, threatens the visual quality of the National Park and that of the citizens of the Town.
2. The experience of citizens and visitors is negatively impacted by excessive noise and light generated by urban activities.
3. Beauty begets beauty. Beauty encourages a sense of caring, a sense of pride, and a belief in the future. Nothing attracts tourists more than unspoiled beauty.
4. Ill-sited development and poorly planned growth, which includes inappropriate land use, not only adversely affects visitor experience but also the very quality of life that can attract high-quality jobs and sustainable economic activity to the Town of Pittman Center.
5. Due to topographical conditions strip commercial development is not appropriate for the Town of Pittman Center. Therefore, commercial development should be clustered.

The Town of Pittman Center recognizes that the built environment, including land use, contributes to the visual definition of the Town and as such there should be a consistent character that utilizes materials that complement the natural area in scale, finish, and color. The built environment and land use have a significant impact on how the citizens of Pittman Center and visitors perceive the Town. At its best the built environment, including land use, provides a special human setting in which the values of the town are clarified and reinforced. At its worst the built environment weakens and degrades the experience and detracts from the values that the town has embraced for its future wellbeing and economic stability. (Added Ordinance 188, 6/17/2004)

11-204. Definitions. For the purpose of this zoning ordinance 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."

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

Accessory structure. A subordinate building, located on the same lot as the main building, which is not used as a living quarters and is incidental in use to the main building.

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

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 local, state, and federal health ordinances are complied with. Commercial feed lots, commercial poultry production, commercial swine production, the raising of fur-herding animals, slaughterhouse or stock yard shall not be considered as agricultural use. (Amended by Ordinance 248, 04/29/2013).

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

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.

"Area of shallow flooding" means a designated AO or VO Zone on a community's flood insurance rate map with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Automobile wrecking. The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof.

Automobile wrecking, junk, and salvage yard. Any lot or place which is exposed to the weather and upon which more than one (1) motor vehicle of any kind, incapable of being operated is placed, located, or found.

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

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

Bed and Breakfast. An establishment that provides overnight accommodations contained under one roof, 6 guest rooms and a kitchen facility that prepares and serves one meal a day. (Max. of 2 stories)

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

Buildable area of a lot. That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

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

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.

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.

Building setback line, front. A line delineating the minimum allowable distance between the 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 paralleled to or concentric with the street right-of-way.

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.

Building setback line, side. A line delineating the minimum allowable 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.

Campground, Primitive. Areas designated for camping that have limited improvements such as a fire ring, cleared or partially cleared sites for tent camping, and if possible, potable water. They require little to no grading, paving, or disturbance of the natural environment.

Campground, RV. A plot of land designated for recreational, camping, designed to accommodate Recreational Vehicles (RVs) and motor homes. RV campgrounds typically involve considerable clearing and grading of land and include water and electric hookups, and often also include other amenities.

Condominium. A multi-unit structure offering individual ownership of said units.

Customary Home Occupation. An occupation having the traditional acceptance as being one customarily carried on in the home by the person resident therein, provided such occupation is incidental to the residential use to the extent that no more than 25 percent of the usable floor area of the principal and accessory buildings be occupied by such occupations, and that such occupation shall not require internal or external alterations or construction features or equipment or machinery not customarily in residential areas. In case a question arises as to the degree of traditional custom, the Board of Zoning Appeals shall rule.

Development. Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or other structures, mining, dredging, filling, grading, paving excavation, or drilling operations.

Drainageways. Minor watercourses that often accommodate an intermittent or perennial stream. This includes the area within 65 feet of the center of any perennial stream.

Dwelling. A building or portion thereof, used for residential purposes.

Dwelling, multiple. A building designed for permanent occupancy by two (2) or more families living independently of each other.

Dwelling unit. One (1) or more rooms and a single kitchen designed as a unit for permanent occupancy by only one (1) family for cooking, living, and sleeping purposes. The term shall not include travel trailers, tents, motels, motor homes or similar structures designed or used primarily for transient residents.

Elevated building. A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (post and piers), shear walls, or breakaway walls.

Feedlot. A lot, yard, corral, or other area in which livestock are confined, primarily for the purposes of feeding, growing, raising, or birthing prior to slaughter. Feedlot does not include dairying operations or areas that are used for the raising of crops or other vegetation upon which livestock are allowed to graze or feed.

Flood. An overflow of water onto lands not normally covered by water that results in significant effects in the vicinity. For the purpose of this ordinance, land subject to flood shall be considered to be land which is at an elevation lower than the elevation of the 100 year flood.

Floodplains. The contiguous area adjacent to a lake, stream, stream bed or depressional area, the elevation of which is greater than the normal water or pool elevation but equal to or lower than the projected 100 year flood elevation.

Flood, 100 year. the highest level of flooding that, from statistical data, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year).

Floodway. The channel of the stream and that portion of the adjoining floodplain shown on the Pittman Center zoning map providing for the passage of flood flows.

Floodfringe areas. Areas lying adjacent to but outside the floodway which lie below the elevation of the 100 year flood.

Height of building. The vertical distance from grade plane to the average height of the highest roof surface. In the case of sloped roofs, the average height of the roof is the mid-height between the roof eave and the roof ridge, regardless of the shape of the roof. Reference Appendix 1, Illustration 1

Inn. An establishment that provides overnight accommodations contained under one roof, 12 guest rooms and a kitchen facility that prepares and serves at least one meal a day. (Max. of 2 stories)

Land Disturbing Activity. Land disturbing activity means any activity that changes stormwater runoff rates, volumes and pollutant loads on a site. These activities include, but are not limited to, the grading, digging, cutting, scraping, or excavating of soil, the placement of fill materials, paving, construction, and substantial removal of vegetation. "Land Disturbing Activity" does not include tilling conducted as part of agricultural practices, and any landscaping work (including the above activities) for existing residences or businesses under 5 acres.

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.

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 this ordinance.

Lot, lines. The boundary dividing a given lot from the streets, an alley, service drive or adjacent lots.

Lot of record. A lot which is part of a subdivision prior to the adoption of zoning regulations, recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds, prior to the adoption of zoning regulations.

Manufactured home. A structure (including the term modular home), transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Mean sea level. 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.

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

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 or foundation supports, connection to utilities and the like.

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

Motor Home. A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle. The vehicle must contain permanently installed independent life-support systems and provide at least four of the following facilities: cooking, refrigeration or ice box, self-contained toilet, heating and/or air-conditioning, a potable water supply system including a faucet and sink, separate, 110-125 volt electrical power supply and/or liquid propane gas supply.

Non-commercial agricultural uses. This use designates only those uses from which the occupants will derive direct benefit and use. This designates land which is used for dairying and for the raising of agricultural products, forest products, livestock, or poultry. This designation shall not be construed to include commercial poultry, swine, and production cattle feeder lots and furbearing animal farms, except as may be permitted as a legitimate nonconforming use.

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

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.

Open space. That portion of a lot not occupied by any structure.

Open space ratio. The open space ratio is the total amount of open space in a resource category divided by the total area in that category.

Original Grade. The existing undisturbed ground prior to development activities in the building footprint.

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. Feet in width by eighteen (18) feet in length exclusive of passageways and driveways giving access thereto, and having direct access to a street, alley, or service drive.

Parking Space. An off-street space available for parking one (1) motor vehicle, the space being a minimum of nine(9).

Plat. A map, plan, or layout indicating the location and boundaries of individual properties.

Planned Unit Development. A planned residential, commercial, or industrial development permitting flexibility in the use and design of structures and land.

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

Recreational Vehicle. A vehicular type unit primarily designed as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motive power or is mounted on, or towed by, another vehicle. The basic entities are: camping trailer, fifth-wheel trailer motorhome, park trailer, travel trailer, and truck camper.

Right-of-way. The area or way over which a right-of-way exists; as a strip of land devoted to or over which is built a public road.

Routine maintenance. The painting, installation of siding, roofing, insulation, storm windows, the replacement of existing windows, and other such maintenance activities as be determined by the Building Official.

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.

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

Sign. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided however that the following shall not be included in the application of the regulations herein:

- a. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other relevant identification of premises not having commercial connotations;
- b. Flags and insignia of any government except when displayed in connection with commercial promotion;
- c. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter and not exceeding one (1) square foot in total area per sign face.

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

Sign, off-premise. A sign other than an on-premise sign.

Sinkhole. A depression in the earth's surface formed by the collapse of the subsurface rock structure due to the solution activity of water

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 seven (7) feet or more of head clearance equals 50 percent or more of floor area with seven (7) feet or more of head clearance equals less than 50 percent of the floor area of the story next below shall be a "half-story."

Street. A public right of way set aside for public travel which (a) has been accepted for maintenance by the City of Pittman Center; (b) has been established as a public street prior to the date of adoption of this ordinance; or (c) has been dedicated to the City of Pittman Center for public travel by the recording of a street plan or plat of a subdivision which has been approved by the planning commission.

Structure. Any combination of materials, including buildings, constructed or erected, the use of which require location on the ground or attachment to anything having location on the ground and including among other things, signs, billboards, antennas, satellite dishes (earth stations) and swimming pools.

Swimming pools. An 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 of any point greater than one and one-half (1 1/2) feet.

Townhouse. A single family attached dwelling unit having no other dwelling unit either above or below.

Travel trailer. A vehicular portable structure designed as a temporary dwelling for travel, recreation, and vacation uses.

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

Undisturbed area. Areas that are not permanently or temporarily affected during the development process. This includes any areas that have not been cleared, excavated, filled, or otherwise subject to land disturbing activities.

Undisturbed area ratio. The undisturbed area ratio is the total area of all impervious surfaces in a resource category divided by the total area in that category.

Use. The purpose of which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

CHAPTER III

ZONING DISTRICTS

SECTION

- 11-301. Classification of Districts**
- 11-302. Zoning Map**
- 11-303. Zoning District Boundaries**
- 11-304. RLD, Low Density Single Family Residential District**
- 11-305. R-1, Single Family Residential District**
- 11-306. R-2, Planned Residential District**
- 11-307. TR, Tourist Residential District**
- 11-308. C-1, Neighborhood Commercial District**
- 11-309. C-2, General Highway Commercial District**
- 11-310. C-3, Craft Commercial District**
- 11-311. A-1, Agricultural District**
- 11-312. OR, Open Space/Recreational District**
- 11-313. SLPZ, Scenic Landscape Preservation Zone**
- 11-314. SLPOZ, Scenic Landscape Preservation Overlay Zone**
- 11-315. F-1, Flood Hazard Overlay District**
- 11-316. Area, Yard, Height, and Street Access Requirements**

11-301. Classification of Districts. For the purpose of this ordinance, the City of Pittman Center, Tennessee, is hereby divided into zoning districts as follows:

<u>Zoning District</u>	<u>Abbreviation</u>
RLD, Low Density Single Family Resi. Dist.	RLD
R-1, Single Family Residential Dist.	R-1
R-2, Planned Residential District	R-2
TR, Tourist District	TR
C-1, Neighborhood Commercial Dist.	C-1
C-2, General Highway Commercial Dist.	C-2
C-3, Craft Commercial Dist.	C-3
A-1, Agricultural District	A-1
OR, Open Space/Recreational District	OR
SLPZ, Scenic Landscape Preservation Zone	SLPZ
SLPOZ, Scenic Landscape Preservation Overlay Zone	SLPOZ
F-1, Flood Hazard Overlay District	F-1

(Amended by Ordinance 262, 9/18/2014)

11-302. Zoning Map. The location and boundaries of the zoning

districts established by this ordinance are bounded and defined as shown on the map entitled, Zoning Map of Pittman Center, Tennessee. The zoning map or zoning map amendment shall be dated with 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 Pittman Center, Tennessee, and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

11-303. Zoning District Boundaries. Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets, alleys, or service drives, or the corporate limit lines as they exist at the time of the enactment of the zoning ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.

Where a district boundary divides a lot existing at the time the zoning ordinance 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 portion of said lot as is not more than twenty (20) feet within the more restricted district. It is the intent of each district to encourage the development of compatible uses. The requirements of each district are designed to protect the essential characteristics of the district and the overall character of the town by encouraging high quality development that supports a tourist oriented economic base and is in keeping with our unique relationship to the Great Smoky Mountains.

11-304. RLD, Low Density Residential District. The RLD, Low Density Residential District is established to protect areas of excessive slope, poor soils, and other environmental concerns from destruction while providing for suitable development. Attractiveness, order, efficiency, and safety are encouraged by providing for light, air, and open space for dwellings and through consideration of the proper functional relationship of each given the environmental restrictions of the area. As shown on the Zoning Map of Pittman Center, Tennessee, the following regulations shall apply.

1. Uses Permitted

- a. Single family dwelling units
- b. Accessory buildings or uses customarily incidental to residential uses.
- c. Customary home occupations pursuant to Section 11-403.
- d. Bed and Breakfast and Inn uses as defined in Section 11-204, following approval by the planning

commission, provided that:

416 is reviewed and approved by the planning commission;

- (2) The buildings are placed not less than fifty (50) feet from side and rear property lines;
- (3) There are planted buffer strips with a minimum of ten (10) feet in height along the rear and side property lines;
- (4) That access be restricted to streets classified as Level A, B, or C (see Appendix II) on the official zoning map;
- (5) Any outside lighting of courts, parking lots, or other facilities shall be designed and constructed in such a manner as to not cause inconvenience to other uses in the immediate area.
- (6) Inn uses in the RLD District, as defined in Section 11-204, shall be required to have a minimum of 140,000 square foot lot area in addition to the restrictions placed in this section on Bed and Breakfast uses.

e. Day Care Facilities, subject to approval by the board of zoning appeals, with the following restrictions:
(Added by Ordinance 249, 05/16/2013)

- (1) The facility shall be licensed by the State of Tennessee and shall post such license or otherwise make it available upon request.
- (2) The facility shall not exceed 2,000 gross square feet.
- (3) The number of children within the facility shall not exceed 24 at any given time.
- (4) The applicant shall provide the town with unsealed preaddressed and stamped envelopes containing letters describing the proposed use and notification of the meeting date, time, and location, at least fifteen days prior to the meeting at which the proposal will be considered. These letters are required for all property owners 200 feet in every direction from the property and properties located on the same street if the street is classified as C or D (notification may be limited on some streets due

to street length).

f. Accessory Dwelling Units/Guest House, as regulated in section 11-425.

g. Camping, tents, motor homes, and recreational vehicles on otherwise vacant lots provided:

(1) No camping, tent, motor home, or recreational vehicle shall be located on any lot more than eight (8) weeks within any twelve (12) month period.

(2) No camping, tent, motor home, or recreational vehicle shall be located on any lot more than fourteen (14) consecutive days. Each fourteen (14) day term shall be separated by at least fourteen (14) consecutive days.

(3) Toilet facilities must be supplied as follows:

a) All motor homes and recreational vehicles must have self-contained toilet facilities. These facilities must be emptied at a State approved disposal facility outside the Town of Pittman Center.

b) Camping tents must provide State approved Port-a-Potties.

(3) In special circumstances, such as the construction of your own home, the Board of Zoning Appeals may grant an extension to the above stated time limitations. These extensions may be granted for no more than three (3) months but are renewable if the requestor appears before the Board of Zoning Appeals to give a status report.

(4) Development or operation of a commercial campground is prohibited in the RLD Zone. Both RV and Primitive Campgrounds are only allowed in the TR - Tourist Residential District. Any camping permitted in this section is to be of a non-commercial nature by the owners of individual lots or their non-commercial guests.

2. Height Regulations. The principal structure shall not exceed twenty (20) feet in height except when the structure utilizes a gable or hip roof with all slopes being five vertical to twelve horizontal or greater, then the height from the eave line to the ridge line shall not be counted part of the "height of building." (SEE ILLUSTRATION 1)

Between the eave line and the ridge line there shall be no continuous vertical surfaces that exceed twenty feet horizontal or twenty feet vertical except for the main gable end. The intent here is to allow dormers but to ensure that the dormer ridge is no higher than the main ridge. In no case shall the distance from the average grade to the highest point or ridge line exceed forty (40) feet.

No mechanical equipment shall be placed on the roof. No accessory structure shall exceed ten (10) feet in height except when the structure utilizes a gable or hip roof with all slopes being five vertical to twelve horizontal or greater. The height is measured from the average grade.

3. Lot and Area Regulations. As regulated in Section 11-316.
4. Location of Accessory Structures
 - a. No accessory structure shall be erected in any front or side yard. Accessory structures shall be at least fifty (50) feet from all lot lines and ten (10) feet from any other building on the same lot.
 - b. Accessory structures on corner lots shall conform with front yard setback for both intersecting streets.
5. Off-Street Parking. As regulated in Section 11-404.
6. Building Area. As regulated in Section 11-316.
7. Sewage Treatment System. As regulated in Section 11-417.
8. Signs. As regulated in Section 11-410.

11-305. R-1, Single Family Residential District. The R-1 Residential District is intended to provide areas which are suitable for single family residential development on smaller lot sizes than that of the RLD District due to more favorable environmental conditions and with better street access. As shown on the Zoning Map of Pittman Center, Tennessee, the following regulations shall apply:

1. Uses Permitted
-

- a. Single family dwellings
 - b. Camping, tents, motor homes, and recreational vehicles on otherwise vacant lots provided (Ordinance 231, 9-17-2009):
 - (1) No camping, tent, motor home, or recreational vehicle shall be located on any lot more than eight (8) weeks within any twelve (12) month period.
 - (2) No camping, tent, motor home, or recreational vehicle shall be located on any lot more than fourteen (14) consecutive days. Each fourteen (14) day term shall be separated by at least fourteen (14) consecutive days.
 - (3) Toilet facilities must be supplied as follows:
 - a) All motor homes and recreational vehicles must have self-contained toilet facilities. These facilities must be emptied at a State approved disposal facility outside the Town of Pittman Center.
 - b) Camping tents must provide State approved Port-a-Potties.
 - (4) In special circumstances, such as the construction of your own home, the Board of Zoning Appeals may grant an extension to the above stated time limitations. These extensions shall be granted for no more than three (3) months but are renewable if the requestor appears before the Board of Zoning Appeals to give a status report.
 - (5) Development or operation of a commercial campground (an RV Campground or Primitive Campground as defined in 11-204) is prohibited in the R-1 Zone. Both RV and Primitive Campgrounds are only allowed in the TR - Tourist Residential District. Any camping permitted in this section is to be of a non-commercial nature by the owners of individual lots or their non-commercial guests.
 - c. Accessory buildings or uses customarily incidental to any aforementioned uses.
-

d. Bed and Breakfast and Inn uses as defined in Section 11-204, following approval by the planning commission, provide that:

- (1) A site plan prepared as regulated in Section 11-416 is reviewed and approved by the planning commission;
- (2) The buildings are placed not less than fifty (50) feet from side and rear property lines;
- (3) There are planted buffer strips with a minimum of ten (10) feet in height along the rear and side property lines;
- (4) That access be restricted to streets classified as Level A, B, or C (see Appendix II) on the official zoning map;
- (5) Any outside lighting of courts, parking lots, or other facilities shall be designed and constructed in such a manner as to not cause inconvenience to other uses in the immediate area.
- (6) Inn uses in the R-1 District, as defined in Section 11-204, shall be required to have a minimum of 100,000 square foot lot area in addition to the restrictions placed in this section on Bed and Breakfast uses.

e. Accessory Dwelling Units/Guest House, as regulated in section 11-425.

