

BEAN STATION ZONING ORDINANCE

BEAN STATION, TENNESSEE

**July 1998
Codified June 2013**

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TABLE OF CONTENTS

CHAPTER	PAGE
1 MUNICIPAL PLANNING COMMISSION	
<u>Section</u>	
101. Creation and Membership	1
102. Organization, Powers, Duties, etc.	1
2 THE ZONING ORDINANCE OF THE CITY OF BEAN STATION	
<u>Section</u>	
201. Authority	3
202. Short Title	3
203. Purpose	3
204. Definitions	3
3 GENERAL PROVISIONS	
<u>Section</u>	
301. Continuance of Nonconforming Uses and Structures	11
302. Off-Street Automobile Parking	12
303. Off-Street Loading and Unloading Space.	14
304. Off-Street Parking Lot Design Requirements.	14
305. Ingress and Egress.	16
306. Access Control.	16
307. Vision Clearance.	17
308. Planned Unit Development (PUD) Regulations.	17
309. Signs	21
310. Site Plan Regulations for Commercial, Multi- family, Public, and Semi-Public Uses	25
311. Site Plan Regulations for Industrial Uses	27
312. Temporary, Mobile, Factory-Built, or Factory Assembled Structures	30
313. Mobile Home Parks	30
314. Customary Home Occupations.	33
315. Gasoline Service Stations	34
316. Telecommunication Towers	34
4 APPLICATION OF REGULATIONS	
<u>Section</u>	
401. Use	37
402. Street Frontage	37
403. Corner Lots	37
404. One Principal Building on a Lot	37

405. Reduction of Lot Size	37
406. Yard and Other Spaces	37
407. Conformity to Subdivision Regulations	37
408. Accessory Building and Use Regulations.	37
409. Height and Density.	38

5 ESTABLISHMENT OF DISTRICTS

<u>Section</u>	
501. Classification of Districts	39
502. Zoning District Boundaries.	39

6 PROVISIONS GOVERNING USE DISTRICTS

<u>Section</u>	
601. R-1S Restricted Residential District.	41
602. R-1 Low Density Residential	41
603. R-2 Medium Density Residential.	42
604. B-1 General Business District	43
605. B-2 Neighborhood Business District	45
606. M-1 Light Industrial District	45

7 AREA, YARD, AND HEIGHT REQUIREMENTS

<u>Section</u>	
701. Area, Yard, and Height Requirements	49

8 EXCEPTIONS AND MODIFICATIONS

<u>Section</u>	
801. Lot of Record	51
802. Adjoining and Substandard Lots of Records	51
803. Exceptions for Carport or Garage Construction	51
804. Front Yards	51
805. Exceptions on Height Limits	51

9 ADMINISTRATION AND ENFORCEMENT

<u>Section</u>	
901. Building Permit Required.	53
902. Enforcing Officer	53
903. Application For/Issuance of Building Permits	53
904. Expiration/Extension of Building Permit Approvals	53
905. Final Site Inspection/Issuance of Certificate of Occupancy	54
906. Violations.	54

907. Penalties	54
908. Remedies	54

10 BOARD OF ZONING APPEALS

<u>Section</u>	
1001. Creation and Appointment	55
1002. Procedure	55
1003. Appeals	55
1004. Powers	55
1005. Action of the Board of Zoning Appeals	57

11 AMENDMENTS

<u>Section</u>	
1101. Procedure	59
1102. Approval by Planning Commission	59
1103. Introduction of Amendment	59

12 LEGAL STATUS PROVISIONS

<u>Section</u>	
1201. Conflict With Other Ordinances	61
1202. Validity	61
1203. Effective Date	61

APPENDICES

Appendix A	65
Appendix B	67
Appendix C	69
Appendix D	71
Appendix E	73

CHAPTER 1

MUNICIPAL PLANNING COMMISSION

SECTION

101. Creation and Membership

102. Organization, Powers, Duties, etc.

101. Creation and Membership. Pursuant to the provisions of section 13-4-101 of the *Tennessee Code Annotated* there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of eight (8) members; two of these shall be the mayor and another member of the governing body selected by the governing body; the other six (6) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the six (6) members appointed by the mayor shall be for four (4) years each. The six (6) members first appointed shall be appointed for terms of one, two, and two members for three and two members for four years respectively so that the term of at least one member expires each year. The term of the mayor and the member selected by the governing body shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor.

102. Organization, Powers, Duties, etc. The planning commission shall be organized and shall carry out its powers, functions and duties in accordance with Title 13 of the *Tennessee Code Annotated*.

CHAPTER 2

THE ZONING ORDINANCE OF THE CITY OF BEAN STATION, TENNESSEE

SECTION

- 201. Authority
- 202. Short Title
- 203. Purpose
- 204. Definitions

201. **Authority.** An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-211, *Tennessee Code Annotated*, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare; to provide for the establishment of districts within the corporate limits; to regulate within such districts, the location, height, bulk, number of stories and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density of population and the uses of land, buildings and structures; to provide methods of administration of this ordinance and to prescribe penalties for the violation thereof.

BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Bean Station.

202. **Short Title.** Chapters 2 through 13 in this title shall be known as the "Zoning Ordinance of the City of Bean Station, Tennessee." The map herein referred to as the "Zoning Map of Bean Station, Tennessee," and all explanatory matter thereon are hereby adopted and made a part of this code. A copy of the zoning map is on file at the Bean Station City Hall.

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

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

1. **Access.** The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.
2. **Advertising.** Includes any writing, printing, graphics, painting, display, emblem, drawing, sign, or other device designed, used or intended for advertising, whether placed on the ground, rocks, trees, or other natural features or on buildings, structures, milestones, sign boards, billboards, wall board, roof board, frames, supports, fences, or other man-made structure.
3. **Alley.** A vehicular travelway which affords a secondary means of access to the back or side of properties otherwise abutting a street.

4. Antenna. A metallic/graphic/fiberglass apparatus (aerial) for sending and receiving electromagnetic waves.
5. Arterial. A street with access control, channelized intersections, restricted parking, and which collects and distributes traffic to and from major collectors.
6. Boarding or Rooming House, Tourist Home, or Bed and Breakfast Inn. A building containing a single dwelling unit and not more than five (5) guest rooms where lodging is provided with or without meals for compensation.
7. Buffer Strip. A strip of land not less than ten (10) feet in width and on which plant material is planted that has such growth characteristics as will provide an obscuring screen not less than six (6) feet in height within two (2) years of planting.
8. Buildable Area of a Lot. That portion of a lot bounded by the required rear yard, side yards and the building setback line (See Appendix A, Illustration A).
9. Building. Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or chattel.
 - a. Building or Use, Accessory. A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such building or use.
 - b. Building, Modular. A unit of construction which is totally or in part constructed off-site and transported for on-site erection, placement, assembly, or similar terms.
 - c. Building, Prefabricated. A building constructed on-site from components which have been prefabricated, panelized, or constructed in sections off-site.
 - d. Building, Principal. A building in which is conducted the main or principal use of the lot on which said building is located.
10. Building Height. The vertical distance measured from the finished grade at any building line to the highest point of the roof; provided that where land is subject to required minimum flood elevations, the building height shall be measured from such required elevation.
11. 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. These setbacks shall be measured from the property line to the nearest point of exposed foundation, building/porch support, or farthest extending protrusion of the building/structure (See Appendix A, Illustration B).
12. Business Services. Establishments engaged primarily in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment service; management and consulting services; protective services; and, office equipment rental.
13. Carport. A structure used for the storage of vehicles and having no enclosure other than its roof and such necessary support as will present the minimum obstruction to light, air, and view.

14. Club. Buildings and facilities owned or operated by an association or persons for a social or recreational purpose, but not operated primarily for profit or to render a service which is customarily carried on as business.
15. Condominium. A building, or group of buildings, in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided bases.
16. Day Care Center. An establishment which receives for care and supervision six (6) or more children or adults for less than 24 hours per day unattended by parent or legal guardian, and shall include day nurseries, child or senior adult day care services, nursery and play schools, and non-public kindergartens.
17. Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
18. Driveway. A single curb cut allowing access to and/or from a parcel. A single driveway may be split by a median if the total width for entrance, exit, and median does not exceed forty (40) feet.
19. Dwelling Unit. One or more rooms designed as a unit for occupancy as living quarters for sleeping and cooking purposes.
 - a. Dwelling, Mobile Home. A detached residential dwelling unit built on a single chassis and designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like, and which meets all standards of the Southern Standard Building Code.
 - b. Dwelling, Manufactured/Modular. A dwelling composed of two or more transportable factory-fabricated units that when assembled at a building site will become a finished permanent dwelling in a fixed location on a permanent foundation. The term is intended to apply to major assemblies, and does not include prefabricated panels, trusses, plumbing trees, and other prefabricated sub-elements incorporated into a structure at a building site. A "double-wide" mobile home placed upon a permanent foundation and having the appearance of a site built home shall be regarded as a manufactured/modular dwelling.
 - c. Dwelling, Multi-Family. A building designed, constructed or reconstructed and used for more than two dwelling units, with each dwelling unit having a common structural wall with any other dwelling on the same floor.
 - d. Dwelling, Single Family. A building designed, constructed and used for one dwelling unit. In accordance with the provisions of 13-24-201, T.C.A., a manufactured/modular dwelling, as defined in this ordinance, and homes for the mentally retarded or mentally or physically handicapped, as defined in 13-24-102, T.C.A., shall be considered as a single family dwelling.
 - e. Dwelling, Two Family or Duplex. A building designed, constructed, or reconstructed and used for two dwelling units that are connected by a common structural wall.

20. Family. One or more persons occupying a premise and living together as a single housekeeping unit.
21. Flood. A temporary condition of partial or complete inundation of dry land areas from the overflow of water from streams or rapid accumulation or runoff of surface water from any source.
22. Floor Area. The total area of all floors of a building including a finished attic and finished basement.
23. Home Occupation. Any activity carried out for gain by a resident as an accessory use in the resident's dwelling unit and/or other structure located on the same lot as the dwelling unit.
24. Junkyard. A lot, land or structure, or part thereof, used primarily for collecting, storage, and/or sale of wastepaper, rags, scrap metal, or discarded materials or for collecting, dismantling, storing, and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.
25. Landscaping. The planting and maintenance of trees, shrubs, lawns, and other ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures, or other art objects, and similar accessory features may be considered as landscaping if integrally designed.
26. Local Street. A street designed to provide vehicular access to abutting property and to discourage through traffic.
27. Lot. A parcel of land which fronts on and has access to a public (governmentally owned and maintained) street and which is occupied or intended to be occupied by a building or buildings with customary accessories and open spaces.
28. Lot Line. The boundary dividing a given lot from a street, alley, or adjacent lots.
- a. Lot Line, Front. That property line running with the street right-of-way which gives access to the lot.
29. Lot of Record. A lot existing prior to this ordinance, the boundaries of which are filed as legal record.
30. Major Collector. A street which collects traffic from Minor Collectors and connects with arterials.
31. Medical Facilities.
- a. Convalescent, Rest or Nursing Home. A health care facility where persons are housed and furnished with meals and continuing nursing care for compensation.
- b. Dental Clinic or Medical Clinic. A facility for the examination and treatment of ill and afflicted human out-patients provided, however, that patients are not kept overnight except under emergency conditions.
- c. Hospital. An institution providing health services primarily for human in-patient medical care for the sick or injured and including related facilities such as laboratories, out-patient facilities, emergency medical services, and staff offices which are an integral part of the facility.