2. Height Regulations. The principal structure(s) shall not exceed twenty (20) feet in height except that if the structure utilizes a gable or hip roof with all slopes being five vertical to twelve horizontal or greater, then the height from the eave line to the ridge line shall not be counted part of the "height of building." (SEE ILLUSTRATION 1)

Between the eave line and the ridge line there shall be no continuous vertical surfaces that exceed twenty feet horizontal or twenty feet vertical except for the main gable end. The intent here is to allow dormers but to ensure that the dormer ridge is no higher than the main ridge. In no case shall the distance from the average grade to the highest point or ridge line exceed forty (40) feet.

No mechanical equipment shall be placed on the roof. No accessory structure shall exceed ten (10) feet in height except when the structure utilizes a gable or hip roof with all slopes being five vertical to twelve horizontal or greater. The height is measured from the average grade.

3. Lot and Area Regulations. As regulated in Section 11-316.
4. Location of Accessory Structures
 - a. No accessory structure shall be erected in any front or side yard. Accessory structures shall be at least ten (10) feet from any other building on the same lot and fifty (50) feet from rear property line.
 - b. Accessory structures on corner lots shall conform with front yard setbacks for both intersecting streets.
5. Off-Street Parking. As regulated in Section 11-404.
6. Building Area. As regulated in Section 11-316.
7. Sewage Treatment System. As regulated in Section 11-417.
8. Sign. As regulated in Section 11-410.

11-306. R-2, Planned Residential District. The R-2 Planned Residential District is intended to provide areas suitable for multi-family residential development where environmental conditions, street access and capacity, are favorable for higher density development. This district could be considered in any area of Pittman Center where multi-family residential development would not detract from the character of Pittman Center. As shown on the Zoning Map of Pittman Center, Tennessee, the following regulations shall apply:

1. Uses Permitted
 - a. All uses permitted in RLD and R-1.
 - b. Multi-family dwellings, condominiums, and townhouses.
 - c. Planned Unit Developments, subject to the standards and procedures set forth in Section 11-413.
 - d. Mobile Home Parks as regulated in Section 11-411 (minimum of ten acres).
 - e. Accessory buildings or uses customarily incidental to residential uses.

f. Customary home occupations pursuant to Section 11-403.

2. Height Regulations. The principal structure(s) shall not exceed thirty-four (34) feet in height except when the structure utilizes a gable or hip roof with all slopes being five vertical to twelve horizontal or greater, then the height from the eave line to the ridge line shall not be counted part of the "height of building." (SEE ILLUSTRATION 1)

Between the eave line and the ridge line there shall be no continuous vertical surfaces that exceed twenty feet horizontal or twenty feet vertical except for the main gable end. The intent here is to allow dormers but to ensure that the dormer ridge is no higher than the main ridge. In no case shall the distance from the average grade to the highest point or ridge line exceed fifty-five (55) feet.

No mechanical equipment shall be placed on the roof. No accessory structure shall exceed ten (10) feet in height except when the structure utilizes a gable or hip roof with all slopes being five vertical to twelve horizontal or greater. The height is measured from the average grade.

3. Lot and Area Regulations. As regulated in Section 11-316.
4. Density Requirements. The maximum number of dwelling units per lot in the R-2 Planned Residential District shall be regulated in section 11-316.
5. Street Access. Access shall be restricted to streets classified as Level A or B (see Appendix II) on the official zoning map.
6. Location of Accessory Structures. No accessory structure shall be erected in any front or side yard. Accessory structures shall be at least ten (10) feet from any other building on the same lot and fifty (50) feet from rear property line.
7. Off-Street Parking. As regulated in Section 11-404
8. Building Area. As regulated in Section 11-316.
9. Sewage Treatment System. As regulated in Section 11-417
10. Signs. As regulated in Section 11-410

11-307. TR, Tourist Residential District. The TR Tourist Residential District is intended to provide areas suitable for Hotel/Motel

residential development where environmental conditions, street access and capacity, are favorable for higher density development. This district could be considered in any area of Pittman Center where it would not detract from the character of Pittman Center. As shown on the Zoning Map of Pittman Center, Tennessee, the following regulations shall apply:

1. Uses Permitted

- a. Time Share, Motels/Hotels including restaurants contained within the establishment.
- b. Primitive Campgrounds, subject to approval by the board of zoning appeals, with the following restrictions:
 - 1. Approval of a site plan prepared as regulated in Section 11-416
 - 2. Sufficient access for emergency vehicles, as determined by the Planning Commission.
 - 3. Determination by Planning Commission that the campground, based on the site plan and any additional data needed, will not be a nuisance to surrounding properties, particularly for campgrounds proposed in residential areas.
- c. RV Campgrounds, subject to the following conditions:
 - 1. The owner of the land parcel proposed for a campground shall submit a plan for development to the Pittman Center Municipal/Regional Planning Commission. The plan shall be in accordance with the site plan requirements found in Section 11-416 of this ordinance. In addition to those requirements, the plan shall show:
 - a) The location, width, and slope of all roadways and walkways.
 - b) The location of all permanent structures, equipment, and facilities for refuse disposal and other improvements.
 - c) The location of any flood hazard areas, if applicable.
 - d) A tree survey on an accurately scaled site plan/plat prepared by a Registered Land Surveyor, Arborist, or Landscape Architect. The tree survey, at a minimum, must include:

- d)
 - 1. The size and location of all trees over twelve (12) inches in diameter (Caliper measurement 3 ft above ground) within the development area while delineating the areas that will not be disturbed. Dead and diseased trees should be noted as such.
 - 2. Location, species and diameter (if over 12") of trees that are intended to be removed.
 - 3. Location, species, diameter (DBH), spacing and setback of each proposed new tree.
 - 4. All attempts must be made to preserve as many specimen trees as possible - defined as overstory trees with a diameter of at least 24"; tree survey must note the specimen trees that are intended to be removed. Planning Commission may require alteration of site plan to preserve specimen trees.
- e) Any other information deemed pertinent by the planning commission.

2. General requirements for RV campgrounds:

- a) A campground shall be located on a single lot or on adjacent lots of the same ownership, a minimum of ~~600~~ one-hundred and forty (140) feet from any residence, 50 ft from any property line, and planned so as to facilitate the efficient management and administration of the campground.
- b) The tract of land designated to be used as an RV campground shall consist of a large enough lot ~~area of ten (10) acres.~~ to meet all open space and buffering requirements, sewer disposal requirements and any other requirements that the Planning Commission requires.
- c) Overnight rentals for more than 29 consecutive days are prohibited.
- d) Thirty percent of the site, in addition to

the 50 foot setback area, shall be left undisturbed.

- e) A loop or other system of internal private roads shall be built so that all campground spaces take their access from such internal roads rather than directly from a public road to provide safe and convenient movement of traffic in and out of the campground or as prescribed by the planning commission.
- f) The roads within a campground shall comply with the following:
 - 1. One-way street minimum of 11 feet wide (with no on-street parking).
 - 2. Two-way street minimum of 18 feet wide (with no on-street parking).
 - 3. Pavement is required for the first 30 feet of any internal road that acts as an access point to a paved public road.
 - 4. Internal roads shall be made of pervious or semi-pervious materials wherever possible, so as to reduce stormwater runoff and pollution into waterways as well as allow the natural infiltration of water back into the soil.
 - 5. All roads shall be maintained free of debris, pot holes, and mud.
- g) A buffer strip shall be composed of native plant material to provide an obscuring screen consisting of low growing trees or shrubs spaced not more than five feet apart that will grow to at least five feet in width and six feet in height after one full growing season. Buffer strips shall be a minimum of ten feet in width and shall be landscaped with trees, grass and in a manner as specified by the planning commission for review and final determination. Other material or method of screening than that outlined above may be approved by the planning commission.
- h) The campground shall be adequately lighted, however, the prevention of light pollution must be considered by doing the following:

1. Exterior lights should be fully shielded and downcast (45 degrees).
2. Lighting should be concentrated in functional areas.
3. Flood lighting should be motion activated.
4. No lighting is allowed above eaves or parapets.
5. No landscape or any other continuous lighting over 75 watts is allowed.
6. Lights should be arranged to create zero light impact at boundary lines.

i) The storage, collection, and disposal of garbage and refuse within a campground shall be so managed as to create no health hazards. All refuse shall be stored in fly-tight, watertight, and bear/rodent-proof containers.

j) Each campground shall provide one (1) parking spaces per campground space. Each parking space shall be at least ten (10) feet by twenty (20) feet.

3. Each RV campground site shall meet the following minimum standards:

a) Each campground space shall be situated so that there is at least thirty (30) feet between each campground space, which shall be "common area" between campsites.

b) Camp sites and RV/motor home sites shall be located no closer than twenty (20) feet or the width of the stream, whichever is greater, to any stream bank, or within twenty (20) feet of any area that has a slope greater than 20 percent.

d) All structures built within the special flood hazard area shall meet the requirements of the Municipal Floodplain Zoning Ordinance of Pittman Center. RV Campgrounds in the

Floodplain must comply with all FEMA requirements for development in the floodplain.

- e) Any RV campground that lies either wholly or partially in the special flood hazard area shall have an emergency warning and evacuation system in case of flash flooding.
 - e) The site shall not be exposed to objectionable smoke, noise, odors, insect or rodent harborage or other adverse influences.
 - f) The site shall have facilities for sewage disposal.
 - g) No storage of recreational vehicles or motor homes that are not in use is allowed.
-
- c. Multi-family uses devoted entirely to overnight rentals.
 - d. Accessory buildings or uses customarily incidental to residential uses.
 - e. Public parks and public recreational facilities.
 - f. Planned Unit Developments, subject to the standards and procedures set forth in Section 11-413.
 - g. Assembly Halls catering primarily to visitors and tourists, with an occupancy not to exceed 350, limited to the following uses: wedding receptions, family reunions, and organizational retreats.

2. Height Regulations. The principal structure(s) shall not exceed thirty-four (34) feet in height except when the structure utilizes a gable or hip roof with all slopes being five vertical to twelve horizontal or greater, then the height from the eave line to the ridge line shall not be counted part of the "height of building." (SEE ILLUSTRATION 1)

Between the eave line and the ridge line there shall be no continuous vertical surfaces that exceed twenty feet horizontal or twenty feet vertical except for the main gable end. The intent here is to allow dormers but to insure that the dormer ridge is no higher than the main ridge. In no case shall the distance from the average grade to the highest point or ridge line exceed fifty-five (55) feet.

No mechanical equipment shall be placed on the roof. No accessory structure shall exceed ten (10) feet in height except when the structure utilizes a gable or hip roof with all slopes being five vertical to twelve horizontal or greater. The height is measured from the average grade.

3. Lot and Area Regulations. As regulated in Section 11-316.
4. Density Requirements. The maximum number of dwelling units per lot in the TR District shall be as approved through the site plan process.
5. Street Access. Access shall be restricted to streets classified as Level A (see Appendix II) on the official zoning map.
6. Location of Accessory Structures. No accessory structure shall be erected in any front or side yard. Accessory structures shall be at least ten (10) feet from any other building on the same lot and fifty (50) feet from rear property line.
7. Off-Street Parking. As regulated in Section 11-404.
8. Building Area. As regulated in Section 11-316.
9. Sewage Treatment System. As regulated in Section 11-417
10. Signs. As regulated in Section 11-410

11-308. C-1, Neighborhood Commercial District. The C-1 District is intended to provide areas suitable for neighborhood commercial development where environmental conditions, street access and capacity, are favorable for higher density development. This district could be considered in any area of Pittman Center where it would not detract from the character of Pittman Center. As shown on the Zoning Map of Pittman Center, Tennessee, the following regulations shall apply: (Amended by Ordinance 172, 8/16/2001)

1. Uses Permitted

- a. Retail establishments not to exceed 2000 gross square feet and having no permanent outdoor storage or outdoor display of merchandise. The following uses shall be permitted:

- (1) Video Sales and Rentals
- (2) Electronic Equipment
- (3) Convenience Store
- (4) Delicatessen
- (5) Business Support
- (6) Craft Shop
- (7) Any similar use as determined by the Board of Zoning Appeals.

- b. Professional Service Offices not to exceed 2000 gross square feet and having no permanent outdoor storage or outdoor display of services. The following uses shall be permitted:

- (1) Financial Service
- (2) Insurance Office
- (3) Real Estate Office
- (4) Law Office
- (5) Accounting Office
- (6) Surveying Office
- (7) Engineering Office
- (8) Architectural Office

- (8) Architectural Office
- (9) Medical Office
- (10) Dental Office
- (11) Any similar uses as determined by the Board of Zoning Appeals.

c. Personnel Service establishment not to exceed 2,000 gross square feet and having no permanent outdoor storage or outdoor display of services. The following uses shall be permitted:

- (1) Barber Shop

- (2) Beauty Shop

- (3) Electronic Repair Shop

- (4) Taylor Shop

- (5) Shoe Repair Shop

- (6) Any similar uses as determined by the Board of Zoning Appeals.

d. Day Care Facilities not to exceed 2,000 gross square feet.

e. Public parks and public recreational facilities.

f. Planned Unit Developments, subject to the standards and procedures set forth in Section 11-413.

g. Churches and other places of worship.

2. Height Regulations. The principal structure(s) shall not exceed twenty (20) feet in height except when the structure utilizes a gable or hip roof with all slopes being five vertical to twelve horizontal or greater, then the height from the eave line to the ridge line shall not be counted part of the "height of building." (SEE ILLUSTRATION 1)

Between the eave line and the ridge line there shall be no continuous vertical surfaces that exceed twenty feet horizontal or twenty feet vertical except for the main gable end. The intent here is to allow dormers but to insure that the dormer ridge is no higher than the main ridge. In no case shall the distance from the average grade to the highest point or ridge line exceed forty (40) feet.

No mechanical equipment shall be placed on the roof. No accessory structure shall exceed ten (10) feet in height except when the structure utilizes a gable or hip roof with all slopes being five vertical to twelve horizontal or greater. The height is measured from the average grade.

3. Street Access. The C-1 Neighborhood Commercial District shall be restricted to streets classified as A, B, or C, (see Appendix II) on the official zoning map.
4. Lot and Area Regulations. As regulated in Section 11-316.
5. Density Requirements. The maximum number of units per lot in the C-1 District shall be as approved through the site plan process.
6. Location of Accessory Structures. No accessory structure shall be erected in any front or side yard. Accessory structures shall be at least ten (10) feet from any other building on the same lot and fifty (50) feet from rear property line.
7. Off-Street Parking. As regulated in Section 11-404
8. Building Area. As regulated in Section 11-316
9. Sewage Treatment System. As regulated in Section 11-417
10. Signs. As regulated in Section 11-410
11. Outdoor Display and Scale of Merchandise. As regulated in Section 11-419 (Added by Ordinance 172, 8/16/2001)

11-309. C-2 General Highway Commercial District. The purpose of the General Highway Commercial District is to provide for the general highway commercial activity along U.S. Highway 321. Regulations are designed to preserve the traffic-carrying capacity of the streets and to provide for off-street parking and loading. (Amended by Ordinance 189, 6/17/2004)

1. Uses Permitted.

- a. All uses allowed in the C-1 District.
- b. All uses allowed in the TR (Tourist Residential) District.
- c. Restaurants.
- d. Lodges and Clubs.
- e. Grocery Stores (including gasoline dispensing).
- f. Appliance and Small Engine Repair Services.
- g. Apparel Stores.
- h. Home Furnishings.
- i. Commercial Landscaping.
- j. Outdoor Recreation Equipment Rental, Related Services, Central Check-in, and Dropoff. (Includes related services and rental of equipment for activities such as hiking, camping, canoeing, tubing, or other similar activities.
- k. Accessory Uses or Buildings
- l. Commercial Parking Lots.
- m. Similar uses as determined by the Board of Zoning Appeals.

2. Height Regulations. The principal structure(s) shall not exceed thirty four (34) feet in height except that if the structure utilizes a gable or hip roof with all slopes being five vertical to twelve horizontal or greater, then the height from the eave line to the ridge line shall not be counted part of the "height of building." (SEE ILLUSTRATION 1)

Between the eave line and the ridge line there shall be no continuous vertical surfaces that exceed twenty feet horizontal or twenty feet vertical except for the main gable end. The intent here is to allow dormers but to insure that the dormer ridge is no higher than the main ridge. In no case shall the distance from the average grade to the highest point or ridge line exceed fifty-five (55) feet.

No mechanical equipment shall be placed on the roof. No accessory structure shall exceed ten (10) feet in height except when the structure utilizes a gable or hip roof with all slopes being five vertical to twelve horizontal or greater. The height is measured from the average grade.

3. Street Access. The C-2 General Highway Commercial District shall be restricted to streets classified as A see Appendix II. (Amended by Ordinance 189, 6/17/2004)
4. Lot and Area Regulations. As regulated in Section 11-316.
5. Density Requirements. The maximum number of units per lot in the C-2 District shall be as approved through the site plan process.
6. Location of Accessory Structures.
 - a. No accessory structure shall be erected in any front or side yard. Accessory structures shall be in the rear yard and five (5) feet from any other building on the same lot.

- b. Accessory structures on corner lots shall conform with front yard setback for both intersecting streets.
- 7. Off-Street Parking. As regulated in Section 11-404.
- 8. Side Building Setback Line on Corner Lots. The minimum width of building setback along an intersecting street shall be thirty-five (35) feet.
- 9. Building Area. As regulated in Section 11-316
- 10. Sewage Treatment System. As regulated in Section 11-417.
- 11. Signs. As regulated in Section 11-410.
- 12. Outdoor Display and Sale of Merchandise. As regulated in Section 11-419 (Added by Ordinance 172, 8/16/2001)

11-310. C-3, Crafts Commercial District. It is the intent of this district to establish areas for the production and retail distribution of local arts and crafts. The requirements are designed to protect the essential characteristics of the district and provide protection for the surrounding neighborhood. In order to achieve the intent of the C-3, Crafts Commercial District, as shown on the Zoning Map of the City of Pittman Center, Tennessee, the following uses are permitted:

- 1. Uses Permitted
 - a. Any use permitted in RLD and R-1 Districts;
 - b. Arts and craft shops when at least 50 percent of the goods displayed are produced on the premises;
- 2. Height Regulations. The principal structure(s) shall not exceed twenty (20) feet in height except that if the structure utilized a gable or hip roof with all slopes being five vertical to twelve horizontal or greater, then the height from the eave line to the ridge line shall not be countered part of the "height of building." (SEE ILLUSTRATION 1)

Between the eave line and the ridge line there shall be no continuous vertical surfaces that exceed twenty feet horizontal or twenty feet vertical except for the main gable end. The intent here is to allow dormers but to insure that the dormer ridge is no higher than the main ridge. In no case shall the distance from the average grade to the highest point or ridge line exceed forty (40) feet.

No mechanical equipment shall be placed on the roof. No accessory structure shall exceed ten (10) feet in height

except when the structure utilizes a gable or hip roof with all slopes being five vertical to twelve horizontal or greater. The height is measured from the average grade.

3. Street Access. Access is restricted to streets classified as A, B, or C (see Appendix II). (Amended by Ordinance 201, 6/15/2006)
4. Lot and Area Regulations. As regulated in Section 11-316.
5. Density Requirements. The maximum number of units per lot in the C-3 District shall be as approved through the site plan process:
6. Location of Accessory Structures.
 - a. No accessory structure shall be erected in any front or side yard. Accessory structures shall be in the rear yard and five (5) feet from any other building on the same lot.
 - b. Accessory structures on corner lots shall conform with front yard setback for both intersecting streets.
7. Off-Street Parking. As regulated in Section 11-404.
8. Building Area. As regulated in section 11-316.
9. Sewage Treatment System. As regulated in Section 11-417.
10. Signs. As regulated in Section 11-410.
11. Outdoor Display and Sale of Merchandise. As regulated in Section 11-419 (Added by Ordinance 172, 8/16/2001)

11-311. A-1, Agricultural District The A-1 District is intended to provide areas which are suitable for agricultural, forestry, and rural residential development. Within the A-1 District, as shown on the Zoning Map of Pittman Center, Tennessee, the following regulations plus the other applicable provisions of this zoning ordinance shall apply: (Added by Ordinance 248, 04/29/2013)

1. Permitted Uses and Structures:

- a. All uses allowed in the RLD District.

- b. Agriculture, as defined in Section 11-204 of this ordinance. Including barns, silos, stables, etc.
 - c. Rural Business such as produce stands, commercial greenhouses, and sales of products grown or raised on the premises.
 - d. Accessory building or uses customarily incidental to any aforementioned uses.
 - e. Certain signs, provided that the regulations in Section 11-410 (2) generally, and Section 11-410 (7) for rural businesses are complied with.
2. Special Exceptions. In the A-1 District, the following uses and their accessory uses may be permitted subject to the approval by the Pittman Center Board of Zoning Appeals in accordance with the provisions of Section 11-605 (2) (b).
- a. Cemeteries.
 - b. Fisheries and related activities and services.
3. Uses Prohibited. In the A-1, Agriculture District, all uses except those uses or their accessory uses specifically permitted or permissible on review by the Pittman Center Board of Zoning Appeals are prohibited.
4. Height Regulations. The principal structure(s) shall not exceed thirty four (34) feet in height except when the structure utilizes a gable or hip roof with all slopes being five vertical to twelve horizontal or greater, then the height from the eave line to the ridge line shall not be counted part of the "height of building." (SEE ILLUSTRATION 1)

Between the eave line and the ridge line there shall be no continuous vertical surfaces that exceed twenty feet horizontal or twenty feet vertical except for the main gable end. The intent here is to allow dormers but to insure that the dormer ridge is no higher than the main ridge. In no case shall the distance from the average grade to the highest point or ridge line exceed forty (40) feet.

No mechanical equipment shall be placed on the roof. Agricultural structures (primary or accessory) may exceed the maximum height established in these regulations if functional necessity can be proven to

Pittman Center Board of Zoning Appeals.

5. Lot and Area Regulations. As regulated in Section 11-316, except where existing lots of record that are adjoining (or separated only by a right of way, easement, or body of water) and are under common control or ownership. The Pittman Center Board of Zoning Appeals may count the total acreage of the lots as if they were combined when determining the suitability of the property for this zoning designation.
6. Off-Street Parking. As regulated in Section 11-404.
7. Building Area. As regulated in Section 11-316.
8. Sewage Treatment System. As regulated in Section 11-417.
9. Accessory Use Regulations. The uses of land, buildings, and other structures permitted in each of the districts established by the ordinance are designed by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:
 - a. Be customarily incidental to the principal use established on the same lot.
 - b. Be subordinate to and serve such principal use.
 - c. Be subordinate in area, intent, and purpose to such principal use.
 - d. Contribute to the comfort, convenience, or necessity of users of such principal use.
10. Location of Accessory Buildings.
 1. 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 twenty-five (25) feet from any other building on the same lot.
 2. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets

11. OR, Open Space/Recreational District

Space/Recreational District is established to protect areas of excessive slope, poor soils, and other environmental concerns from destruction while providing for suitable development. Attractiveness, order, efficiency, and safety are encouraged by providing for light, air, and open space for natural habitats and recreational activity and through consideration of the proper functional relationship of each given the environmental restrictions of the area. As shown on the Zoning Map of Pittman Center, Tennessee, the following regulations shall apply.

1. Uses Permitted

- a. All uses allowed in the RLD District.
- b. Agricultural and forestry activities on tracts of land being five (5) acres or greater.
- c. Accessory buildings or uses customarily incidental to single family residential, agricultural, and forestry uses.
- d. Customary home occupations pursuant to Section 11-403.
- e. Recreational uses including golf courses, tennis courts, hiking trails, non-motorized biking trails, swimming facilities, and other similar uses as determined by the Board of Zoning Appeals. The following requirements shall apply: (Amended by Ordinance 228 07/16/2009)
 - (1) A site plan prepared as regulated in Section 11-416 is reviewed and approved by the planning commission;
 - (2) The buildings are placed not less than fifty (50) feet from side and rear property lines;
 - (3) There are planted buffer strips with a minimum of ten (10) feet in height along the rear and side property lines for all recreational uses;
 - (4) That access for recreational uses be restricted to streets classified as Level A, B, or C (see Appendix II) on the official zoning map;
 - (5) Any outside lighting of courts, parking lots, or other facilities shall be designed and constructed in such a manner as to not cause inconvenience to other uses in the immediate area.

(6) That agricultural and forestry activities with all city codes regarding removal of vegetation, erosion control, water quality protection, and livestock maintenance.

2. Height Regulations. The principal structure(s) shall not exceed twenty (20) feet in height except when the structure utilizes a gable or hip roof with all slopes being five vertical to twelve horizontal or greater, then the height from the eave line to the ridge line shall not be counted part of the "height of building." (SEE ILLUSTRATION 1)

Between the eave line and the ridge line there shall be no continuous vertical surfaces that exceed twenty feet horizontal or twenty feet vertical except for the main gable end. The intent here is to allow dormers but to insure that the dormer ridge is no higher than the main ridge. In no case shall the distance from the average grade to the highest point or ridge line exceed forty (40) feet.

No mechanical equipment shall be placed on the roof. No accessory structure shall exceed ten (10) feet in height except when the structure utilizes a gable or hip roof with all slopes being five vertical to twelve horizontal or greater. The height is measured from the average grade.

3. Lot and Area Regulations. As regulated in Section 11-316.
4. Location of Accessory Structures
 - a. No accessory structure shall be erected in any front or side yard. Accessory structures shall be at least fifty (50) feet from all lot lines and ten (10) feet from any other building on the same lot.
 - b. Accessory structures on corner lots shall conform with front yard setback for both intersecting streets.
5. Off-Street Parking. As regulated in Section 11-404.
6. Building Area. As regulated in Section 11-316.
7. Sewage Treatment System. As regulated in Section 11-417.
8. Signs. As regulated in Section 11-410.

11-313. SLPZ, Scenic Landscape Preservation Zone. The SLPZ, Scenic Landscape Preservation Zone is established to protect areas identified as primary to the overall aesthetics of the town, while

allowing development that avoids areas of excessive slope poor soils, flood hazard areas, and other environmental concerns. As shown on the Zoning Map of Pittman Center, Tennessee, the following regulations shall apply.

All developments in this zone larger than one (1) single family dwelling shall follow the conservation design standards found in the city's subdivision regulations.

1. Uses Permitted

- a. Single family dwellings.
- b. Multi-family dwellings, condominiums, and townhouses if public water is available and public sewer or centralized onsite sewer is utilized.
- c. Recreation activities requiring minimal land disturbance in Primary Conservation areas.
- d. Community amenities, recreation facilities, agricultural activities, and subsurface sewer disposal infrastructure on up to fifty (50) percent of secondary conservation areas.
- c. Accessory buildings or uses customarily incidental to residential and agricultural uses.
- d. Customary home occupations pursuant to Section 11-403.
- e. Due to the potential complexity of this type of development, the following plans shall be included in addition to those required by the subdivision regulations:
 - (1) A site plan prepared as regulated in Section 11-416;
 - (2) Exterior elevations of all multifamily structures and entrance signs to any development that includes multifamily structures.
 - (3) Specific details of all landscaping that will be replaced or added.
 - (4) Plans (including exterior elevations) for all public amenities.
 - (5) Plans showing any outside lighting of courts, parking lots, or other facilities that are in compliance with these regulations.

- (6) Any other plan deemed by the planning commission to be necessary to properly evaluate the development.

2. Height Regulations. The principal structure(s) shall not exceed twenty (20) feet in height except when the structure utilizes a gable or hip roof with all slopes being five vertical to twelve horizontal or greater, then the height from the eave line to the ridge line shall not be counted part of the "height of building." (SEE ILLUSTRATION 1)

Between the eave line and the ridge line there shall be no continuous vertical surfaces that exceed twenty feet horizontal or twenty feet vertical except for the main gable end. The intent here is to allow dormers but to insure that the dormer ridge is no higher than the main ridge. In no case shall the distance from the average grade to the highest point or ridge line exceed forty (40) feet.

No mechanical equipment shall be placed on the roof. No accessory structure shall exceed ten (10) feet in height except when the structure utilizes a gable or hip roof with all slopes being five vertical to twelve horizontal or greater. The height is measured from the average grade.

3. Lot and Area Regulations. As regulated in Section 11-316.
4. Location of Accessory Structures
 - a. No accessory structure shall be erected in any front or side yard. Accessory structures shall be at least fifty (50) feet from all exterior lot lines, ten (10) feet from any other building on the same lot and twenty (20) feet from buildings on neighboring lots.
 - b. Accessory structures on corner lots shall conform with front yard setback for both intersecting streets.
5. Off-Street Parking. As regulated in Section 11-404.
6. Building Area. As regulated in Section 11-316.
7. Sewage Treatment System. As regulated in Section 11-417.
8. Signs. As regulated in Section 11-410.

(Added by Ordinance 262, 9/18/2014)

11-314. SLPOZ, Scenic Landscape Preservation Overlay Zone.

In keeping with the intent of the Scenic Landscape Preservation Zone, the SLPOZ, Scenic Landscape Preservation Overlay Zone is established to allow conservation design developments in suitable areas throughout the town in areas that have adequate road access for this type of development. As shown on the Zoning Map of Pittman Center, Tennessee.

This zone is an overlay zone. The allowed uses and density are determined based on the underlying primary zone for the property. For conservation design developments, the conservation design standards in the town's subdivision regulations shall be used, as well as the following:

- a. Due to the potential complexity of this type of development, the following plans shall be included in addition to those required by the subdivision regulations:
 - (1) A site plan prepared as regulated in Section 11-416;
 - (2) Exterior elevations of all multifamily structures and entrance signs to any development that includes multifamily structures.
 - (3) Specific details of all landscaping that will be replaced or added.
 - (4) Plans (including exterior elevations) for all public amenities.
 - (5) Plans showing any outside lighting of courts, parking lots, or other facilities that are in compliance with these regulations.
 - (6) Any other plan deemed by the planning commission to be necessary to properly evaluate the development.
2. Height Regulations. The principal structure(s) shall not exceed twenty (20) feet in height except when the structure utilizes a gable or hip roof with all slopes being five vertical to twelve horizontal or greater, then the height from the eave line to the ridge line shall not be counted part of the "height of building." (SEE ILLUSTRATION 1)

Between the eave line and the ridge line there shall be no continuous vertical surfaces that exceed twenty feet

horizontal or twenty feet vertical except for the main gable end. The intent here is to allow dormers but to insure that the dormer ridge is no higher than the main ridge. In no case shall the distance from the average (40) feet.

No mechanical equipment shall be placed on the roof. No accessory structure shall exceed ten (10) feet in height except when the structure utilizes a gable or hip roof with all slopes being five vertical to twelve horizontal or greater. The height is measured from the average grade.

3. Lot and Area Regulations. As regulated in Section 11-316.
4. Location of Accessory Structures
 - a. No accessory structure shall be erected in any front or side yard. Accessory structures shall be at least fifty (50) feet from all exterior lot lines, ten (10) feet from any other building on the same lot and twenty (20) feet from buildings on neighboring lots.
 - b. Accessory structures on corner lots shall conform with front yard setback for both intersecting streets.
5. Off-Street Parking. As regulated in Section 11-404.
6. Building Area. As regulated in Section 11-316.
7. Sewage Treatment System. As regulated in Section 11-417.
8. Signs. As regulated in Section 11-410.

(Added by Ordinance 262, 9/18/2014)

11-315. Critical Slope Floating Zone

The intent of this overlay district is to provide additional standards of design and construction to avoid any undue adverse impacts of hillside development on steep slopes, and to provide protection from uses and activities which would be detrimental to the public's health, safety, and welfare. For the purposes of this ordinance, a critical slope shall be defined as an area consisting of a natural thirty (30) percent slope or greater. The slope of the property shall be determined by a licensed, registered engineer or surveyor by the use of an industry accepted computer aided design software or by the following slope formula:

$$S = (.0023) (I) (L)$$

S=slope: I= contour interval in feet; L= contour length in feet;
A=area in acres

The following provisions shall apply to all developments within the CSFZ, Including PUDs, Commercial, Industrial, and Multi-Family Structures, and Excluding Single Family Homes:

Parcels with less than 30% average slope as per Section 11-315, and which are no

greater than 100 feet in elevation above the adjacent valley corridor as measured from the

adjacent Federal, State highway, or County road shall be exempt from Section 11-315 herein.

1. Development Regulations.

Note: Lots of record shall submit detailed site plans showing proposed cuts and fills, and driveway and house seat locations. Within the Critical Slope Floating Zone, the development on lots of record shall follow these regulations as closely as possible.

2. Design Regulations

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

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

c. All utilities shall be installed below ground.

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

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

f. All development shall provide post construction screening

of minimum 75% screened, during leaf-on conditions (May thru October), as viewed from the Federal, State, and County highways, many of which are Scenic Corridors. Properties not

screened 75% may utilize mitigation measures found in Appendix B, from Sections 2.5.6 through 2.5.9 of the Saratoga Report.

3. *Vegetation clearing for preliminary site survey and analysis activities.* The following standards shall apply to the site pre- construction activities such as site surveying, soils testing, and other site analysis activities:

- Path access clearing for site surveying activities shall be limited to a maximum path width of eight (8) feet.
- Site clearing shall be limited to areas only needed to conduct the survey boundary.
- Site analysis and testing activities shall be limited to selective patches with a minimum of 100 feet separation between patches.
- Clearing activities associated with access paths or pioneer roads to testing sites shall be limited to a maximum width of 8 to 10 feet.
- The removal of vegetation of 12" dbh and greater in diameter and of $\geq 40'$ in height shall be prohibited during surveying and soils testing activities.

4. *Vegetation Clearing for Construction: Roadway & Utility, Perimeter*

Buffer Area, and Building Envelope

- Clearing for roadways, utilities, parking, and related internal traffic circulation areas shall be to the minimum extent possible, to limit land disturbance activities.
- Clearing exceptions for onsite water & wastewater utilities shall be permitted provided said clearing shall be limited to the minimum extent possible as determined by the Building Official.
- It is recommended that the "Fire Wise" construction standards as established by the National Forestry Division be the basis for a perimeter buffer clearing techniques.

5. *Additional Clearing for Construction and Views*

- Additional clearing for safe construction and on-site utilities may be permitted provided a clearing plan prepared by a licensed professional shall be provided that designates additional areas of clearing.
- Clearing for a view from an existing structure may be permitted

by an individual landowner(s), with the exception of tree-topping, which is prohibited.

6. *Forestry and Timber Harvesting*

- A vegetation removal permit for all timber harvesting activities shall be required in Critical Slope areas in accordance with Chapter VI, Section 11-603 of the Pittman Center Zoning Ordinance.
- A harvesting and reforestation plan shall be required by a registered architect, landscape architect, and/or engineer.
- Harvested areas shall be restricted from development for 5 years.
- Areas proposed for development on previously harvested sites that do not contain sufficient vegetation to accomplish a minimum of 75% screening, shall include a reforestation or landscaping plan that achieves 75% screening within a reasonable amount of time.

7. *Additional Design and Construction Standards*

The following provisions shall apply for areas of development with existing vegetation which achieves 75% screening:

Setdowns from Ridgelines:

For the purposes of this section, Ridgeline shall be defined as a tree canopy line connecting the highest points along a ridge and separating drainage basins or small-scale drainage systems from one another.

- Setdowns from Ridgelines - House/structures shall not be permitted to extend above the tree line on a ridge viewable from any adjacent state or local road.
- Ridgeline forest canopies shall remain undisturbed during construction so that the pre and post development conditions do not change.

Set Into Hillside:

- Buildings should be built into or stepped into the hillside and not pushed out, up, and/or away from topography.
- Buildings should not be perched on highpoints, outcroppings, or prominent knolls.
- Structures should be designed and oriented along topography

rather than across topography.

Retaining Walls:

- Retaining walls should be designed and constructed parallel to pre-disturbed slopes to the maximum extent practicable;
- Landscaping to the maximum extent practicable should be required;
- Grading with the natural contours of the property is preferred to reduce visual impacts of grading.

Setbacks:

- Setbacks shall be based on zoning district requirements as established in Article VIII, being the Area, Yard, and Height Requirements of this ordinance.

Signage:

- No signage shall be permitted above the existing tree canopy or 25' height limit.

Roads and Driveways:

- All roads and driveways should be constructed with the natural contour of the property and not across the contour.
- The grading of roadways and driveways should be done in a manner to limit the area of disturbance to the minimum extent practicable.

Lighting:

- Required lighting in functional areas should be shielded and downcast at 45 degrees;
- Lighting should be restricted to areas below roof eaves and parapets;
- Landscape and continuous lighting should be restricted to no more than 75 watts;
- Subdivision and Planned Unit Development street lighting should be restricted to intersections only.

Color:

- Colors for building exteriors shall be limited to muted, dark earth tones.
- The use of white on building exteriors shall be avoided.

Buildings & Retaining Walls:

- Uniform and blank massing shall be avoided for buildings and

retaining walls.

Terrace Retaining Walls and Constructed Slopes:

- All retaining wall surfaces shall be finished with a color and texture, similar to natural surrounding conditions.

Reflectivity:

- Non-mirrored, tinted, and low-reflectivity glass shall be used.

Walls/Rooflines:

- Continuous rooflines in excess of 40 feet in length shall be avoided;
- Smaller roof sections and components shall be used that imitate the natural terrain;
- Major rooflines of structures shall parallel the hillside topography.

8. *Mitigation Measures* - When 75% screening cannot be achieved with existing site vegetation. The following mitigation measures shall be implemented for development located in the CSFZ if the required screening cannot be achieved with existing vegetation and tree coverage.

The applicant may choose one (1) of the following options to mitigate the visual effects of a proposed structure located within the CSFZ:

Option #1:

- The applicant shall use dark, earth-tone colors on the exterior of the building including roof colors that will obscure the buildings that are visible from State or County roads. The exterior building and roof colors shall be consistent with the color palette as established by the Town of Pittman Center. All colors must be submitted to the Building and Planning Department for approval as part of the building permit application process which are consistent with a neutral color palette and where the structure and roof colors do not exceed a Light Reflectance Value (LRV) of 40.
- The applicant shall use non-reflective glass and roof systems on the building.
- In addition, it is recommended that new vegetation be planted in areas that will eventually provide screening if the plantings can be done without conflict with "Firewise" recommendations. Note, all planting must be native-like species matching the kinds and density of vegetation that is indigenous to the area and acceptable

under the "Firewise" standards.

Option#2:

- The applicant shall plant new vegetation that will achieve 75% screening within a two (2) year growth cycle of the initial planting. Note, all planting must be native species matching the kinds and density of vegetation that is indigenous to the area and acceptable under the "Firewise" standards.