- d. Public Health Center. A facility utilized by a health unit for the provision of public health services.
32. Methadone Treatment Clinic or Facility shall mean a licensed facility for the counseling of patients and the distribution of methadone, suboxone, or similar drug for outpatient, non-residential purposes only. (Ord. 2012-07-100)
33. Minor Collector. A street which collects traffic from local streets and whose adjacent land use is primarily residential in nature.
34. Mobile Home Park. A parcel or tract of land under single ownership which has been planned and improved for the placement of mobile homes for dwelling purposes under the Mobile Home Park Regulations.
35. Modular Building. See Building, Modular.
36. Nonconforming Use. Any structure or land lawfully occupied by a use that does not conform to the use regulations of the district in which it is situated.
37. 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 physiological well-being of individuals.
38. Pain Management Clinic (as found in Tennessee Code Annotated at § 63-1-301) – means a privately-owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed opioids, benzodiazepine, barbiturates, or carisoprodal, but not including suboxone, for more than ninety (90) days in a twelve-month period.
- A pain management clinic does not include:
- a. A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs;
 - b. A hospital as defined in TCA § 68-11-201, including any outpatient facility or clinic of a hospital;
 - c. Hospice services as defined in TCA § 68-11-201;
 - d. A nursing home as defined in TCA § 68-11-201;
 - e. A facility maintained or operated by the state government; or
 - f. A hospital or clinic maintained or operated by the federal government.
- (Ord. 2012-07-100)
39. Personal Services. Establishments primarily engaged in providing services involving the care of a person or his or her apparel, such as beauty and barber shops, shoe repair, tailor and seamstress, and weight control and exercise salons.
40. Planned Unit Development. An integrated design for development of residential, commercial, or industrial uses or combination of uses which is professionally

designed to allow flexibility and initiative in site and building design and location, in accordance with a plan approved by the planning commission.

41. Principal Use. The specific primary purpose for which land or a building is used.
42. Professional Office. The office of a physician, dentist, attorney, architect, engineer, urban planner, accountant, or related professions.
43. Retail Trade and Services. Establishments engaged in selling goods and/or offering services to the general public for personal, small business, or household use or consumption.
44. Satellite Dish Antenna. An earth station antenna, of parabolic or spherical design, for the reception or transmission for the satellite or terrestrial communication services.
45. Shopping Center. For the purpose of this ordinance, a shopping center shall be considered as an enterprise located on a single parcel of property which is internally separated or segregated into individual shops or separate, distinct businesses or functions. Individual ownership is not a factor. These centers shall be considered as planned unit developments.
46. Sign. Any display, graphic, image, device, structure, or structure extension, to include banners and other attractions created by electronics, lasers, construction, sculpturing, painting, or other means, that has as its primary function and intent, purpose, or effect, the identification of an activity, event, product, or person, and, the attraction of public attention to, or the promotion of, such service, facility, place, product, person, or business, whether for profit or not.
 - a. Banner Sign. Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions, and symbolic flags of any institution shall not be considered banners for the purpose of this ordinance.
 - b. Bench Sign. A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.
 - c. Billboard or Off-Premise Sign. A sign that draws attention to or communicate information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.
 - d. Changeable Copy or Reader Board Sign. A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face of the surface of the sign.
 - e. Construction Sign. Any temporary sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.
 - f. Directional Sign. A sign limited to directing traffic flow with the uses of business logo or messages such as "one-way", "entrance", and "exit".
 - g. Directory Sign. A sign on which the names and locations of occupants or the use of a building is given.

- h. Electronic Message Sign. A sign on which an electronic message is displayed. The message is not seen in its entirety, but portions of it are seen continually.
 - i. Freestanding Sign. Any mobile or portable sign or sign structure, not securely attached to the ground or to any other structure.
 - j. Ground Sign. Any sign, other than a pole sign, which is supported by structures or supports in or upon the ground and independent of any building.
 - k. Illuminated Sign. Any sign illuminated in any manner by an artificial light source.
 - l. Integral Sign. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials mounted on the face of a building.
 - m. Marquee Sign. Any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall. A marquee sign shall be considered a wall sign.
 - n. Nonconforming Sign. Any sign which does not conform to this ordinance.
 - o. Pole Sign. Any sign, other than a ground mounted sign, that is mounted on a free standing pole or similar structure that allows visibility under the sign face.
 - p. Projecting Sign. Any sign, other than a wall sign, affixed to any building or wall whose leading edge extends beyond such building or wall.
 - q. Real Estate Sign. Any sign which is used to offer for sale, lease, or rent the property upon which the sign is placed.
 - r. Roof Sign. Any sign erected or constructed wholly upon and over the roof of any building and supported entirely on the roof structure.
 - s. Temporary Sign. Any sign advertising a special event to be displayed for a short period of time.
 - t. Wall Sign. Any sign erected parallel to the face or on the outside wall of any building and supported throughout its entire length by such wall where the edges of the sign do not project more than twelve (12) inches therefrom.
 - u. Window Sign. Any sign attached to the exterior or interior of a window that is visible from the exterior of the building through the window.
47. Street Line. The dividing line between a street and a lot. For public streets, the street line shall be the existing right-of-way line; for private streets, the street line shall be the edge of the pavement, or the edge of the legally described street, whichever is greater; provided, however that on any streets exhibited in the Major Road Plan, the street line shall be proposed right-of-way line, whichever is the greater distance from the center line established in such plan.

48. Street, Private. A street, way, or easement, not a component of the state or federal system or the city thoroughfare system.
49. Street, Public. Any vehicular way, except alleys, which is owned and maintained by the city, state, or federal governments.
50. Structure. Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground, excluding signs and fences.
51. Tennessee Code Annotated (TCA). The official compilation of the laws of the State of Tennessee.
52. Townhouse. A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.
53. Travel Trailer. Any vehicle used, or so constructed as to permit its being used as conveyance upon the public streets or highways duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons, and designed, for short-term occupancy, for frequent and/or extensive travel, and for recreational and vacation use, including camper trucks and self-propelled campers, etc.
54. Travel Trailer Parks. Any plot of land approved as a planned unit development upon which two or more travel trailers are located and used as temporary living or sleeping quarters for periods of thirty days, or less.
55. Wholesale Trade. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
56. Yard. An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance (See Appendix A, Illustration A).
- a. Yard, front. The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building including covered porches.
 - b. Yard, rear. The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including covered porches.
 - c. Yard, side. A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches.