- The applicant shall submit a stamped and certified landscape plan by a Tennessee Licensed Landscape Architect showing the proposed location, type, and size of replanting materials accompanied

grade to the highest point or ridge line exceed forty with the visual documentation depicting how the 75% screening will be achieved.

10. *Certification.*

Within 60 days of completed work, developments within the critical slope district shall be certified "as-built" in compliance with the approved design plans and criteria by a licensed engineer or licensed surveyor, whichever is appropriate. The plans shall be "certified" prior to Final Plat approval or Final PUD site plan approval.

11-316. F-1, Flood Hazard Overlay District. The flood hazard district is established as an overlay district, the intent of which is to protect the health, safety, and welfare of the citizens by requiring that development within this district be regulated in accordance with the National Flood Disaster Act of 1973, as amended in October 1986. The regulations of any zoning district underlying the flood overlay district shall prevail; except that, no building, development, or improvement project shall be commenced within the flood overlay district unless a permit has been obtained from the building official stating such project plans meet the requirements of the city's flood damage prevention regulations, a copy of which is on file in the building official's office.

11-316 AREA, YARD, HEIGHT, AND STREET ACCESS REQUIREMENTS

<u>District</u>	<u>Minimum Area¹</u> (Sq Ft)	<u>Sq. Ft per</u> <u>Additional</u> <u>Unit</u>	<u>Lot Width at</u> <u>Bldg. Setback</u> <u>(feet)</u>	<u>Minimum Front</u> <u>(ft.)</u>	<u>Bldg. Side²</u> <u>(ft.)</u>	<u>Setback Rear</u> <u>(ft.)</u>	<u>Maximum</u> <u>Percentage of</u> <u>Lot Coverage³</u>	<u>Maximum</u> <u>Height of</u> <u>Structures</u> <u>(feet)⁸</u>
RLD ⁴	80,000	N/A	150	30 ⁹	20	25	20	36 (40)
R-1	40,000	N/A	100	30 ⁹	20	25	25	36 (40)
R-2	80,000	10,000	150	50	50	50	30	44 (50)
T-R	80,000	10,000	150	50	50	50	40	44 (50)
C-1	40,000	N/A	100	25	15	25	30	36 (40)
C-2	40,000	N/A	100	25	15	25	40	44 (50)
C-3	40,000	N/A	100	25	15	25	25	36 (40)
A-1	130,000 ⁶	N/A	100	50	50	50	40	44 ⁷ (50)
O-R	200,000	N/A	100	50	50	50	20	36 (40)
SLPZ	40,000 ¹	40,000 ¹	N/A	50 to exterior	20 b/w buildings	50 to exterior	N/A	36 (40)
SLPOZ	Note 2	Note 2	Note 2	Note 2	Note 2	Note 2	Note 2	Note 2
F-1	Note 2	Note 2	Note 2	Note 2	Note 2	Note 2	Note 2	Note 2

Notes:

1. Square footage with sanitary sewer is reduced by 50%.

2. Side yard on corner lot with be setback the same distance as the front yard requirement.

3. Includes all parking areas, buildings, and driveways in the R-2, TR, C-1, C-2, and C-3 districts.

Includes only buildings and

accessory structures in RLD, R-1, and OR districts.

4. Minimum lot area in the RLD district may be reduced to 40,000 square feet if fifty percent of the lot has a slope of less than fifteen percent and the remaining area is less than thirty percent slope. A topographical map prepared by a registered surveyor using on-site survey data or aerial photogrammetry establishing predevelopment elevation contours at five foot intervals shall be required before the Planning Commission may allow lots to be subdivided at the reduced area in the RLD district. All other requirements of the Pittman Center Zoning Ordinance, Pittman Center Subdivision Regulations, and Sevier County Environmental Regulations shall apply.

5. A building setback from the Great Smoky Mountains National Park and the Foothills Parkway of twenty-five(25) feet shall include any building and accessory structure.

6. See 11-311-E.

7. Agricultural structures may exceed this height if necessity can be proven to the BZA.

8. The () Height value is the maximum height for structures where the original grade exceeds 30% slope

9. May be reduced to 15' if fronting on a 50' right-of-way, 20' on a 40' right-of-way, and 25' on a 30' right-of-way if the natural topography is 30% or greater, and the on-site parking and turnaround area is maintained per ordinance requirements.

CHAPTER IV

SUPPLEMENTARY PROVISIONS APPLYING TO ALL DISTRICTS

SECTION

- 11-401. Access Control
- 11-402. Accessory Use Regulations
- 11-403. Customary Home Occupations
- 11-404. Off-Street Parking Requirements
- 11-405. Off-Street Loading and Unloading Space Required
- 11-406. General Lot Restrictions
- 11-407. Visibility at Street Intersections
- 11-408. House and Building Numbers
- 11-409. Gasoline Service Station Restrictions
- 11-410. Signs, Billboards, and Other Advertising Structures
- 11-411. Standards for Mobile Homes and Mobile Home Parks
- 11-412. Standards for Cemeteries
- 11-413. Standards for Planned Unit Development
- 11-414. Erosion and Sedimentation Control
- 11-415. Standards for Buffer Zones
- 11-416. Site Plan Review
- 11-417. Septic System and Sewage Standards
- 11-418. Water Course Protection and Water Retention Measures
- 11-419. Outside Display and Solicitation of Merchandise
- 11-420. Overnight and/or Tourist Rentals
- 11-421. Telecommunication Towers
- 11-422. Public and Emergency Uses
- 11-423. Landscaping Requirements
- 11-424. Exterior Lighting

11-401. Access Control. The number and location of access cuts onto city streets or state routes directly affect traffic flow within the city. Standards for the design and placement of access cuts is an important factor in providing a safe and efficient transportation network. The following regulations shall serve as a guide to control the number, placement, and design of access cuts in order to reduce the number of accidents and to maintain traffic flow.

1. *Right-of-Way Encroachment*

The highway right-of-way shall not be used for servicing vehicles, displays, or the conducting of private business. The buffer area (unpaved area of the right-of-way) is to be kept clear of buildings, fences, business signs, parking areas, service equipment, and appurtenances thereto. The buffer area may be graded and landscaped as approved by the planning commission.

Buffer Areas - In the development of private property and the construction of driveways thereto, it may be necessary

to regrade the buffer area by cutting or filling. Such work shall be done in a manner to insure adequate sight distance for traffic operations, proper drainage, suitable slopes for maintenance operations, and good appearance. The buffer area outside the driveways should be treated to prevent use by vehicles. This may be accomplished by grading, use of curbs, rails, guideposts, low shrubs, etc., in a manner that will not impair clear sight across the area.

2. Sight Distance

Where feasible within the frontage limits, any driveway shall be located so as to afford maximum sight distance along the highway.

Where a driveway is provided to a commercial establishment, the buffer area and adjacent border area shall be reasonably cleared so that either the establishment itself or an appropriate sign located outside the right-of-way can be seen at a sufficient distance to enable proper maneuvers on the part of the drivers desiring to enter the establishment.

The profile of the driveway and the grading of the buffer area shall be such that a driver of a vehicle that is standing on the driveway may see a sufficient distance in both directions to enable him to enter the highway without creating a traffic hazard.

Setbacks - Improvements on property adjacent to the right-of-way should be so located that parking, stopping and maneuvering on the right-of-way will not be necessary in order for the vehicles or patrons to be served.

3. Location of Driveways

Driveways shall be so located that vehicles entering or leaving the establishment will not interfere with the free movement of traffic or create a hazard on the highway. Where feasible they shall be located where there are no sharp curves and steep grades and where sight distance is adequate for safe traffic operation. Driveways should not be located within the intersections, rotaries and interchanges or on highways immediately approaching them. they shall be located so that they will not interfere with the placement of signs, signals or other devices that affect traffic operation.

Pittman Center Municipal Planning Commission shall have the authority to restrict the location of driveways if, in their opinion, such driveways may contribute to a higher incidence of accidents.

4. Number and Arrangement of Driveways

For property tracts with a sizable frontage on the highway, driveway location and arrangement largely will be governed by the position of installations thereon. Where driveways are provided to land areas only, i.e., areas with no developments sufficiently near the highway to significantly control driveway arrangements, they shall be located to best advantage with regard to the highway alignment, profile, sight distance conditions, etc.

The permissible number, arrangement, and width of driveways shall be governed in part by the highway frontage of abutting private property. The number of driveways provided shall be the minimum number required to adequately serve the needs of the adjacent property. Frontages of one hundred (100) feet or less shall be limited to one driveway.

Normally not more than two driveways will be provided to any single property tract or business establishment.

Where there are several adjacent roadside establishments each with relatively limited frontage or where there is probability of such development, consideration by the planning commission will be given to the provision of a frontage road for the several driveways so as to reduce the number of separate connections to the highway. Where border width permits, the several driveways shall be connected directly to such an outer road paralleling the highway with connections to the through highway only at the extremities of the frontage road or at well-spaced intervals along it.

Driveways shall be positioned to clear the frontage boundary lines by the specified minimum dimension. Where two driveways are provided for one frontage, the clear distance between driveways measured along the right-of-way line shall not be less than forty (40) feet.

At an intersection of two highways, a driveway connecting each highway with a corner property will be permitted where essential to the conduct of business on the corner tract, provided such driveways comply with the control dimensions herein established. Where traffic in relation to capacity is high, the corner clearance on the approach to the intersection desirably should be greater than that on the far side of the intersection.

5. Driveway Width and Edge Radius

The driveway width shall be adequate to handle properly

the anticipated volume and type of traffic and shall be within the limits specified for the particular conditions and type of establishment as set out in these rules and regulations.

Where space permits, the radius of curve connecting the edge of through traffic lane and edge of driveway shall be the maximum radius to permit turns by the largest vehicle to be expected with some frequency. For narrow frontage or narrow border conditions, the combination of driveway width and edge radius of smaller dimension should be adequate to this end. The radii for driveways on streets on which there are outer parallel parking lanes shall be based on turns from the edge of through lane, and parking should be regulated as necessary to keep the turning area free of standing vehicles.

6. Driveway Alignment and Profile

Single driveways shall be positioned at right angles to the roadway. Where two driveways are used on one frontage, and they are to be used for access to and from both directions of travel on the highway, each roadway shall be at right angles with the center line of the roadway as specified in sketches and examples. The driveway angle may be between 45 degrees (min.) and 60 degrees (max.) when the driveway is to be used by vehicles in only one direction of highway travel (right turns only) on a divided highway.

On uncurbed sections of highway, the gradient of the driveway shall conform with the normal shoulder pitch from the edge of the traveled way to the outer shoulder line and thence slope downward on a suitable grade to the gutter or low point over a culvert (swale where a culvert is not use). Thereafter it shall continue downward or roll upward depending upon the level of its destination with respect to the shoulder.

Where curbs are used along the roadway and sidewalks are provided or contemplated, the gradient of the driveway usually shall fit the plane of the sidewalk. If the difference in elevation of the gutter and the sidewalk is such that this is not practical, then the sidewalk shall be lowered to provide a suitable gradient for the driveway in such case the surface of the sidewalk should be sloped gently from either side of the driveway. Vertical curves on driveways should be flat enough to prevent dragging of central or overhang portions of passenger vehicles.

7. Curbs and Guideposts

Curbs of the type specified by the city shall be

required on driveways, island within the buffer area, and along property frontage in commercial, industrial, and residential complex developments; but all such curbs shall be outside the limits of the shoulders where the traveled way is not curbed. Where the traveled way is curbed, the returns of the driveway shall join properly the curb of the traveled way.

It is desirable that all internal curbs be placed twenty-six (26) feet from the center line of the existing roadway where sufficient right-of-way does not exist. Where adequate right-of-way exists, curbs shall be located just outside the frontage boundary line. Final location of curbs is subject to the approval of the street superintendent.

8. Access Control

In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and property damage by reducing the points of conflict, the following regulations shall apply:

- a. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width; however, if in the opinion of Board of Zoning Appeals that one access with a width greater than thirty (30) feet is more appropriate to protect the safety of motorists, then said board may require and/or grant a variance from this requirement.
- b. There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof; provided, however, that lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.
- c. Where two (2) driveways are provided for one (1) lot frontage, the clear distance between driveways shall not be less than forty (40) feet.
- d. No point of access shall be allowed within four hundred (400) feet of the center line of any public intersections. The distance shall be measured from the center of the intersection to the center line of the access cut.
- e. No curbs on city streets or rights-of-way shall be cut or altered without written approval of the street department and the Tennessee Department of Transportation when state highways are involved.

f. Paved acceleration and deceleration lanes may be required along any arterial or major collector street at the discretion of the Board of Zoning Appeals upon recommendation by the superintendent or the Board of Zoning Appeals. The requirement for acceleration and deceleration lanes will be based on the following:

i. Existing Road Conditions

- Width
- Sight Distance

ii. Traffic Volume

- Average Daily Traffic and Highway Capacity
- Average Daily Traffic Flowing Into the Development

g. All access cuts shall be paved for all commercial, industrial, and residential developments. The minimum area paved shall commence from the edge of existing street pavement to the property line.

9. Control Dimensions

General: All portions of the driveway shall be within the frontage boundary line. For driveways with angles of about 90 degrees, the edge of clearance should not be less than the radius of curvature (R) for the junction of the driveway and pavement (shoulder) edges.

Edge Clearance (E) Residential:

5 Feet Minimum

Commercial: 10.5 Feet Minimum

Width (W)

Residential: 10 Feet Minimum; 15 Feet Maximum

Commercial: 20 Feet Maximum for one-way use

30 Feet Maximum for two-way use

Driveway Angle (Y)

Driveways for two-way Operation: 90 degrees to centerline of roadway

Driveways for one-way operation:

- Driveways used by vehicles in both directions of travel on highway; same as for two-way operations (90 degrees to center line for roadway).
- Driveways used by vehicles in one direction of travel on divided highway 45 degrees minimum and 60 degrees maximum.

Radius of Curvature (R)

Residential: 5 Feet Minimum; 15 Feet Maximum

Commercial: 10 Feet Minimum; 20 Feet Maximum

Distance Between Double Driveway (D)

40 Feet Minimum

NOTE: IN NO CASE SHALL THE DISTANCE (D) BE LESS THAN THE LARGEST ADJACENT WIDTH OPENING (W).

Corner Clearance (C) 400 Feet Minimum

Where there are traffic signals at the intersection, desirably the nearside clearance should be two or more times the far side. SEE ILLUSTRATION 4.

NOTE: See Illustrations 2-5 for design standards.

11-402. Accessory Use Regulations. The uses of land, buildings, and other structures permitted in each of the districts established by this ordinance are designated by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted uses are also permitted in each district. Each accessory use shall:

1. Use. Be customarily incidental to the principal use established on the same lot.
2. Purpose. Be subordinate to and serve such principal use.
3. Area. Be subordinate in area, intent, and purpose to such principal use.
4. Contribution. Contribute to the comfort, convenience, or necessity of users of such principal use.

11-403. Customary Home Occupations. A customary home occupation is a gainful occupation or profession conducted by members of a family

residing on the premises as defined in Section 11-204. 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. No nonresident employees shall be allowed. All off street parking requirements must be conformed to.

11-404. Off-Street Parking Requirements

1. Off Street Parking. Off-street parking spaces shall be provided when any building or structure is erected or enlarged or increased in capacity. 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 Board of Zoning Appeals.
 - 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 and one (1) space per employee.
 - 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) spaces for each three hundred (300) square feet of total floor space in General Commercial Districts.
 - e. Day Care Facilities. One (1) space plus an additional space for each employee. Adequate space for pick up and drop off shall be provided with an area designed to allow vehicles to turn around and not back into the roadway when exiting. (Added by Ordinance 249, 05/16/2013)
 - f. Dwellings, single family. Not less than two (2) spaces per dwelling unit.
 - g. Dwellings, multiple family. Not less than two (2) spaces per dwelling unit for ten (10) or fewer units. For developments over ten (10) units the following shall apply:
 - i. A maximum of 600 square feet total floor area:

- 1.1 spaces per unit.
 - ii. A maximum of 900 square feet total floor area: 1.25 spaces per unit.
- iii. A maximum of 1,200 square feet total floor area: 1.5 spaces per unit.
- iv. A maximum of 1,500 square feet total floor area: 1.75 spaces per unit.
- v. More than 1,500 square feet total floor area: two (2) spaces per unit.
- h. 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.
- i. Hotels. Not less than one (1) space for each guest room and not less than one (1) space for each employee.
- j. 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.
- k. Medical or dental clinics. Four (4) spaces per doctor or dentist or one (1) space for each one hundred (100) square feet of total floor space, whichever is greater.
- l. Motels and tourist courts. Not less than one (1) space for each room offered for tourist accommodation and one (1) space for each employee.
- m. Offices. One (1) space for each four hundred (400) square feet of total floor area.
- n. Private clubs or lodges. One (1) per three (3) members based on design capacity of facility.
- o. Restaurants. One (1) space per four (4) customers computed on a maximum service capacity, plus one (1) space for each two (2) employees. (For drive-in restaurants one (1) space for fifty (50) square feet of usable floor area).
- p. Shopping centers. One (1) space for each three hundred (300) square feet of total floor area.

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 Official 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. *Requirements for design of parking lots*
 - a. All areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
 - b. Each parking space shall be a minimum of nine (9) feet by eighteen (18) feet and shall be arranged as to promote proper traffic circulation.
 - c. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 11-401 of this code.
 - d. The parking lot shall adequately be drained to eliminate surface water without contributing to drainage problems on adjoining property or rights-of-way.

11-405. 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. *Rear and Side Yard.* 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. Regulation Modification. The Board of Zoning Appeals may hereafter reduce or increase this requirement in specific cases in the interest of safety where unusual or special conditions are due consideration.

11-406. General Lot Restrictions

1. One Principal Building. Only one (1) principal building and its customary accessory buildings may be erected on any lot with the exception of multi-building developments regulated under section 11-413 (Planned Unit Developments) found in this ordinance.
2. Lot Reduction. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this restriction shall not apply when a portion of a lot is acquired for a public purpose.
3. Yard and Open Space. No yard or other open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building.
4. Street Frontage. Each lot shall front for a distance of forty (40) feet on either a public street or a private street located on a private permanent easement as approved by the Pittman Center Planning Commission in accordance with the Subdivision Regulations of Pittman Center, Tennessee. (Amended by Ordinance 186,11/20/2003)

- 11-407. Visibility at Street Intersections.** On a corner lot there shall be no obstructions to vision between a height of three (3) feet and a height of ten (10) feet above the average grade of each street within seventy-five (75) feet of the intersection.

11-408. House and Building Numbers. All single family dwelling units and principal buildings shall display a number as assigned by the building official to assist public safety and other emergency officers to quickly locate a designated site and to assist the public. Numbers shall be of a size designated by the City of Pittman Center and shall be placed so as to be readily visible from the street. At business establishments where there may be more than one structure, only the main office entrance shall be numbered.

11-409. Gasoline Service Station Restrictions. The following regulations shall apply to gasoline service stations:

1. Setbacks. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet. Canopies designed to cover the gasoline pump island shall not be less than twenty (20) feet from the property line.
2. Islands. Gasoline pumps or islands shall not be located closer than thirty (30) feet to any street right-of-way.

11-410. Signs, Billboards, and Other Advertising Structures. These requirements are established to regulate 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 and other advertising structures are enumerated below:

1. General Regulations. In any zoning district the following general regulations shall apply as well as the regulations in Chapter XXIII, "Signs and Outdoor Displays," of the Standard Building Code as adopted by the Town of Pittman Center, Tennessee.
 - a. 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.
 - b. No illuminated sign shall be permitted within fifty (50) feet of 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.
 - c. Signs or devices which rotate, move, flash, reflect, blink, or appear to do any of the foregoing are prohibited unless required by law or utilized by a governmental agency.
 - d. No sign shall overhang any public sidewalk.
 - e. Professional signs shall not exceed four (4) square feet in area.
 - f. No off-premise signs are allowable, unless specifically authorized by this ordinance. Billboards are considered off-premise signs and are prohibited.

- f. No off-premise signs are allowable, unless specifically authorized by this ordinance. Billboards are considered off-premise signs and are prohibited.
- g. No portable signs are allowed, except as permitted under Chapter IV, subsection 11-410.2(e).
- i. Except as otherwise provided, no sign whether temporary or permanent, except by a public agency, is permitted within any street or highway right-of-way.
- j. No sign shall be painted on or attached to trees, fenceposts, rocks or other natural features, telephone or utility poles or painted on the roofs of buildings visible from any public thoroughfare.
- k. No inflatable signs are allowed.
- l. No internally illuminated signs are allowed.
- m. No "Tourist Oriented Directional Signs" (TODS) administered by the Tennessee Department of Transportation shall be allowed within the municipal boundary. Any existing sign at the time of the passing of this ordinance will be allowed to remain until the end of its current application year. After this time expires, the sign shall be removed. (Added by Ordinance 229 07/16/2009)

2. Temporary Signs

- a. Political Campaign Signs. One (1) sign per candidate per premise, each sign not to exceed four (4) square feet in residential districts or sixteen (16) square feet in all other districts, may be erected on private property no more than thirty (30) days prior to the election. All campaign signs shall be removed by the property owner within seven (7) days after the results of an election are certified. Political campaign signs are not permitted on public property including utility poles.
- b. Temporary Special Event Signs. Signs not exceeding sixteen (16) square feet which announce a special event sponsored by a civic, philanthropic, educational, religious, or any other not-for-profit organization may be erected on private property no more than thirty (30) days prior to the event. All special event signs shall be removed by the property owner within seven (7) days of the conclusion of an event.

- c. Construction Site Signs. One sign noting construction information and trades shall be permitted for each site. The maximum size shall be thirty-two (32) square feet. The sign shall be allowed only until the project is complete and shall be removed prior to issuance of a certificate of occupancy.
 - d. Real Estate Sale/Lease Signs. Signs up to total area of nine (9) square feet in residential zones or up to total area of thirty-two (32) square feet in commercial and industrial zones, advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed are permitted. Such signs shall be removed within fourteen (14) days of the sale, rental or lease.
 - e. Temporary Portable Signs. Portable signs may be used to announce the grand opening of a new business, or the closing of an existing business, but in no event, shall such signs remain more than thirty (30) days. These signs shall be limited to thirty-two (32) square feet in size.
3. Residential and Agriculture Districts. In the R and A Districts, the following regulations shall apply: (Amended by Ordinance 248, 04/29/2013)
- a. Nameplates indicating name, address, and house number, are permitted provided they do not exceed two (2) square feet in size.
 - b. For apartment buildings and Residential Planned Unit Developments (PUDs), identification signs not exceeding twelve (12) square feet in area and ten (10) feet in height are permitted. The bottom edge of the sign face shall not exceed four feet in height from average grade.
 - c. Church, school, or public building bulletin boards or identification signs, not exceeding twenty (20) square feet in area and ten (10) feet in height are permitted.
 - d. Signs for overnight rental shall be permitted provided that the sign face is no larger than ten (10) square feet with no side to exceed four (4) feet in length for residential areas on HWY 321 and SR 416 and four (4) square feet or two (2) feet by two (2) feet in all other residential districts. The pole shall be no longer than two feet from the road level

to the bottom of the sign, and the sign may be indirectly lighted with the source of light hidden from view. Each sign exceeding four (4) square feet shall be framed. Only wood tone shall be used on the pole and frame. The sign's information shall be limited to the owner's name or company, unit number or name, and street address & telephone number. (Amended by Ordinance 221, 01/19/2009)

4. Sign Illumination.

- a. Electrical requirements. Electrical requirements pertaining to signs shall be as prescribed in the National Electrical Code.
- b. If illuminated, signs shall be illuminated only by the following means:
 1. By a white, steady stationary light of reasonable intensity shielded and directed solely at the sign so that the light source is not visible.
 2. Light sources to illuminate signs shall be shielded from all adjacent residential buildings and streets and shall not be of such brightness so as to cause glare hazardous to pedestrians or auto drives or so as to create a nuisance to adjacent residential districts.
 3. Electrical power shall be placed underground.

5. Material and Style.

- a. Signs shall not have light-reflecting lettering. Sign components shall be predominantly of wood.
- b. All signs shall be of standard geometric shapes.
- c. Signs shall not be of or contain a commercial sponsor name or motif (soda bottles, hamburgers, or other figures) or other outdoor commercial displays.

7. Commercial Districts. In all Commercial Districts the following regulations shall apply:

- a. One (1) freestanding identification sign, not exceeding forty (40) square feet in area on Highway 321 and not exceeding twenty (20) square feet in area on all other streets, shall be permitted.

- b. One (1) wall or projecting sign not exceeding ten (10) square feet in area shall be permitted for each commercial unit and the top of no wall or projecting sign shall be located higher than twelve (12) feet off the ground. (Amended by Ordinance 108, 12/9/1993)
 - c. Height. The maximum height of any free-standing sign shall not exceed twelve (12) feet above the average grade.
 - d. Width. The maximum width of the entire sign structure shall not exceed ten (10) feet.
 - e. Structure Size: The size of the support structure for any free standing sign shall not exceed the sign face by more than 100%.
 - f. The bottom edge of the sign face shall not exceed four (4) feet in height from average grade.
8. Craft Commercial District and Agriculture District. In the C-3 Craft Commercial District and for rural businesses in the A-1 Agriculture District, the following regulations shall apply: (Amended by Ordinance 248, 04/29/2013)
- a. One (1) wall sign not exceeding five (5) square feet in area shall be permitted.
 - b. One (1) freestanding sign not exceeding twenty (20) square feet shall be permitted.
 - c. Height. The maximum height of any free-standing sign shall not exceed twelve (12) feet above average grade.
 - d. Width. The maximum width of the entire sign shall not exceed ten (10) feet.
 - e. Structure Size. The size of the support structure for any free-standing sign shall not exceed the sign face by more than 100%.
 - f. The bottom edge of the sign face shall not exceed four (4) feet in height from average grade.
9. Garage Sales, Flea Markets, and Not For Profit. The following sign regulations shall apply for Garage Sales, Flea Markets, and Not For Profit Fund Raising Activities:
- a. Each Garage Sale, as authorized in Municipal

Ordinance Number 66, shall be allowed two (2) on premise signs and two (2) off premise signs, not to exceed four square feet in size per sign, and shall be removed no later than one day after the final day of the sale.

- b. Each legally operating Flea Market, as authorized in Municipal Ordinance Number 66, shall be allowed two (2) signs not to exceed four (4) square feet in size per sign.
- c. Each Not For Profit Fund Raising Activity, as authorized in Municipal Ordinance Number 66, shall be allowed three (3) signs not to exceed four (4) square feet per sign, and shall be removed no later than one day after the date of expiration of the effective permit. Up to three (3) off-premise directional signs may be permitted by review of the planning commission with each sign not to exceed four (4) square feet in area and shall be no less than three feet in height nor greater than six (6) feet in height. All off premise signs shall be located on privately owned property.

11-411. Standards for Mobile Homes and Mobile Home Parks. The following regulations and standards shall apply to mobile homes and mobile home parks.

- 1. Mobile Homes Permitted Only in Mobile Home Parks. Mobile homes shall be permitted only in approved mobile home parks except existing nonconforming mobile homes, which are subject to Section 11-502 of this ordinance.
- 2. 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 seven thousand (7,000) square feet of lot area for each space provided on the site, provided that a larger area shall be required by the Board of Zoning Appeals, where, because of such natural factors as soils, topography, drainage, vegetation, geology or other factors, the Board determines that a larger area is necessary to insure the health, safety, and welfare of residents of the mobile home park or of surrounding areas. This space ratio shall include access roads and automobile parking.

- c. The mobile home park shall be located on a well-drained site.

3. Dimensional Requirements for Parks.

- a. Each mobile home park shall have a front yard depth of fifty (50) 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 fifty (50) feet from the parcel boundary.
- c. In instances where side yard or rear yard abuts a public street, said yard shall not be less than fifty (50) feet.
- d. Each mobile home park shall contain one or more recreation areas totaling at least three hundred (300) square feet per mobile home. At least one such area in each mobile home park shall be of such size and shape that a one hundred (100) foot square may be laid out within it and shall be substantially flat, without trees, bushes, or other obstructions, and maintained as a lawn.
- e. No building or structure erected or stationed in a mobile home park shall have a height greater than twenty (20) feet.

4. Dimensional Requirements for Mobile Home Spaces. Each mobile home space shall be of sufficient size that, in addition to the mobile home, the following space shall be provided:

- a. Each mobile home space shall be at least sixty (60) 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 two (2) paved, off-street parking spaces for each mobile home space, which

shall be on the same site as the mobile home served, and may be located in the rear or side yard of said mobile home space.

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

5. 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) mobile home spaces.
- 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 Subdivision Standards for the Pittman Center Planning Area.
- 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 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 materials, shall be installed for each mobile home. Size of pads shall be 12' x 50' or larger as required depending upon the unit size.
- e. Each mobile home space shall be provided with a connection to a sanitary sewer system.
- f. Each mobile home space shall be provided with a connection to a public water supply approved by the Sevier County Health Department.
- g. 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.
- h. Cabanas, travel trailers, and other similar enclosed structures are prohibited.

- i. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within a mobile home park.
 - j. All utility wires, pipes, and tanks shall be underground, except that oil tanks used as part of a central distribution system may be above ground if fully screened from view by a wood or masonry wall or fence.
 - k. Each mobile home park shall provide refuse containers, compatible with mechanical lifting devices on city collection trucks, having a capacity of ten (10) cubic yards for each four (4) mobile homes, so located that no mobile home is farther than one hundred fifty (150) feet from such a container.
 - l. All refuse containers shall be located on portland cement concrete stands, abutting and level with a driveway, which shall be surrounded except on the driveway side by a wood or masonry fence or wall at least six (6) feet high.
 - m. Each mobile home shall be provided with an enclosed storage shed or partitioned space in such a shed, either of which shall have at least 360 cubic feet and shall be located within 150 feet of said mobile home. No outside storage shall be permitted by any mobile home park or permitted by any occupant, including the storage of anything underneath any mobile home.
6. Mobile Home Tie Down Standards. Each mobile home shall be anchored in accordance with all applicable requirements as set forth in Appendix "H", Standard Building Code, latest edition as adopted by the City of Pittman Center.
7. Application for a Permit for the Construction of a Mobile Home Park. Applications for a building permit shall be filed with and issued by the Building Official, subject to the approval of the Planning commission and in accordance with the provisions of Section 11-603. 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. Topographic mapping at five (5) foot intervals on slopes greater than ten percent and two (2) foot intervals of slopes less than ten percent.

- c. Location and dimensions of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
- d. The proposed use of buildings shown on the site.
- e. The location and size of all mobile home spaces.
- f. The location of all points of entry and exit for motor vehicles and the internal circulation pattern.
- g. The location of all off-street parking facilities.
- h. The location of all walls, fences, and screens and the indication of their height and the materials and design of construction.
- i. The location and size of park and recreation areas.
- j. The name and address of the applicant.
- k. Such other architectural, engineering and topographic data as may be required to permit the Health Officer, Building Official, and Board of Zoning Appeals to determine if the provisions of these regulations are being complied with shall be submitted with the plot plan.
- l. 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.
- m. Certification of approval of the sanitary sewer system by the City Building Official and the County Health Officer.

11-412. Standards for Cemeteries

- 1. Standards. 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.

- 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 developed grounds shall be landscaped and maintained.
2. Proposals. Proposals for cemeteries shall be reviewed by the Board of Zoning Appeals in accordance with the provisions of Section 11-605.

11-413. Standards for Planned Unit Development

1. Purpose. The purpose of the Planned Unit Development (PUD) is to provide the opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The Planned Unit Development is intended to be used to encourage the application of new techniques and technology to community development which will result in development arrangements with lasting values. It is further intended to achieve economies in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable attractive open spaces, safe circulations, and the general well-being of the inhabitants.
2. Location. A PUD may be located within any residential or commercial district (except Scenic Landscape Preservation Zone) provided that the density and use requirements of the district in which such PUD plan is to be located have been reviewed and recommended for approval by the Pittman Center Planning Commission. Conservation design is the preferred development type for single family residential developments in the Scenic Landscape Preservation Overlay Zone.
3. Permitted uses in PUD's. Any uses permitted in that district in which the PUD is to be located; provided, however, that a residential PUD may have commercial uses which shall be limited to serving the needs of the residents living within the PUD.

4. Height, density, and area regulations. No building project shall exceed the general regulations for the district in which it is to be located.
5. The minimum development site and density for a PUD shall be determined by the area and density requirements of the district in which it is proposed.
6. No freestanding buildings shall be closer than twenty (20) feet to any other freestanding building and no closer than fifty (50) feet to the property lines. If buildings are multiple story, ten (10) feet shall be added to these setback requirements per additional story.
7. Off-street parking regulations. As regulated in 11-404.
8. Signage. Signage for PUDs shall meet all general requirements of Section 11-410 and the specific requirements of Section 11-410, minor subsection 3(b).
9. General provisions.
 - a. Relationship to the subdivision regulations: The arrangement of public and private streets and sidewalks for pedestrian and vehicular circulation shall comply with standards set forth in the subdivision regulations.
 - b. Combination of separate types of Planned Unit Development: PUD's located in two or more districts may be considered as one development provided the total tract is under single ownership.
10. Site Improvements.
 - a. Storm drainage structures shall be constructed in accordance with plans and specifications of the Public Works Manual compiled by MTAS.
 - b. The planned unit development shall be served by a sanitary sewer system or an engineered and certified equivalent alternative system. The planning commission shall require any information, documentation, and/or certification it deems necessary for the protection of the public interest before final approval to use any alternative system is granted.
 - c. Landscaping and screening shall be required by the planning commission and shown on the PUD plan.

11. Access Road. Any proposed PUD that is accessed by a road that is either less than 18' in width or not paved with asphalt or concrete must submit a traffic study with the preliminary PUD plan, detailing the volume of automobile traffic being added by the proposed development, the adequacy of the existing roads, and improvements that need to be made. The town may then commission an independent review of that traffic study, and require improvements be made before development can proceed. Where road pavement is to be increased, an engineered drainage and erosion control plan must be provided, and there must be a minimum of 40' of Right-of-Way. Given the mountainous terrain of Pittman Center, public safety precautions such as guard rails shall be installed where appropriate.
12. Density. The total square feet of school, church, and other public buildings shall be subtracted from the total area of the PUD before computing overall building density.
13. Open Space Requirements.
 - a. Residential: On site usable recreation and open space shall be provided. Such areas shall be set aside for open space or recreation purposes only and shall comprise at least fifty (50) percent of the parcel. It is intended to serve the residents of the PUD, and should be easily accessible.
 - b. Commercial:
 - i. Shall meet all open space requirements as established by this ordinance.
 - ii. Shall be landscaped and shall be shown in the planned unit development plan.
 - c. Open space shall be established in the appropriate legal manner and maintained in one of the following methods:
 - i. By a Homeowner's Association established by deed restrictions;
 - ii. By the developer or management authority of the PUD;
 - iii. By a third party conservation organization to ensure the land will never be developed.

14. Phasing and Timing.

- a. The applicant may elect to develop the site in successive phases in a manner indicated in the planned unit development plan; however, each such phase shall be substantially complete within itself.
- b. The planning commission may require that development be done in phases if public facilities are not adequate to service the entire development initially.
- c. The developer shall indicate the time schedule, in months, for completion of each phase.

15. Changes and Modifications. Major changes in planned unit development after it has been adopted shall be the same as a new petition and shall be made in accordance with the procedures specified in subsection 14.

16. Application procedure for Planned Unit Development. To obtain a permit to develop a planned unit development, the developer shall:

- a. Submit a preliminary planned unit development plan to the Pittman Center Planning Commission for its review and approval. The preliminary PUD plan shall be drawn at a minimum scale of one inch equals one hundred (100) feet and shall:
 - i. Define the location, size, accessibility, and existing zoning of the proposed site;
 - ii. Indicate the surrounding type of development and land use;
 - iii. Set forth the type of development proposed, the density of the proposed development, and the location of all structures, parking areas, and open space;
 - iv. Show a plan for streets, thoroughfares, public utilities, schools, and other public or community uses;

- v. In addition to the above, the planning commission may require such other additional information as may be determined necessary to adequately review the proposed development.
- vi. Topographic mapping at five (5) foot intervals on slopes greater than ten percent and two (2) foot intervals on slopes less than ten percent.
- vii. Location, species and diameter of all trees with a diameter of 12" or greater (caliper measurement 3 ft above ground) must be shown on the site plan in the area to be disturbed. Location, species and diameter (if over 12") of trees that are intended to be removed and/or added must be shown also.

All attempts must be made to preserve as many specimen trees as possible - defined as overstory trees with a diameter of at least 24"; tree survey must note the specimen trees that are intended to be removed. Planning Commission may require alteration of site plan to preserve specimen trees.

- b. Submit a final PUD development plan which conforms to the preliminary development plan and includes any required changes.
- c. No building permits shall be issued until after approval of the final PUD plan and approval of a preliminary subdivision plat (if required). The Building Official shall revoke any permit if it becomes obvious that construction is not in compliance with the approved plan or if construction has not commenced within six (6) months following the issuance of a permit. (Amended by Ordinance 260, 9/18/2014)

11-414. Erosion and Sedimentation Control Standards. The purpose of these regulations is to empower the appropriate officials of Pittman Center to control any land-disturbing activity that is determined by such officials to cause contamination of water supplies and water resources, the clogging of watercourses, and ditches, sinkholes or natural drainageways; or erosion of land which may jeopardize existing structures, roadway, or adjacent property. This section shall apply to all districts within Pittman Center, Tennessee.

- 1. Permits. Any site which undergoes land disturbing activity shall have a valid grading permit issued by the Building Official for that particular site before

commencement of any grading/excavation work. Said permit shall be issued for no more than a six (6) month period, at which time a renewal application shall be required for continued grading.

a. Permit Requirements: The developer shall submit the following information for the entire tract of land to be graded/excavated before a permit is to be released:

i. A boundary line survey of the site on which the work is to be performed.

ii. A grading plan for substandard lots of record.

iii. Plans and specifications of soil erosion and sedimentation control measures conforming to the requirements as outlined in this ordinance.

iv. The development sequence of construction events as related to the control of soil erosion and sedimentation.