CHAPTER 3

GENERAL PROVISIONS

SECTION

- 301. Continuance of Nonconforming Uses and Structures
- 302. Off-Street Automobile Parking
- 303. Off-Street Loading and Unloading Space
- 304. Off-Street Parking Lot Design Requirements
- 305. Ingress and Egress
- 306. Access Control
- 307. Vision Clearance
- 308. Planned Unit Development Regulations
- 309. Signs
- 310. Site Plan Regulations for Multi-Family Residential, Commercial, Public, and Semi-Public Uses
- 311. Site Plan Regulations for Industrial Uses
- 312. Temporary, Mobile, Factory-Built, or Factory-Assembled Structures
- 313. Mobile Home Parks
- 314. Customary Home Occupations
- 315. Gasoline Service Stations
- 316. Telecommunication Towers

301. Continuance of Nonconforming Uses and Structures. Lawful nonconforming uses, buildings, and structures existing at the time of the passage of this zoning ordinance, or any amendment thereto, shall be allowed to remain subject to the following provisions:

1. The Board of Zoning Appeals may permit an existing nonconforming use of a building to be changed to a nonconforming use of the same classification or to a nonconforming use of a more restrictive classification, subject to any condition the Board of Zoning Appeals may attach in order to make such change compatible with surrounding uses.
2. In accordance with the provisions of 13-7-208, *Tennessee Code Annotated*, nonconforming industrial, commercial, or business establishments shall be allowed to continue, to reconstruct facilities, including those which may be destroyed by fire or natural disaster, or to expand facilities so long as there is a reasonable amount of space to allow such expansion without creating a nuisance to adjoining property owners. Whenever a planned expansion or reconstruction would encroach into the required yards set out in this ordinance for the district within which such nonconforming use is located, the Board of Zoning Appeals shall rule upon the question of whether or not there is "reasonable space" to allow such expansion. Nothing in this subsection, however, shall be construed as allowing a nonconforming use to acquire additional land to permit expansion.
3. Single family, duplex, and multi-family dwelling units which are located in any district where not now permitted, may be altered, enlarged, or reconstructed, including those which may be destroyed by fire or natural disaster, provided the number of dwellings is not increased. In the case of expansion to an existing residential structure, all expansions shall be accomplished so as not to encroach into the required yard setbacks for the district within which such expansion is planned. The alteration, expansion, or reconstruction of any structure located within the F-1, Flood Hazard District, however, shall be subject to the applicable location and construction requirements of that district.

4. Nonconforming mobile homes may be replaced with newer and more structurally sound mobile homes. Replacement of mobile homes within the F-1, Flood Hazard District, shall be subject to the applicable location and construction requirements of that district.
5. When the following conditions have existed for a period of six (6) months, it shall be evidence of an intent to abandon a nonconforming use; and no use of land or structures shall be undertaken thereafter unless it is in conformity with the provisions of the district within which such property is located.
 - a. Nonresidential Uses. No employees, customers, or clients are present on site who are there to actively conduct business, give or receive professional services, participate in activities, or use equipment that is considered to be essential to the character and operation of the nonconforming use, and, no serious attempts are being made to market the property for sale for its former use.
 - b. Residential Uses. No residents, whether they be owners or tenants, are present, and no serious attempts are being made to market the property for sale for its former use.

302. Off-Street Automobile Parking.

1. 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. Each space shall conform to off-street parking lot design requirements as established in Section 304.
 - a. Automobile repair shop and/or truck repair: One (1) space for each employee plus one (1) space for each two hundred and fifty (250) square feet of floor space used for repair work.
 - b. Bed & Breakfast/Tourist Homes: One (1) space for each room to be rented in addition to the two (2) spaces for the home.
 - c. Boarding houses and rooming houses: Not less than one (1) space for each room to be rented.
 - d. Bowling Alley: Not less than five (5) spaces for each bowling lane.
 - e. Churches: One (1) space for each four (4) seats.
 - f. Clubs and lodges: One (1) space for each three hundred (300) square feet of floor space.
 - g. Dwelling, single-family: Not less than two (2) spaces per dwelling unit.
 - h. Dwelling, multiple-family: Not less than two and one-half (2.5) spaces per dwelling unit.
 - i. Funeral parlors: One (1) space for each four (4) seats in the chapel.
 - j. Gasoline service stations and similar establishments: Four (4) spaces for each bay or similar facility plus one (1) space for each employee.

- k. Hospitals and convalescent/nursing homes: One (1) space for each four (4) patient beds, plus one (1) space for each two (2) employees including staff doctors and nurses.
- l. Hotels, motels, and other tourist accommodations: Not less than one (1) space for each room to be rented plus one (1) additional space per three (3) employees.
- m. Manufacturing or other industrial use: Not less than one (1) space for each three (3) persons employed or intended to be employed, with a minimum of five (5) spaces for any establishment.
- n. Methadone treatment and pain management facilities and clinics: Five (5) spaces plus two (2) additional spaces per exam room and one (1) space for each anticipated employee. Due to the nature of these businesses, handicapped accessible parking shall be provided at a rate double to that which is required by this ordinance or the ADA requirements, whichever is greater. Handicapped spaces shall not count toward the above required parking spaces. (Ord. 2012-07-100)
- o. Mini-Warehouse/Self Storage: One (1) space per storage room rented out.
- p. Mobile home parks: Two (2) spaces for each mobile home and one (1) space per two mobile homes to be located in a designated guest parking area.
- q. Movie Cinema: Not less than one (1) space for each four (4) seats.
- r. Offices:
 - i. Medical - one (1) space for each three hundred (300) square feet of floor space.
 - ii. Other professional - one (1) space for each four hundred (400) square feet of floor space.
 - iii. General - one (1) space for each four hundred (400) square feet of floor space.
- s. Places of public assembly: One space for each five (5) seats in the principal assembly room or area.
- t. Restaurants: One (1) space per two (2) customers computed on a maximum seating capacity. Restaurants that also serve take-out orders shall provide six (6) additional spaces. Drive-thru restaurants with no indoor seating shall provide fourteen (14) spaces per 1,000 gross square feet of restaurant area.
- u. Retail business, shopping centers and similar uses: Four (4) spaces for each one thousand (1,000) square feet of gross leasable area.
- v. Schools: One (1) space for each faculty member and five (5) additional spaces for visitor parking, plus one space for each four (4) pupils except in elementary and junior high schools.

w. Wholesale business: One (1) space for each three (3) employees based on maximum employment.

2. 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 Sunday.

3. Remote Parking Space. If the off-street parking space required herein cannot reasonably be provided on the same lot on which the principal use is located, the Board of Zoning Appeals may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use, provided that such land is in the same ownership as the principal use, provided it is not on the opposite side of a major street or stream, provided a sidewalk is constructed connecting the two parcels if none exists; and provided that such remote parking spaces are located within a zoning district which permits the same or similar uses to that of the use for which the parking is intended. Such land shall be used for no other purpose so long as no other adequate provision for parking space, meeting the requirements herein specified, has been made for the principal use.

303. Off-Street Loading and Unloading Space. Every building or structure hereafter constructed and used for industry, wholesale, business, or trade shall provide space for the loading and unloading of vehicles off the public street or alley. Each space shall measure at a minimum of 12 x 30 feet and shall not be considered as part of the space requirements for off-street automobile storage.

304. Off-Street Parking Lot Design Requirements. To protect and enhance community appearance and to provide orderly, safe, and systematic circulation within parking areas, the following regulations shall apply:

1. 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 or alley to obtain egress.
2. All parking lots shall be set back a minimum of five (5) feet from all public right-of-ways.
3. Each parking space shall be a minimum of ten (10) feet by twenty (20) feet with minimum parking aisle and width dimensions shown as follows:

<u>Parking Angle</u>	<u>Stall Length</u>	<u>Stall Width</u>	<u>Aisle Width</u>
30 deg.	20.0	10.0	12.0
45 deg.	20.0	10.0	13.0
60 deg.	20.0	10.0	18.0
70 deg.	20.0	10.0	24.0
90 deg.	20.0	10.0	24.0

4. Handicapped parking shall be provided in all off-street parking areas in accordance with The Americans with Disabilities Act (ADA) Accessible Design Standards, or any amendment. The minimum number of accessible parking spaces, per ADA Standards for Accessible Design 4.1.2(5) are as follows:

Total Number of Parking Spaces Provided (per lot)	Total Min. Number of Accessible Parking Spaces (60" & 96" aisles)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
Column A			
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A*	7/8 of Column A**
1001 and over	20 plus 1 for each 100 over 1000	1/8 of Column A*	7/8 of Column A**
*one out of every 8 accessible spaces		**seven out of every 8 accessible parking spaces	

The maximum slope of a ramp in new construction shall be 1:12.

5. All parking aisles shall be arranged so as to channel traffic and minimize vehicular/pedestrian conflicts.
6. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 306 of this ordinance.
7. The parking lot shall be adequately drained to eliminate surface water without contributing to drainage problems on adjoining property or rights-of-way.
8. With the exception of single-family dwellings on individual lots, all required off-street parking shall be paved with a minimum of asphaltic concrete and have an adequate base to prevent premature break-up.
9. All fixed objects within parking lots (utility poles, signs, fire hydrants, etc.) shall be located within islands to which access by vehicles is physically limited. These islands shall be landscaped with grass, shrubs, trees, or other appropriate plant material which shall not obstruct visibility from vehicles.
10. Traffic safety signs, signals, and markings shall be in conformance with the Tennessee Manual on Uniform Traffic Control Devices. Where needed, size reduction of devices shall be approved, however, shape and color shall meet requirements of the manual.
11. Parking rows and interior dividers shall be terminated with terminal islands not less than five (5) feet in width, constructed with raised curbs, and landscaped with appropriate cover.
12. Landscaping shall be required as established in Section 310.2. or 311.2.

13. Maintenance of all islands, parking spaces and ways, landscaping, and traffic control devices within the parking facility is the responsibility of the property owner. All elements shown on the site plan are to be maintained on a regular schedule. All structures or plant materials that are damaged must be replaced to original standards within ninety (90) days. The building official or his designated representative shall regularly inspect parking lots required to meet these regulations. The building official or his representative shall notify the property owner and/or manager upon finding deficiencies in structural or landscaped areas.

305. **Ingress and Egress.** A plan for adequate and safe ingress and egress for all land uses shall be required.

306. **Access Control.** It is the purpose of this section to establish reasonable and impartial regulations for the location of driveway entrances, and to promote the safety of users of the streets and lands of Bean Station through the control of design, location, and construction of driveway entrances.

1. **General Provisions.** In no case shall any curbs on city streets or rights-of-way be cut or altered without first obtaining a driveway permit from the building official. Minimum paving requirements for such driveways shall be determined by the building official at the time of application. In all cases, the driveway extension over the right-of-way shall be paved to protect public streets.
2. **Driveway Alignment.** 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. The driveway angle may be between forty-five (45) degrees (min.) and sixty (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.
3. **Driveway Entrance Regulations.** All driveway entrances shall be located subject to the following controls:
 - a. On all streets classified as Arterial on the official Major Road Plan (See Appendix B), no driveway entrances shall be constructed within one hundred (100) feet of an intersecting street right-of-way line.
 - b. On all streets classified as Major Collector Streets and Minor Collector Streets on the official Major Road Plan (See Appendix B), no driveway entrances shall be constructed within sixty (60) feet of an intersecting street right-of-way line.
 - c. On all streets classified as Local Streets on the official Major Road Plan (See Appendix B), no driveway entrances shall be constructed within twenty-five (25) feet of an intersecting street right-of-way line.
 - d. On all streets classified as Arterial on the official Major Road Plan, no driveway entrances shall be constructed within forty (40) feet of the side property line.
 - e. On all streets classified as Major Collector Streets and Minor Collector Streets on the official Major Road Plan, no driveway entrances shall be constructed within twenty (20) feet of the side property line.

- f. If neighboring property owners wish to share a driveway, the shared side property line setback requirements shall be waived. If a driveway is shared, this one driveway will count as two, or as one driveway per lot and all other access control requirements shall be met.
 - g. If a lot of record cannot meet the above access control requirements, a driveway cut will not be denied; but the spirit and intent of this section shall be adhered to as closely as possible.
- 4. Number of Driveway Entrances Allowed. In order to promote the safety of the motorist and to minimize traffic congestion and property damage by reducing the points of conflict, the following regulations shall apply:
 - a. Lots with less than one hundred and fifty (150) feet of frontage may have one (1) driveway entrance.
 - b. Lots with one hundred and fifty (150) feet to eight hundred (800) feet of frontage may have two (2) driveway entrances.
 - c. Lots with over eight hundred (800) feet of frontage may have one (1) additional driveway entrance for each additional four hundred (400) feet.
- 5. Driveway Entrance Widths. The width of all curb cuts shall be within the following limits.
 - a. Residential uses shall be limited to driveway widths between ten (10) and twenty-five (25) feet.
 - b. Uses serving twenty-five (25) or more large trucks per week shall have driveway widths between twenty (20) and forty (40) feet.
 - c. All other uses shall be limited to driveway widths between fifteen (15) and thirty (30) feet.
 - d. Commercial uses with at least one hundred and fifty (150) feet of frontage, and having only one access point, may be permitted a forty-five (45) foot access, to allow for one ingress and two egresses, if approved by the planning commission.