2. Exclusions. No grading/excavation permit shall be required for:

a. Nursery operations, such as the removal and/or transplanting of cultivated soil, shrubs, and trees;

b. Garden plots; lawn preparation of landscaping activities or existing lots or parcels unless the possibility for erosion and sedimentation or alteration of drainage is such to necessitate a grading permit as determined by the administrator;

c. Agricultural land management practices such as plowing or cultivation;

3. Maintenance. Any person, firm or entity engaged in or conducting any land disturbing activity shall be responsible for maintaining all temporary and permanent erosion and sedimentation measures and facilities during development of the site. Following activity by any firm or entity, responsibility for maintaining permanent measures shall be borne by the property owner who shall insure compliance with these regulations.

4. Maximum Slope Permissible

a. The finished slope of any excavation must not exceed 2:1. The slope is calculated as the slope or degree of inclination from the horizontal.

- b. Slopes left exposed must, within thirty (30) days of completion of any phase of grading, be planted or otherwise provided with a ground cover, devices or structures sufficient to restrain erosion.

5. Ground Cover

- a. Whenever land disturbing activity is undertaken on a tract, a 100% vegetative ground cover sufficient to restrain erosion must be planted or otherwise provided within thirty (30) working days on that portion of the tract upon which further active construction is not being undertaken. Periodic or intermittent land disturbing activity does not preclude the intent of this section. Activity must be of a weekly nature.
- b. On angled or graded slopes constant efforts must be undertaken to restrain erosion during and after excavation.

6. Drainage/Runoff

- a. No land disturbing activity shall be permitted in proximity to any watercourse or drainage way unless:
 - i. A buffer zone is provided along the margin of the watercourse of sufficient width to confine siltation of sediment deposits.
 - ii. A sufficient drainage and/or a runoff plan has been submitted to the Building Official and approval received. This approval is contingent on the plans intent on preserving the character of the land, and preserving the drainage course.
- b. Any land disturbing activity shall be so conducted to eliminate unnecessary runoff and/or drainage into adjacent properties or public rights-of-way.

11-415. Standards for Buffer Zones. The following standards shall apply to all commercial properties adjacent to residential districts. A buffer zone shall be provided on all commercial properties which are adjacent to residential districts. Such buffer zones shall conform to the following specifications:

- 1. Width. the designated area shall not be less than fifteen (15) feet for commercial properties.
- 2. Length. The buffer area shall extend the length of the adjacent residential lot lines.
- 3. Design. A suitable design plan, incorporating either berms, vegetation or a combination shall be provided to adequately screen the adjacent property.

4. Location. The buffer zone shall be located along the property line(s) adjacent to residential districts.
5. Restriction of Use. No structure, storage or similar activities shall be permitted within the buffer area.

11-416. Site Plan Review. All persons, business, or organizations, including communication towers, applying for a building permit must first submit two (2) copies of a site plan prepared by a registered architect or engineer for all commercial and multi-family developments and for nonconforming lots in any district. A permit will not be issued unless a plan is submitted and approval from the Pittman Center Planning Commission and approval from the Pittman Center Planning Commission is given to the Building Official to issue the permit. (Amended by Ordinance 164, 7/20/2000)

1. Site Plan Requirements. All site plans shall show the following:
 - a. The site location of the proposed use/structure including a location map and the scale of such map.
 - b. Drainage system plan to include but not limited to the location of enclosed storm sewers and appurtenances, open channels, and swales on property lines and/or back lot lines, and contour lines at five (5) foot intervals on slopes greater than ten (10) percent and two (2) foot intervals on slopes less than ten (10) percent.
 - c. Size and dimensions of the proposed building and a drawing of all setbacks.
 - d. Location of loading zones, front, side, and rear doors, if any.
 - e. Parking area design, number of parking spaces, and design of those spaces.
 - f. Location and layout of proposed utilities.
 - g. Location of any signs and the dimension of such sign(s).
 - h. Location of any easements, alleys, or marginal access roads.
 - i. Location and design of all entrances and exits onto a public road. (Developer should consult with local planner, planning commission)

- i. Location and design of all entrances and exits onto a public road. (Developer should consult with local planner, planning commission)
- j. A master plan of a shopping center may be submitted to the planning commission as a whole, instead of individually for each use in the shopping center.
- k. Any changes to the approved master plan must be submitted for approval.
- l. A landscaping plan shall be submitted. Ten (10) percent of the total area of the project shall be landscaped. Location of trees, shrubs, or other foliage shall be noted on the plan. (See section 11-423 Landscaping Requirements).

In addition: location, species and diameter of all trees with a diameter of 12" or greater (caliper measurement 3 ft above ground) must be shown on the site plan in the area to be disturbed. Location, species and diameter (if over 12") of trees that are intended to be removed and/or added must be noted. All attempts must be made to preserve as many specimen trees as possible - defined as overstory trees with a diameter of at least 24"; tree survey must note the specimen trees that are intended to be removed. Planning Commission may require alteration of site plan to preserve specimen trees.

- m. Certification stamp of the registered architect or engineer preparing the site plan.
- n. Certification of approval from the Design Review Commission for all nonresidential buildings. (Added by Ordinance 230 08/20/2009)
- o. Any proposed development that is accessed by a road that is either less than 18' in width or not paved with asphalt or concrete must submit a traffic study with the site plan, detailing the volume of automobile traffic being added by the proposed development, the adequacy of the existing roads, and improvements that need to be made. The town may then commission an independent review of that traffic study, and require improvements be made before development can proceed. Where road pavement is to be increased, an engineered drainage and erosion control plan must be provided, and there must be a minimum of 40' of Right-of-Way. Given the mountainous terrain of Pittman Center, public safety precautions such as guard rails shall

be installed where appropriate.

11-417. Septic System and Sewage Standards. The presence of excessive slope and poorly drained or thin soils directly affects the environmental quality in Pittman Center. The following regulations shall serve to protect streams, ground water, and adjacent property owners from contamination by septic systems.

1. Number Allowed. Only one functioning septic system approved by the State Health Department is allowed per lot.
2. Soils. A soil survey of the entire lot, conducted by a soil scientist (approved by the health department) shall be submitted to and evaluated by the health department environmentalist before a building permit may be issued.
3. Non-Residential Systems. All septic systems serving uses other than a single family dwelling shall be designed by an engineer registered in Tennessee with education, training and experience in the design of septic systems. The system must be designed utilizing data from an on-site percolation test carried out by a registered civil engineer. A design engineer must provide certification of the system's construction.
4. Maximum Slope. Maximum slope permitted for the area to be used for the septic system shall be no greater than twenty (20) percent unless a special investigation shows the site meets the standards of the State Health Department for extreme slopes. Those standards are:
 - a. Depth to bedrock shall be more than six (6) feet from the surface of the ground.
 - b. There shall be no rock outcrop within three hundred (300) feet down slope from the septic system.
5. Location. The location of the septic tank and disposal field shall be:
 - a. Ten (10) feet from all dwellings.
 - b. Thirty (30) feet from all property lines.
 - c. Fifty (50) feet from the high water mark of any drainage way, stream, or impoundment.
6. Alternative Systems. Alternative septic systems may be considered by the Board of Zoning Appeals (BZA) where evidence indicates an alternative is needed and appropriate. Appropriate monitoring periods and restrictions shall be placed on such systems by the BZA.

Any such system shall be designed by a certified engineer with experience in the field of alternative septic design.

7. State Compliance. All septic systems must meet the minimum health department standards as well as the minimum standards of Pittman Center set forth in this section.
8. Public Water and Sewer Requirements. In order to protect the public health, the following regulations shall apply:
 - a. All residential and nonresidential structures must be equipped to discharge into a sanitary sewer system at the time such system shall be made available.
 - b. All wells must meet state health requirements as to construction and location.

11-418. Water Course Protection and Water Retention Measures. In order to prevent flooding and to protect the quality of water in the Middle Prong Basin, the following regulations shall apply:

1. Buffer Strip. In all zones the vegetation and ground cover of a buffer strip of ten (10) feet, measured from the edge of the normal water flow level of the water course along the entire length or width of the property and parallel to the water course shall not be disturbed, except for the periodic removal of underbrush, but not the ground cover; and except for the purpose of crossing such water course perpendicularly with a public road, private drive, or utility easement. Such crossings are subject to the approval of the Board of Zoning Appeals. A minimum building setback of twenty-five (25) feet measured perpendicularly from the edge of the normal water flow level of the water course to the edge of the building footer shall be required. The undisturbed buffer strip can be included as part of the undisturbed vegetation and/or building setback areas where required in other section of the zoning ordinance.
2. Road Crossings. Where such road crossings occur, an appropriately designed check dam and spillway will be constructed. The use of culvert pipes will be permitted by review of the Planning Commission. Bridges shall have finished elevations above the 100-year Flood. All site and drainage plans shall be certified by a professional engineer.
3. Utilities. Utility crossings are to be below grade or will take the form of a small check dam and spillway.
4. Commercial. Wherever possible in the commercial zones, site drainage is to promote natural infiltration of stormwater and direct such runoff to natural water courses, or areas of high permeability either natural or man made, which are not used for pedestrian or vehicular traffic.
5. Watercourse Alteration. The Building Official or appropriate

community official must notify adjacent communities and the State Local Planning Office prior to any alteration or relocation of a water course, and submit evidence of such notification to the Federal Insurance Administration.

6. Site Plan Required. Such measures are to be indicated on plans submitted for approval by the Board.

11-419 Outside Display and Solicitation of Merchandise. In order to promote an orderly flow of visitors and to enhance public safety, while ensuring that commercial activities are compatible with the Pittman Center vision and their intent to maintain their mountain heritage, the outdoor display and sale of merchandise is permitted in all commercial districts subject to the following restrictions. (Amended by Ordinance 172, 8/16/2001)

1. In the case of automobile service stations, the outdoor display is limited to items directly associated with automobile service stations (e.g. gas, oil, and tires)
2. In the case of craft shops, outdoor display is limited to those items that are totally manufactured on site.
3. In all other districts, outdoor display shall be limited to natural, non-manufactured items such as flowers, shrubs, trees, and firewood, and agricultural items such as vegetables, honey, and jelly.
4. All items displayed outdoors must be displayed within the building setback lines as regulated in Section 11-316.

11-420. Overnight and/or Tourist Rentals. Overnight and/or tourist rentals in single family dwellings are allowed provided that all district regulations are strictly adhered to and an overnight/tourist rental permit is annually obtained from the Town of Pittman Center and is current at the time of overnight/tourist occupancy and is on file with the town administration.

11-421. Telecommunication Towers. The following regulations shall apply to all telecommunication towers and related equipment placements in all zoning districts. (Added by Ordinance 164, 7/20/2000)

1. Telecommunication Tower as a Principal Use. A tower and related equipment shall be the principal use and structure on all lots, parcels, or tracts within the Town of Pittman Center. No other use or structure shall be permitted on the same lot, parcel, or tract. This shall not, however, preclude the use of existing or proposed towers for additional telecommunications antennae.
2. Co-Location Priority. Applicants proposing to construct a new telecommunications tower shall identify all other existing towers within the Town as possible alternative sites for antenna installation. Where feasible, priority shall be given to the placement of additional antenna on existing towers. Approval of the construction of a new telecommunications tower generally shall be contingent on the capability of future installations of additional antennae on such tower. The applicant for a new tower shall provide written authorization to the Planning Commission indicating that the proposed tower is designed to allow the installation of additional antennae. The authorization shall be recorded at the Office of the Register of Deeds of Sevier County, Tennessee prior to the issuance of a permit for tower construction.
3. Application for the location of Telecommunication Antennae and Towers, Site Plan Approval, and Certification of Tower Height.
 - a. A request to locate a telecommunications antennae or tower within the Town of Pittman Center, Tennessee shall be submitted to the Town's Building Official. If the request involves only the placement of an antenna on an existing tower, with no construction of new buildings or related facilities, then the Building Official may permit said installation upon finding that all applicable Town requirements have been met. If, however, any new tower, extension of an existing structure or tower, or any new telecommunications buildings or facilities are proposed for a site, then the Planning Commission of the Town of Pittman Center, Tennessee shall consider the request.
 - b. A permit for the construction of a telecommunications tower or related facility shall not be issued without the approval of the Planning Commission of the Town of Pittman Center, Tennessee. A site plan prepared in accordance with all requirements of section **11-416. Site Plan Review** of the Pittman Center Zoning Ordinance must be approved by the Pittman Center Planning Commission prior to the issuance of a permit.

c. Upon placement of all telecommunications and related facilities, a certified survey shall be submitted to the Pittman Center Building Official which shall verify tower and antennae heights and setbacks for the tower, other structures, and guy wires.

4. Setbacks for Towers and Associated Buildings or Facilities. The parcel, tract, or lot on which telecommunication towers are located shall meet the minimum lot size requirements and building setbacks for each zoning district. Towers which are higher than thirty-five (35) feet shall be setback from adjoining property lines a distance equal to the height of the tower.
5. Guy Wires and Supports. Guy wires for telecommunication towers shall be set back from the side and/or rear property lines a minimum of ten (10) feet. No guy wires shall be located in required front yards.
6. Lighting, Noise, and Color.
 - a. Lighting for a tower shall not exceed the requirements of Federal and State regulations, with regard to the number and color of lights. Intermittent or strobe lights shall be allowed on a tower only to the extent needed to satisfy Federal or State regulations. Lighting in excess of the applicable requirements shall not be permitted.
 - b. Insofar as possible, given Federal or State regulations, noise emanating from a tower, or from equipment accessory to it, shall not be audible to adjacent residents. Where such noise may emanate from a tower site, the applicant shall provide evidence for the implementation of measures to mitigate noise on surrounding properties.
 - c. Unless mandated by other applicable regulations, tower colors shall be restricted to those which tend to blend into the immediate environment, and which are as inconspicuous as possible.
7. Screening from Public View. Fences, equipment enclosures, buildings, and all related facilities located at the base of a tower shall be screened by landscaping shrubs and/or trees. The landscaping utilized shall be evergreen, native to the area, and shall be sufficient to obscure said fences, equipment and/or facilities from view.
8. Tower Removal Upon Termination of Use. When the active use of a telecommunications tower ceases for a period of twelve

(12) consecutive months, then the tower shall be removed at the owner's expense. It shall be the responsibility of the owner of a telecommunications tower to notify the Building Official when that tower has ceased operations, except for ordinary maintenance or minor repairs.

11-422. Public and Emergency Uses. The following regulations shall apply to all public and emergency uses in all zoning districts. (Added by Ordinance 233, 3/18/2010)

1. Uses Allowed. Public uses and emergency facilities such as schools and education facilities, town owned buildings, government offices, utility facilities, fire stations, police stations, ambulance stations, other uses deemed to be similar in nature to those listed here by the board of zoning appeals shall be allowed in any zoning district after review by the board of zoning appeals as to the use's suitability to the proposed location.
2. Zoning Ordinance Compliance. The parcel, tract, or lot on which a public or emergency facility is located shall meet the minimum lot size requirements and the building shall meet all setbacks and height restrictions for the zoning district in which it is located.
3. Discontinuance of Use. In the event that the public or emergency use is discontinued, the parcel shall be used for either another approved public or emergency use, or a use allowed in the zoning district in which it is located.

11-423. Landscaping Requirements. All landscaping within the Town of Pittman Center shall be native, noninvasive plants. All landscaping shall be in accordance with the town's Tree City USA Ordinance. (Added by Ordinance 254, 10/17/2013)

11-424. Exterior Lighting. All exterior light fixtures within the Town of Pittman Center shall be compliant with the International Dark Skies Association's requirements. Nonresidential uses must turn off all exterior lighting when the businesses are closed. Security lights may be allowed but must be motion activated. International Dark Skies Requirements can be found in Appendix III. (Added by Ordinance 255, 11/21/2013) (Amended by Ordinance 261, 9/18/2014)

11-425. Accessory Dwelling Units/Guest Houses. To accommodate families desiring to care for sick, elderly, or disabled family members or temporarily house guests, existing accessory structures may be repurposed to serve as guest homes under limited conditions, as follows:

1. **Limited use.** A guest house shall be used only by the occupants of the principal dwelling or their family members and/or nonpaying guests. The guest house shall not be rented (either short or long-term) and a deed restriction specifying this requirement shall be recorded by the property owner prior to occupancy of the structure.
2. **Property requirements.** A guest house may be permitted only on properties in residential zones which contain an existing owner-occupied single family detached dwelling unit. Only one guest house may be permitted per lot of record.
3. **Minimum lot size.** Guest houses may only be constructed on legal parcels which are 40,000 square feet in size or larger.
4. **Location.** Guest houses shall be located in the rear yard area and shall not extend into the required front or side yards.
5. **Lot coverage.** The maximum lot coverage provisions of the zone shall apply.
6. **Floor area.** The floor area of a guest house shall not exceed 750 square feet. The minimum permitted size of a guest house shall conform to the requirements of the Uniform Building Code and Uniform Housing Code.
7. **Living facilities.** There shall be no kitchen, cooking or wet bar facilities within a guest house.
8. **Construction standards.** All construction shall meet the Minimum Construction Standards For Single Family Residences as per the **International Residential Code (2018)**
9. **Design and materials.** Guest house shall be designed and constructed with materials that are comparable to and compatible with the primary residence and other residences in the vicinity.
10. **Driveway access.** The driveway serving the primary dwelling unit shall also serve the guest house.
11. **Non-conforming properties.** Any conditions pertaining to parking, building code and property development standards of the zone that are non-conforming for the primary use

shall be corrected, to the extent feasible, prior to the commencement of construction.

CHAPTER V

EXCEPTIONS AND MODIFICATIONS

SECTION

11-501. Scope

11-502. Non-conforming Uses

11-503. Lots of Record

11-504. Exceptions to Setback Requirements

11-501. Scope. Chapter 5 of this ordinance 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.

11-502. Nonconforming Uses. It is the intent of the zoning ordinance to recognize that the elimination (as regulated under section 13-7-208, Tennessee Code Annotated) as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of the zoning ordinance 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 ordinance. It is also the intent of the zoning ordinance 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 ordinance 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 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 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 ordinance. A nonconforming use of a building or buildings, except commercial or industrial uses, shall not be enlarged to either additional land or buildings after the effective date of the zoning ordinance. Industrial and commercial uses may be permitted to construct additional facilities provided that there is a reasonable amount of space for such construction. "Reasonable amount of space" is defined as that area necessary so that the additional building(s) shall conform to all appropriate provisions of the zoning ordinance and shall not, in the opinion of

the Board of Zoning appeals, be detrimental to adjoining property.

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 ordinance. Immediately upon the removal of a nonconforming mobile home or discontinued use of a nonconforming mobile home park, the resumption of such use shall be denied.
4. Any nonconforming building or nonconforming use, which is damaged by fire, flood, winds, 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 extent of more than 60 percent of its fair sales value immediately prior to damage in which case any repair, reconstruction or use shall be in conformity with the provisions of the zoning ordinance, provided that a structure being utilized for industrial or commercial purposes may be demolished and new facilities necessary to the conduct of such business or industry reconstructed if there is a reasonable amount of space for such reconstruction. "Reasonable amount of space" is defined as that area necessary so that the reconstructed building(s) shall conform to all appropriate provisions of the zoning ordinance, and shall not, in the opinion of the Board of Zoning Appeals, be detrimental to adjoining property.
5. A nonconforming building or building housing a nonconforming use shall not be structurally altered except in conformance with the provisions of the zoning ordinance. These provisions shall not be constructed to prevent normal maintenance and repairs or alterations required for structural safety.

11-503. Lot of Record. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of the zoning ordinance does not own sufficient land to enable him to conform to the yard or other requirements of the zoning ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of the zoning ordinance. 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 space will be smaller than prescribed by the zoning ordinance.

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.