307. Vision Clearance. In all districts there shall be no plants or structures placed in or on any yard partition of a lot that would obstruct the vision of auto or pedestrian traffic using the intersecting public streets.

308. Planned Unit Development (PUD) Regulations. The purpose of the Planned Unit Development regulations is to provide for diversification in the relationship of uses and structures to their sites and also provide flexibility which will create a more desirable living environment. A PUD shall mean an integrated, professionally prepared design for development of residential, commercial, or industrial uses, or as permitted, combinations of such uses, to allow application of new techniques and technology of site and building design and location; this for the purpose of achieving economies in land usage, maintenance, and street and utility systems while providing for attractive open areas, safe circulation, and general well-being of the inhabitants.

- 1. Applicability of PUD Regulations. A PUD may be developed in any district provided that the uses permitted and density requirements of the district allow the

development and the PUD plan elements are approved by the planning commission. Residential, commercial, public, semi-public, or industrial uses, or combinations of these uses where district or special regulations permit, may be developed under the PUD concept. Cluster type subdivisions and condominiums, townhouses, multi-dwelling units, rental developments, multi-use parks, travel trailer parks, and multi-use or ownership developments shall be considered as PUD's for the purpose of this ordinance.

2. Relationships of PUD Regulations to District and Site Plan Regulations. Unless specifically altered by any provision of this section, the use and development regulations of Sections 601 through 605, Sections 310 and 311, or any other applicable provision of this ordinance shall apply to the development of a PUD.
3. General Requirements. All PUD developments shall comply with the following requirements.
 - a. Minimum Site. No PUD shall have an area less than that required by the planning commission as adequate for the proposed project; however, the minimum site shall not be less than the minimum lot size required in the district in which the proposed project is to be located.
 - b. Structures and Open Space. The planning commission shall require structures and open space to be arranged on the site in such a way that adjacent uses will not be adversely affected.
 - i. Where feasible, the highest height and intensity of uses shall be toward the interior of the projects.
 - ii. No freestanding building shall be located closer than twenty (20) feet to any other freestanding building.
 - iii. Minimum setback and lot width at setback requirements for lots as established in Chapters 6 and 7 may be altered upon approval of the planning commission; except that, in no case shall the setbacks from any exterior project site side or rear property line be less than twenty-five (25) feet.
 - iv. Landscaping/buffering requirements, as contained in Sections 310 and 311 and Chapter 6, shall be applied to PUD developments; except that, the planning commission may require additional landscape materials or structures where it is deemed to be in the public interest to do so.
4. Open Space Requirements. Preservation, maintenance, and ownership of open space areas and facilities shall be accomplished by one or more of the following methods, and shall be established in an appropriate legal manner.
 - a. Dedication to and acceptance by the public as part of a governmentally administered park and open space system.
 - b. A property owners association.
 - c. The developer or management authority of the PUD.

5. Parking and Access Control Requirements. The provisions of this ordinance relating to vehicular access and parking, Sections 302 through 307, shall be adhered to; except that, the planning commission may alter these requirements in instances in which a superior design alternative is presented which will not be detrimental to the public interest or in conflict with the intent of this ordinance.
6. Density Requirements for Residential PUD. The density (units per gross acre) of dwelling units in a PUD shall be no greater than that allowed in the zoning district within which a PUD is located. The open spaces around public structures, such as schools and churches may be included in the gross acreage of the site for the purpose of calculating the number of residential units that are allowed within a PUD.
7. Signs. The number, size, type, and placement of signs within PUD's shall be governed by the applicable provisions of Section 309 of this ordinance.
8. Street and Utility Construction Standards. Public and common ways for pedestrian and vehicular circulation shall be developed in relationship to other existing or planned streets and ways and with the *Bean Station Major Road Plan*. Whether or not the subdivision of property is proposed within a PUD, all project street and way improvements shall comply with the construction standards set out in the subdivision regulations. Due to the uniqueness of each PUD, the owner/developer of a PUD may request slight adjustments from widths of streets, ways, utility easements, curbing, and similar standards set out in the subdivision regulations; and, upon a determination of good cause being shown for such adjustments, the planning commission may permit changes or alterations in standards, provided the spirit and intent of this section can be preserved.
9. Plan Preparation and Review Process
 - a. PUDs Requiring The Subdivision of Property. In PUDs in which property is divided for the purpose of sale or rental, such as a subdivision, the following requirements for PUD plan preparation shall apply:
 - i. Preliminary PUD Plan. Prior to submitting a preliminary subdivision plat for review, a preliminary PUD plan shall be submitted to the planning commission which shall include the following: the general location of buildings and uses, general circulation patterns, open space and recreation areas, parking areas, ingress/egress points, sketch elevations and drainage, the boundary dimensions, overall density of development, public uses, landscaping concepts, zoning classification, and other information deemed pertinent by the planning commission. The approved preliminary PUD plan shall serve as the plan upon which the final PUD plan and preliminary subdivision plat are based. Approval of a preliminary PUD plan shall lapse twelve (12) months from the date it was approved.
 - ii. Final PUD Plan/Preliminary Subdivision Plat. In addition to meeting the applicable provisions of the subdivision regulations regarding preparation of a preliminary plat, the final PUD plan shall include detailed architectural/engineering plans for: utilities, vehicular and pedestrian circulation systems, location of all structures, topographic intervals at no less than five (5) feet, minimum elevations, and grading, the physical relationship of uses,

parking areas, open space and recreation areas, landscaped areas, buffer or screening materials and locations, areas proposed for dedication as parks, ways, or places, final drafts or legal documents, and other information deemed pertinent by the planning commission. Upon approval of the final PUD plan and the preliminary subdivision plat by the planning commission, development may commence with the installation of public improvements. No lots, however, shall be sold until final subdivision plat approval has been granted by the planning commission with all required improvements having either been installed or appropriate security posted for the installation of such improvements.