11-504. Exceptions to Setback Requirements. The setback requirement of the zoning ordinance 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 (30) feet from the street right-of-way line.

CHAPTER VI ADMINISTRATION AND ENFORCEMENT

SECTION

11-601. Administration of the Ordinance

11-602. The Enforcement Officer

11-603. Building Permits

11-604. Certificate of Occupancy

11-605. Board of Zoning Appeals

11-606. Variances

11-607. Amendments to the Ordinance

11-608. Penalties

11-609. Remedies

11-610. Validity

11-611. Interpretation

11-612. Effective Date

11-601. Administration of the Ordinance. Except as otherwise provided, no structure or land shall after the effective date of this ordinance, 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 this ordinance 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.

11-602. The Enforcement Officer. The provisions of this ordinance shall be administered and enforced by the City Building Official. This official shall have the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance. In addition, he shall issue all building permits and make and maintain records thereof, and conduct inspections as prescribed by this ordinance and other such inspections as are necessary to insure compliance with this ordinance.

11-603. Building Permits.

1. A building permit shall be required for the following activities when the cost of such activities exceeds \$100 with the exception of routine maintenance items as defined in Chapter 2, Section 11-204.

- a. To commence the excavation for or the construction of any building or other structure;

- b. To commence the moving, alteration, or repair of any structure; or,
- c. To commence any land disturbing activity.

It shall be unlawful to commence activities, for which a building permit is required, until the Building Official has issued for such work a building permit and said permit is prominently displayed at the building site and visible from a public right of way. Application for a building permit shall be made in writing to the Building Official on forms provided for that purpose.

- d. Excavation, grading, site clearing provisions:

The following provisions shall apply to all developments and properties located within the Town of Pittman Center. These provisions shall be in addition to all other applicable ordinances and codes of the Town of Pittman Center:

(1) Excavation, grading, and site clearing and other land disturbances shall be limited to the areas shown as such on the approved plans. All other areas including the essential root zone, shall remain as undisturbed areas unless otherwise permitted under these provisions. In the event areas outside the boundaries of identified development require disturbance, the applicant shall be required to show reason for the disturbance. The reason shall be submitted in writing to the building official and shall require the certification of the project architect and or engineer.

(2) In the event no development is planned for a parcel of property, the applicant shall be permitted to clear no more than 25 percent of the property within a 5 year period. A site clearing plan shall be submitted to the building official which bears the certification of a registered engineer showing proposed clearing areas and all methods of erosion control and site drainage management in order to stabilize and protect the disturbed area from

erosion.

(3) In all instances, areas of disturbance shall be stabilized within seven (7) calendar days of the initial disturbance, by an approved method of erosion/sedimentation control, and/or ground cover. Grading commencement shall be limited to fifteen (15) days prior to the initiation of construction. In addition, areas of disturbance shall be included in a long range plan for permanent vegetation and shall have the approval of the building official and/or the planning commission through its site development review process.

(4) A protection plan shall be required for all areas adjoining an area of disturbance including any existing areas proposed to be retained on the site as natural vegetated areas, which have been previously shown and approved on the site plan. The protection plan shall indicate the methods by which the natural vegetation will be protected from adjoining areas of disturbance. Prior to commencement, tree fencing shall be provided around areas to remain undisturbed and no filling or covering of tree root areas above the natural grade will be permitted.

(5) Grading and benching shall be restricted so that no cut slopes be any steeper than two (2) horizontal to one (1) vertical, except as provided in subsection (6) below. There shall be a fifteen foot (15') maximum height for un-terraced slope. Intense landscaping will be required for all terraced slopes. The maximum height for terracing standards and engineered walls shall be fifteen feet (15'). The minimum horizontal distance between any two (2) terraced slope or wall sections shall be five feet (5'). Retaining walls shall be designed and constructed parallel to pre-disturbed slopes and/or with the property contour rather than across property contour.

(6) Certification by an approved professional shall be required for all slope construction for slopes in excess of two (2) horizontal to one (1) vertical.

(7) A twenty-five foot (25') buffer from all permanent and intermittent streams will be required with all fill and borrow.

(8) Mass grading is prohibited prior to construction.

(9) Roadway (public or private) grades, including common driveways and all other roadways that are components of any development vehicular circulation system, shall not exceed a fifteen percent (15%) maximum grade, unless a variance is granted by the Pittman Center Planning Commission in accordance with adopted variance procedures. All roadway and street construction shall be done with the natural contour of the property and not across the contour. All grading of roadways shall be done in a manner to limit the area of disturbance to the minimum extent practical.

(10) The grading and clearing for pioneer roads shall be limited to no more than ten feet (10') in width. Grading and clearing for property surveys shall be limited to areas needed to conduct the survey. Grading and clearing for soils testing shall be limited to selective patches with a minimum separation of one hundred feet (100') between testing areas. All areas of grading and clearing shall be limited to areas designated by a licensed civil engineer.

2. It shall be unlawful for the Building Official 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 ordinance. To this end, the Building Official 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 scale and showing the following in sufficient detail to enable the Building Official to ascertain whether the proposed excavation, construction, moving, or alteration is in conformance with the zoning ordinance.

- a. The actual shape, location, topography (shown at the required contour interval), 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 access road or driveways, off-street parking areas, concerning the lot or adjoining lots as may be essential for determining whether the provisions of the zoning ordinance 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 ordinance, the Building Official shall issue a building permit for such excavation or construction. If an application for a building permit is not approved, the Building Official shall state in writing on the application the cause for disapproval. Issuance of a permit shall, in no case, be construed as waiving any provision of the zoning ordinance, 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.

11-604. Certificate of Occupancy. No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Building Official shall have issued a certificate of occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of the zoning ordinance. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Official to make a final inspection thereof, and to issue a certificate of occupancy, if the building or premises or part thereof is found to conform with the provisions of the zoning ordinance, or, if such certificate is refused, to state the refusal in writing with the cause for such refusal.

11-605. Board of Zoning Appeals. A Board of Zoning Appeals is hereby established in accordance with Sections 13-7-205 through 13-7-207, Tennessee Code Annotated. The members of the Pittman Center Planning Commission shall serve as the Board of Zoning Appeals serving coterminous with their term as Planning Commissioner.

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. Upon the hearing, any person or party may appear in person, by agent or by attorney.
2. **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 Official or other administrative official in the carrying out of enforcement of any provision of the zoning ordinance.
 - b. Special exceptions. To hear and decide application for special exceptions as specified in the zoning ordinance, 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 by the zoning ordinance.
 - c. **Variances.** To hear and decide applications for variances from the terms of the zoning ordinance.

11-606. Variances. The purpose of the variance is to modify the strict application of the specific requirements of this ordinance 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 ordinance.

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 finding 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 finding of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of the zoning ordinance 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 ordinance 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 therefore.

11-607. Amendment to the Ordinance. The regulations and the number or boundaries of districts established by the zoning ordinance may be amended, supplemented, changed, modified, or repealed by the Board of mayor and Aldermen, but in accordance with the Tennessee Code Annotated as amended, no amendment shall become effective unless it is first submitted to and approved by the planning commission, or, if not approved, shall receive a majority vote of the Board of Mayor and Aldermen. 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 this ordinance, or to the zoning map, and report its recommendations to the Board of Mayor and Aldermen.

1. *Application and Fee.* Persons wishing to have the ordinance amended shall file an application according to the regulations of the planning commission. To partially defray the administration cost and cost of giving public notice, the applicant shall deposit a filing fee to the City of Pittman Center of fifty (\$50) dollars. The filing fee will be returned to the applicant if the amendment is rejected.
2. *Notice to Property Owners.* The persons requesting the rezoning must submit to the planning commission letters addressed to each property owner and resident within two hundred (200) feet of the property in question containing information adequate to notify such owners and residents of the intention to rezone the area for which the application is submitted and when and where a public hearing will be held before the planning commission. Such letter should be placed in unsealed, stamped, and addressed envelopes ready for mailing by the planning commission. The return address of the planning commission must appear on the envelope, and a list of all persons to whom letters are sent must accompany the application.

11-608. Penalties. Any persons violating any provisions of the zoning ordinance shall be guilty of a civil offense, and upon conviction shall be fined not more than five hundred dollars (\$500) for each offense. Each day such violations shall continue shall constitute a separate offense. (Amended by Ordinance 113, 2/7/1994)

11-609. 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 ordinance; the Building Official 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.

11-610. Validity. Should any section, clause, or provision of the zoning ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgment shall not affect the validity of the zoning ordinance as a whole or any other part than the part judged invalid.

11-611. Interpretation. Where a condition imposed by a provision of this ordinance is less restrictive than comparable conditions imposed by any other provision of this ordinance or any other ordinance, the provisions which are more restrictive shall govern.

11-612. Effective Date. This ordinance shall take effect from and after the effective day of its passage and publication as required by law, the public welfare requiring it.

Effective Date: June 13, 1988

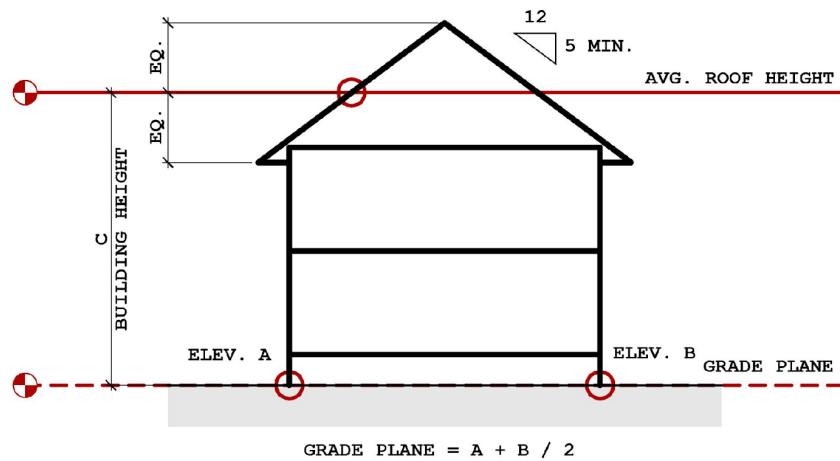
AMENDMENTS TO THE ZONING ORDINANCE

Ordinance Number	Effective Date
60	September 19, 1988
63	August 14, 1989
66	September 10, 1990
69	December 10, 1990
86	December 16, 1991
94	June 22, 1992
98	March 25, 1993
100	March 25, 1993
108	December 9, 1993
109	December 9, 1993
113	February 17, 1994
128	September 21, 1995
147	September 18, 1997
164	July 20, 2000
172	August 16, 2001
186	November 20, 2003
188	June 17, 2004
189	June 17, 2004
201	June 15, 2006
216	January 17, 2008
221	January 19, 2009
222	April 16, 2009
228	July 16, 2009
229	July 16, 2009

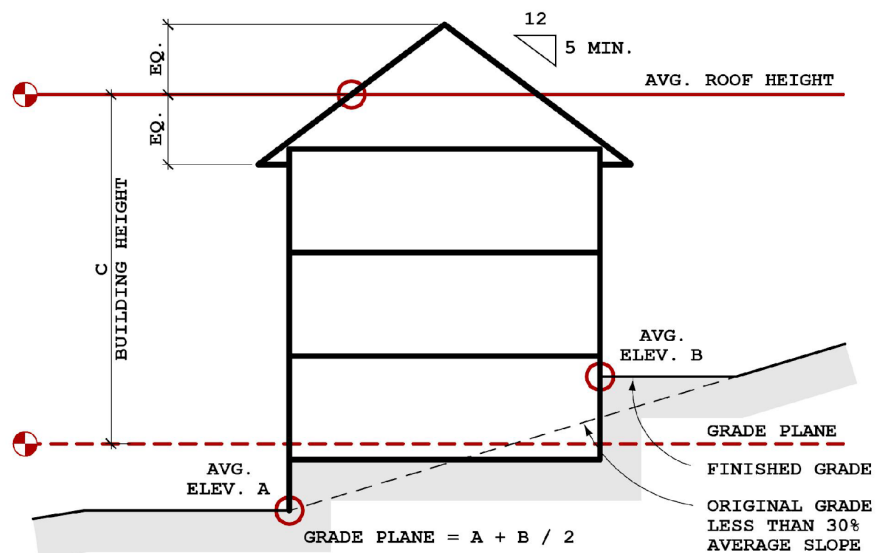
230	August 20, 2009
233	March 18, 2010
248	April 29, 2013
249	May 16, 2013
254	October 17, 2013
255	November 21, 2013
260	September 18, 2014
261	September 18, 2014
262	September 18, 2014

APPENDICES

Illustration 1: Building Height Calculation



EXAMPLE #1 LEVEL SITE



EXAMPLE #2 SLOPED SITE

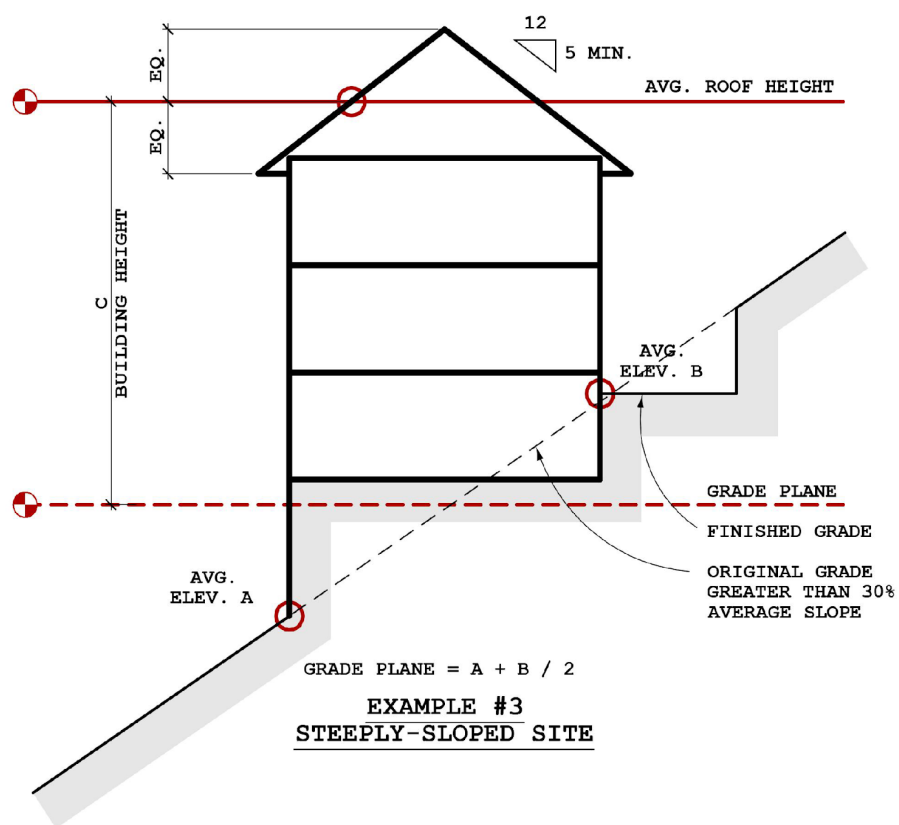
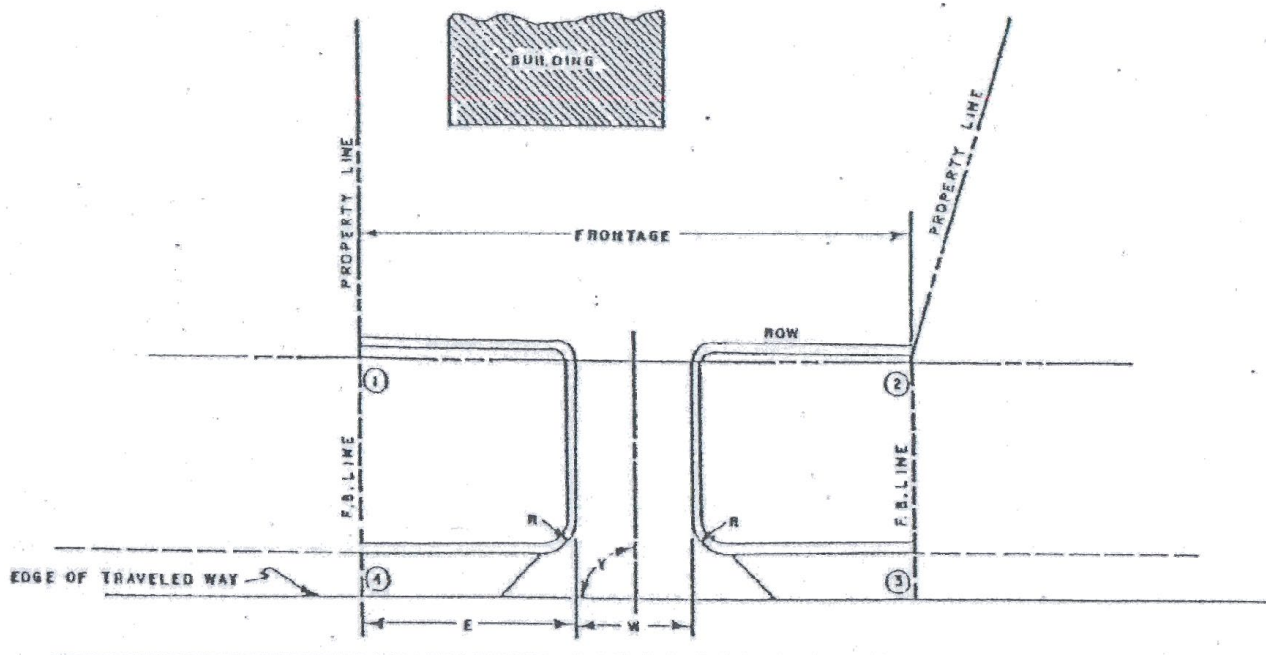


Illustration 2: Double Driveways Diagrammatic For Illustrating Definition



**Illustration 3:
Driveways for Corner Installations Diagrammatic
For Illustrating Definitions**

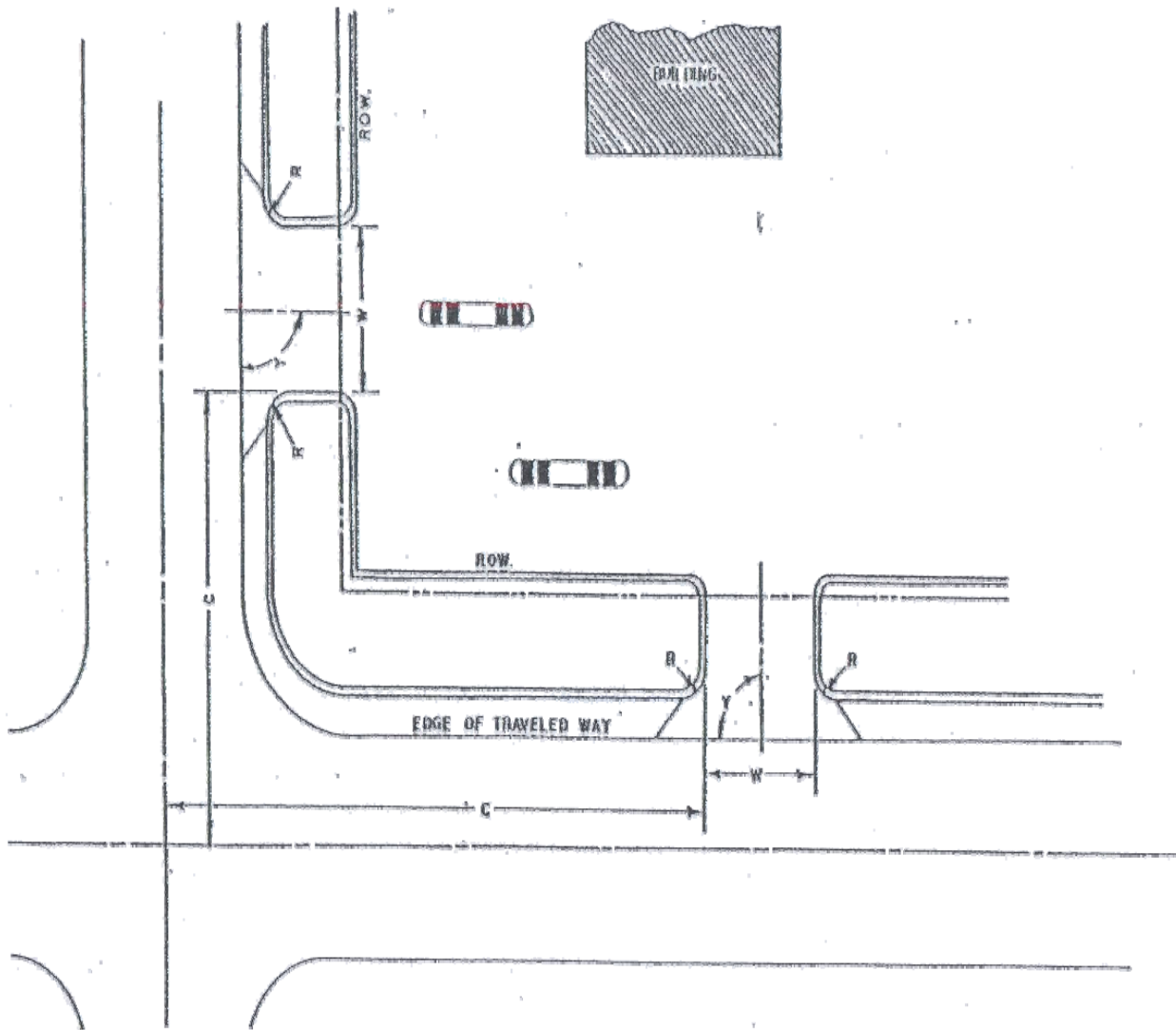


Illustration 4

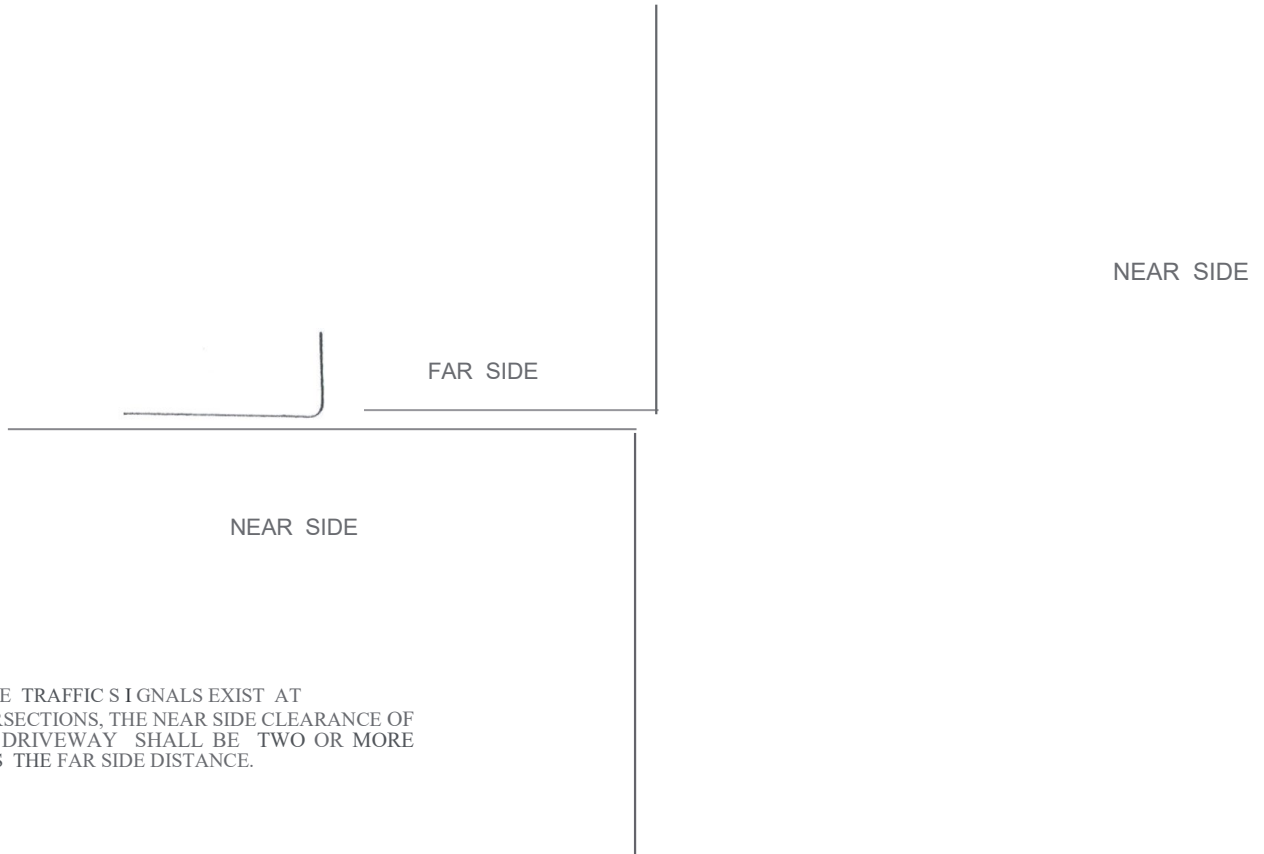
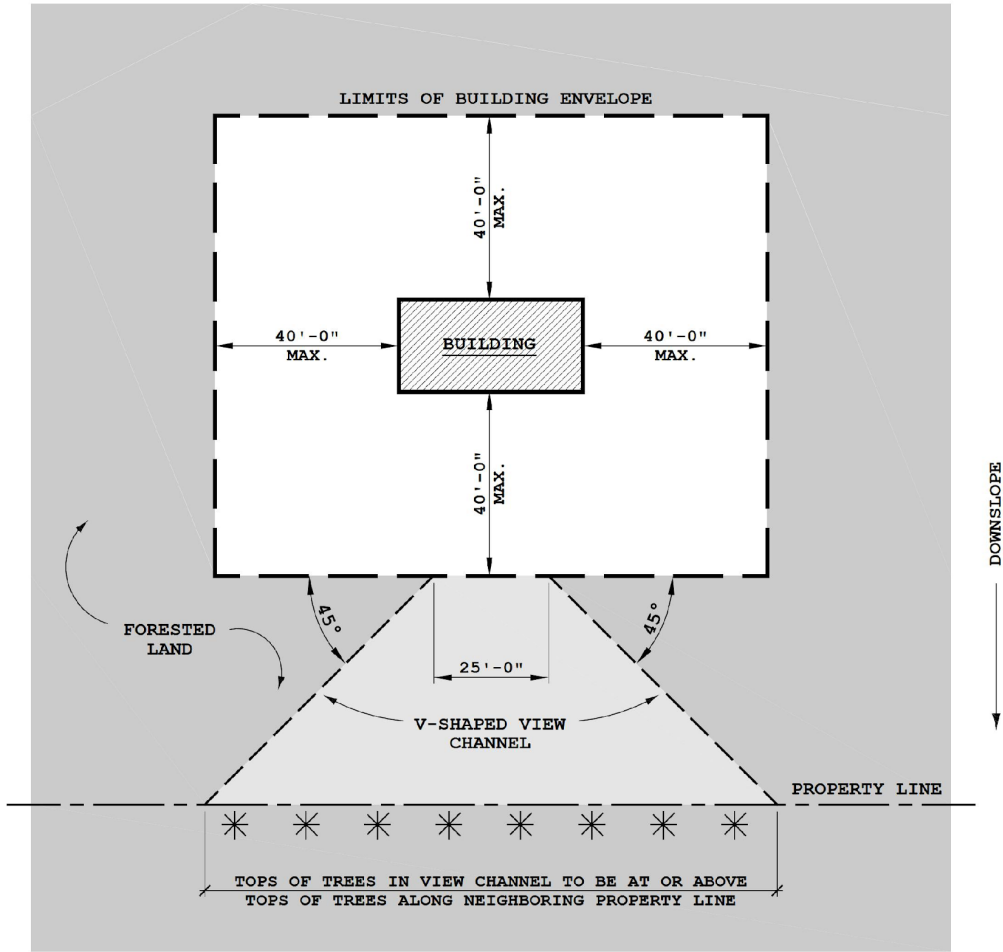


Illustration 5: Building Envelope Clearing Limits



CLEARING LIMITS FOR BUILDING ENVELOPE &
DESIGNATED VIEW CHANNEL

APPENDIX II

Street Access Classifications

Pittman Center, Tennessee

The following street access classifications are based on the street classifications adopted in the Pittman Center Major Road Plan. The Major Road Plan Map shall be used to identify the location and distance of each street classification. The entire street may not be classified the same throughout its length within the corporate boundary of Pittman Center. (Ordinance 100, 3/25/1993)

Street Classification A (Arterial Streets on the Major Road Plan)

- Highway 321

Street Classification B (Major Collector Streets on the Major Road Plan)

- Pittman Center Road (Highway 416)

Street Classification C (Minor Collector Streets on the Major Road Plan)

- Buckhorn Road
- A portion of Hills Creek Road
- A portion of Nell Rose Lane

Street Classification D (Local Streets on the Major Road Plan)

This classification includes all other streets found in Pittman Center, public or private, as well as those portions of streets that are not classified A, B, or C for street access purposes.



APPENDIX III



International Dark-Sky

Simple Guidelines for Lighting Regulations for Small Communities, Urban Neighborhoods, and Subdivisions

The purpose of the regulation is to:

- Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night;
- Curtail and reverse any degradation of the nighttime visual environment and the night sky;
- Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
- Conserve energy and resources to the greatest extent possible;
- Help protect the natural environment from the damaging effects of night lighting.

All outdoor lighting fixtures (luminaires) shall be installed in conformance with this Regulation and with the provisions of the Building Code, the Electrical Code, and the Sign Code, as applicable and under permit and inspection, if such is required.

Comment: Practical Considerations:

1. The idea that more light always results in better safety and security is a myth. One needs only the right amount of light, in the right place, at the right time. More light often means wasted light and energy.
2. Use the lowest wattage of lamp that is feasible. The maximum wattage for most commercial applications should be 250 watts of high intensity discharge lighting should be considered the maximum, but less is usually sufficient.
3. Whenever possible, turn off the lights or use motion sensor controlled lighting.
4. Incorporate curfews (i.e. turn lights off automatically after a certain hour when businesses close or traffic is minimal). This is an easy and fast way to initiate dark sky practices.

Maximum Lamp Wattage and Required Luminaire or Lamp Shielding:

All lighting installations shall be designed and installed to be fully shielded (full cutoff), except as in exceptions below, and shall have a maximum lamp wattage of 250 watts HID (or lumen equivalent) for commercial lighting, 100 watts incandescent, and 26 watts compact fluorescent for residential lighting (or approximately 1,600 lumens). In residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

Lighting that is exempt from these regulations:

1. Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.
2. Exit signs and other illumination required by building codes.



International Dark-Sky

3. Lighting for stairs and ramps, as required by the building code.
4. Signs are regulated by the sign code, but all sign lighting is recommended to be fully shielded.
5. Holiday and temporary lighting (less than thirty days use in any one year).
6. Football, baseball, and softball field lighting; only with permit from the authority recognizing that steps have been taken to minimize glare and light trespass, and utilize sensible curfews.
7. Low voltage landscape lighting, but such lighting should be shielded in such a way as to eliminate glare and light trespass.

Additional requirements:

Lighting attached to single-family home structures should not exceed the height of the eave.

Residential pole height restrictions can be considered to control light trespass on adjacent properties.

Notes:

1. The general belief that more light means better safety and security is just a myth. All that is needed is the right amount, in the right place, at the right time. More light just means wasted light and energy.
2. Use the lowest wattage of lamp as possible. For cost saving purposes, consider compact fluorescent lamps rather than incandescent, as they use much less energy and have a much longer lifetime.
3. Whenever possible, turn off the lights.

Definitions:

Glare: Intense and blinding light. Causes visual discomfort or disability.

Landscape lighting: Luminaires mounted in or at grade (but not more than 3 feet above grade) and used solely for landscape rather than any area lighting.

Obtrusive light: Spill light that causes glare, annoyance, discomfort, or loss of visual ability. Light Pollution.

Luminaire (light fixture): A complete lighting unit consisting of one or more electric lamps, the lamp holder, any reflector or lens, ballast (if any), and any other components and accessories.

Fully shielded (full cutoff) luminaire: A luminaire emitting no light above the horizontal plane.

Spill light: Light from a lighting installation that falls outside of the boundaries of the property on which it is located. Usually results in obtrusive light.

Additional Resources for Establishing Outdoor Lighting Guidelines

1. [Model Lighting Ordinance \(MLO\)](#)



International Dark-Sky

2. Recommended [Outdoor Lighting Zones](#)
3. [IDA Lighting Code Handbook](#)
4. [Directory of Ordinances and Other Regulations](#)
5. [Glossary of Basic lighting Terms and Definitions](#)

ORDINANCE NO. _____

MUNICIPAL FLOODPLAIN ZONING ORDINANCE

AN ORDINANCE ADOPTED FOR THE PURPOSE OF AMENDING THE TOWN OF PITTMAN CENTER, TENNESSEE MUNICIPAL ZONING ORDINANCE REGULATING DEVELOPMENT WITHIN THE CORPORATE LIMITS OF PITTMAN CENTER, TENNESSEE, TO MINIMIZE DANGER TO LIFE AND PROPERTY DUE TO FLOODING, AND TO MAINTAIN ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM.

ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Pittman Center, Tennessee, Mayor and Aldermen, do ordain as follows:

Section B. Findings of Fact

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

Section C. 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:

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

Section D. Objectives

The objectives of this Ordinance are:

1. To protect human life, health, safety and property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. 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;
6. To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodprone area;
8. To maintain eligibility for participation in the NFIP.

ARTICLE II. DEFINITIONS

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

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

1. Accessory structures shall only be used for parking of vehicles and storage.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

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

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

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

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

"Area of Special Flood Hazard" see **"Special Flood Hazard Area"**.

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

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

"Building" see **"Structure"**.

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

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

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

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

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

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

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of 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.

"Existing Structures" see **"Existing Construction"**.

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

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

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

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

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

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

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

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

"Floodplain" or "Floodprone Area" means any land area susceptible to being inundated by

water from any source (see definition of "flooding").

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

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

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

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

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

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

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

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

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

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

"Historic Structure" means any structure that is:

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

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

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

"Lowest Floor" means the lowest floor of the lowest enclosed area, including 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.

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

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

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

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this 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.

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

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

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed 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.

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

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

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

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

"Recreational Vehicle" means a vehicle which is:

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

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

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

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

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

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

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

"Structure" for purposes of this 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.

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

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

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which

have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure"

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

"Variance" is a grant of relief from the requirements of this Ordinance.

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

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) 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.

ARTICLE III. GENERAL PROVISIONS

Section A. Application

This Ordinance shall apply to all areas within the incorporated area of the Town of Pittman Center, Tennessee.

Section B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Town of Pittman Center, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47155C0270E, 47155C0286E, 47155C0288E, 47155C0289E, 47155C0356E, 47155C0357E dated May 18, 2009, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

Section C. Requirement for Development Permit

A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

Section D. 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.

Section E. 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.

Section F. Interpretation

In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

Section G. 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 Town of Pittman Center, 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.

Section H. 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 Town of Pittman Center, Tennessee from taking such other lawful actions to prevent or remedy any violation.

ARTICLE IV. ADMINISTRATION

Section A. Designation of Ordinance Administrator

The Town Administrator is hereby appointed as the Administrator to implement the provisions of this Ordinance.

Section B. 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:

1. Application stage

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections A and B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

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

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

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

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

Section C. Duties and Responsibilities of the Administrator

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

1. 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.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.

7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Town of Pittman Center, Tennessee FIRM meet the requirements of this Ordinance.
11. 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.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

In all areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. 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;
10. 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;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

Section B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Section A, are required:

1. Residential Structures

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot

above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

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

2. Non-Residential Structures

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

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Article II). 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 Article IV, Section B.

3. Enclosures

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

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Section B.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
 - 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Article V, Sections A and B.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:

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

5. 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.

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Section E).

Section C. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated

Located within the Special Flood Hazard Areas established in Article III, Section B, 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:

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

same methodologies as in the effective Flood Insurance Study for the Town of Pittman Center, Tennessee and certification, thereof.

2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

Section D. 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 Article III, Section B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

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

Section E. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set

forth in Article IV, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section B.

4. Adjacent to all blue line streams, perennial or intermittent, as established by the United States Geological Survey, there shall be a minimum buffer zone the width of the stream or twenty (20) feet, whichever is greater, on both sides of the stream. The buffer shall be greater where required elsewhere in this zoning ordinance or by State or Federal Agencies. There shall be no encroachments of any kind in this buffer zone. Rivers and streams are extremely hazardous areas due to the velocity of flood waters in storm events, which carry debris, potential projectiles, and have significant erosion potential. The hazardous nature of these areas is complicated by the flash flooding associated with the mountainous environment surrounding Pittman Center.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B. Within approximate A Zones, require that those subsections of Article V Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

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

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Article V, Sections A and B, apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Article V, Section B.
2. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the

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.

3. 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 \$40.00 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 45 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.

4. Powers

The Municipal Board of Zoning Appeals shall have the following powers:

a. Administrative Review

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

b. Variance Procedures

In the case of a request for a variance the following shall apply:

- 1) The Town of Pittman Center, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- 2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.
- 3) 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:

Administrator as set forth above and as required in accordance with Article IV, Section B.

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

Section G. Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the Areas of Special Flood Hazard established in Article III, Section B, 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 Article IV and Article V shall apply.

Section H. Standards for Unmapped Streams

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

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Articles IV and V.

ARTICLE VI. VARIANCE PROCEDURES

Section A. Municipal Board of Zoning Appeals

1. Authority
The Town of Pittman Center, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
2. 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

- a) The danger that materials may be swept onto other property to the injury of others;
 - b) The danger to life and property due to flooding or erosion;
 - c) The susceptibility of the proposed facility and its contents to flood damage;
 - d) The importance of the services provided by the proposed facility to the community;
 - e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
 - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
- 4) 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.
- 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Article VI, Section A.
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.

3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

ARTICLE VII. LEGAL STATUS PROVISIONS

Section A. Conflict with Other Ordinances

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

Section B. Severability

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.

Section C. Effective Date

This Ordinance shall become effective immediately after its passage, in accordance with the Charter of the Town of Pittman Center, Tennessee, and the public welfare demanding it.

Approved and adopted by the Town of Pittman Center, Tennessee, Mayor and Aldermen.

Date

Mayor of Pittman Center, Tennessee

Attest: _____
City Recorder

Date of Public Hearing

1st Reading _____

2nd Reading _____

3rd Reading _____

Date of Publication of
Caption and Summary