- b. PUDs Not Requiring The Subdivision of Property. In PUDs in which no individual parcel of property is owned or rented, such as condominium, apartment, commercial, or industrial PUDs, and similar uses, the following requirements for PUD plan preparation apply:
 - i. Preliminary PUD Plan. A concept plan containing the following information shall be submitted to the planning commission for review: the general location of buildings and uses, general circulation patterns, open space and recreation areas, parking areas, ingress/egress points, sketch elevations and drainage, the boundary dimensions, overall density of development, public uses, landscaping concepts, zoning classification, and other information deemed pertinent by the planning commission. The approved preliminary PUD plan shall serve as the plan upon which the final PUD plan is based. Approval of a preliminary PUD plan shall lapse twelve (12) months from the date it was approved.
 - ii. Final PUD Plan. Following approval of a preliminary PUD plan, the developer may proceed to prepare a final PUD plan which shall include detailed architectural/ engineering plans for: utilities, vehicular and pedestrian circulation systems, location of all structures, topographic intervals at no less than five (5) feet, minimum elevations, and grading, the physical relationship of uses, parking areas, open space and recreation areas, landscaped areas, buffer or screening materials and locations, areas proposed for dedication as parks, ways, or places, final drafts of legal documents, and other information deemed pertinent by the planning commission. Upon approval of the final PUD plan, a special conditions permit may be issued.
10. Staging of Development. The PUD applicant may elect to develop the site in successive stages. The stages and expected development periods shall be shown on the preliminary PUD development plan. However, each stage given final PUD approval must be substantially complete within itself. The planning commission may also require the development of a PUD project in stages if public facilities are not adequate to handle the entire development initially.
11. Permits. The developer of a PUD shall be entitled to receive appropriate development permits following approval of the final PUD plan and the preliminary subdivision plat, where applicable. However, none of these permits shall be issued until the building official receives a PUD plan which bears the

signed certificates of approval and of application and agreement (See Appendix C for examples).

12. Changes and Modifications. A PUD project may be changed or modified under conditions established for minor changes and major changes.

- a. Minor changes. The planning commission may approve changes in minor shifts of building locations proposed streets and ways, utilities and easements, recreation and open space areas or other features on the approved plan. However, these changes shall not increase densities, change exterior boundary lines, change uses, materially change location or amount of land devoted to specific uses, or significantly change the exterior features or appearance of buildings and uses shown on the approved plans.
- b. Major changes. All changes other than those established as minor shall be considered as major changes to the PUD plan and shall require a new plan submission in accordance with the procedures and requirements for approval of a PUD plan.

309. Signs. It is the purpose of this section to establish reasonable and impartial regulations for the location of signs within the zoning districts of the city so as to achieve a more aesthetically desirable environment through flexible and diversified standards that provide for adequate light, air, and open spaces and a reduction in congestion and hazardous conditions within the city. Therefore, all new signs erected, constructed, or placed upon any property or building within the city shall conform to the provisions of this section.

1. General Provisions.

- a. Plans Required. The building official shall be provided with plans and specifications identifying the location, type, and design of any sign which requires a permit under the provisions of this section.
- b. Height. No part of any sign shall exceed twenty-five (25) feet in height, except that the building official and/or planning commission may allow a greater height if the business fronts the Old Highway 11-W or the Old Highway 25-E, or where an unusual circumstance involving topography or congestion exists. Except for entrance/exit signs as regulated in Section 309.1.c, the announcement portion of all permanent pole signs shall be located at least nine (6) feet above the ground. Signs placed above a walkway shall have a minimum clearance of nine (9) feet. Signs located above a driveway shall have a minimum clearance of fifteen (15) feet.
- c. Setback. No part of any sign shall be placed closer than five (5) feet to any public right-of-way or access, except the planning commission may require a greater distance if it is determined that a 200' sight distance can not be met as a result of the location of the sign; signs of no more than three (3) square feet may be located at the right-of-way to designate entrances and exits provided such signs will be less than three (3) feet higher than the driveway to prevent any obstruction of clear visibility to vehicles exiting the premises.
- d. Number of Signs. No business shall have more than two (2) signs, but not two (2) signs of the same type; except that on lots which extend between parallel streets, businesses may have three (3) signs, two (2) of which may

be of the same type provided they do not front on the same parallel street. Entrance and exit signs shall not be included in the total number of signs allowed.

2. Prohibited Signs.

- a. Billboards.
- b. Signs which include action, motion, moving materials, or which have any moving parts; or contain flashing or rotating lights or bulbs; or are intermittently lighted; or interfere with the view of traffic or that could be confused with any authorized traffic control sign, signal, or device, with the exception of signs that display time and temperature and public service announcements without advertising matter.
- c. Off-premise signs, except as permitted under Section 309.3.a and b.
- d. Portable signs, except as permitted under Section 309.3.f.
- e. Freestanding Signs, which are not securely affixed to the ground, or otherwise affixed in a permanent manner to an approved supporting structure.
- f. Roof signs.
- g. Signs in any residential district which are internally illuminated.
- h. Signs on public property including utility poles, except those erected by an authorized public entity.
- i. All signs which are not expressly permitted by this ordinance or any other ordinance of the city.

3. Signs Permitted in all Zoning Districts Without a Permit. The following types of signs are permitted in all districts, subject to the conditions set out below and other applicable provisions of this ordinance. Such signs do not require a permit.

- 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, and must be removed within forty-eight (48) hours by the party.
- b. Parking Areas/Directional Signs. Signs internal to parking areas which direct vehicular or pedestrian traffic but bear no advertising shall be no larger than three (3) square feet each.
- 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. Except as provided in Section 309.4.a.ii., 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. Residential Name/Address Signs. For each single family dwelling unit, one (1) nameplate indicating name, address, house number, home occupation, or an announcement of space for boarders or roomers if applicable, limited to four (4) square feet in area, is permitted.
4. Signs Permitted in all Zoning District With a Permit. The following types of signs are permitted in all districts, subject to the conditions set out below, other applicable provisions of this ordinance, and only after a permit has been received from city hall. Planning Commission approval is not required. The building official may inspect the sign for compliance.
- a. Temporary Special Event Signs. Signs not exceeding sixteen (16) square feet which announce a special event sponsored by a civic, philanthropic, educational, or religious 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.
 - b. 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 ten (10) days. These signs shall be limited to thirty-two (32) square feet in size. In no case, however, shall such signs violate the provisions of Section 309.2.b.
5. Signs Requiring Review by Planning Commission and a Permit. The following types of signs will be reviewed and approved by the planning commission during the site plan process. The building official will issue a permit and inspect the structure for compliance.
- a. Residential Districts.
 - i. For subdivisions, and PUDs (including multi-family developments), mobile home parks and all non-residential uses, one (1) permanent identification/entrance sign, not to exceed twenty (20) square feet in area nor twelve (12) feet in height, is permitted. Individual buildings within a PUD may have one (1) identification sign not exceeding nine (9) square feet in area.
 - ii. While under development a subdivision, PUD or a mobile home park, may have one (1) temporary sign, not exceeding twenty (20) square feet in area nor twelve (12) feet in height. Such sign is permitted in addition to any permanent identification sign, but shall be removed after two (2) years or when ninety (90) percent of the project is sold, whichever occurs first.
 - b. Business Districts.

- i. Shopping centers, malls, and commercial PUDs shall be limited to one (1) major directory sign, not to exceed one hundred and fifty (150) square feet in area and each business within such developments shall be limited to one (1) wall sign containing no more than one (1) square foot of area for each linear foot of wall which faces a public street or customer parking area. Separate businesses with public road frontage located as out parcels and developed or marketed along with a shopping center, mall or commercial PUD, may have one (1) ground sign and one (1) wall sign not exceeding the size set out for ground and wall signs in Section 309.4.b.ii. Entrance and exit signs shall not be included when determining total square footage of sign area.
- ii. Except as provided for in Section 309.3 and subject to the provisions of Section 309.1, the maximum sign area permitted per business, shall be as follows except that total sign area shall not exceed one hundred and fifty (150) square feet. A wall sign shall not exceed twenty-five (25) percent of the building front that faces a public street or parking area in which the sign will be placed.

MAXIMUM SIGN SIZE

Type of Street	Maximum Speed	Wall Sign	Ground Sign	Projecting Sign
2-Lanes	20 mph	50 sq.ft.	15 sq.ft.	15 sq.ft.
	25 - 30 mph	50 sq.ft.	20 sq.ft.	20 sq.ft.
	35 mph	50 sq.ft.	25 sq.ft.	25 sq.ft.
	40 mph	50 sq.ft.	50 sq.ft.	Not Permitted
	45 - 55 mph	100 sq.ft.	100 sq.ft.	Not Permitted
4-Lanes	20 mph	50 sq.ft.	15 sq.ft.	15 sq.ft.
	25 - 30 mph	50 sq.ft.	30 sq.ft.	25 sq.ft.
	35 mph	50 sq.ft.	65 sq.ft.	40 sq.ft.
	40 - 45 mph	100 sq.ft.	90 sq.ft.	Not Permitted
	50 - 55 mph	100 sq.ft.	100 sq.ft.	Not Permitted
4-Lanes w\median or turn- ing lane	30 mph	50 sq.ft.	65 sq.ft.	25 sq.ft.
	35 mph	50 sq.ft.	80 sq.ft.	40 sq.ft.
	40 - 65 mph	100 sq.ft.	100 sq.ft.	Not Permitted

c. Industrial Districts.

- i. Maximum identification sign area permitted for separate establishments on individual lots located outside a PUD, shall be one hundred and seventy-five (175) square feet per separate industrial use; except that no ground sign or wall sign shall be greater than one hundred and fifty (150) square feet in area. No wall sign shall exceed twenty-five (25) percent of the building front that faces a public street or parking area.

- ii. In industrial PUDs or buildings housing more than one establishment, each establishment may have one (1) ground sign per establishment not to exceed seventy-five (75) square feet and a wall or other type signs so long as the total sign area for each establishment does not exceed one hundred and fifty (150) square feet.
- iii. Industrial park entrance signs shall be limited to one (1) major directory sign not to exceed two hundred (200) square feet.

310. Site Plan Regulations for Commercial, Multi-Family, Public, and Semi-Public Uses. It is the general purpose and intent of this section to require site plans for all new developments or redevelopments of commercial, multi-family, public, or semi-public uses to provide for a lessening of traffic congestion and for securing adequate light, air, and aesthetic conditions for residents of the city. These plans shall be approved by the planning commission as consistent with this ordinance and with the comprehensive planning program of the city prior to the issuance of grading or building permits.

Site plans for small additions to existing buildings shall be exempt from review when, in the opinion of the building official and planning staff, the addition will not adversely affect the general purpose and intent of these regulations.

Shopping centers, travel trailer parks, apartments, condominiums, and other similar types of projects shall be developed under the provisions of the Planned Unit Development (PUD) Regulations as set out in Section 308 and mobile home parks shall be developed under the provisions of the Mobile Home Parks regulations as set out in Section 313; except that, unless specifically altered by the provisions of Section 308 or 313 or the use and development regulations contained in Sections 601 through 605 or any other applicable provision of this ordinance, all provisions relating to plan preparation and site development contained in this section shall also apply to the plan preparation and site development of all PUDs.

In accordance with the provisions of 13-4-104, *Tennessee Code Annotated*, site plans for any public use including, but not limited to, schools, parks, streets and highways, public buildings, and utilities, shall be submitted to the planning commission for review, and shall be prepared in accordance with the provisions of Sections 308, 601 through 605, and this section, as may be applicable.

A site plan shall set forth the proposed development of the total land tract and shall meet the following regulations:

- 1. General Provisions.
 - a. All site plans shall be prepared and certified by a licensed engineer, landscape architect, architect, and/or surveyor, as may be appropriate, and in accordance with state law regarding the practice of these professions. Drawings shall be at a scale of not less than 1" = 20' for small tracts and 1" = 50' for large tracts.
 - b. All site plans shall show:
 - i. Topography of existing and finished grades.
 - ii. Location of all land subject to flooding.

- iii. Dimensions and calls of all property lines.
 - iv. North point, scale, acreage of site, and location map.
 - v. Location of all existing and proposed structures (including signs), street rights-of-way, sidewalks, easements, and covenants.
 - vi. Dimensions of all existing and proposed structures.
 - vii. Plans for vehicular and pedestrian circulation, utilities, solid waste disposal, landscaping and open space, signs, off-street parking, and stormwater drainage.
2. Open Space and Landscaping Plan. To obtain sufficient space between uses and buildings for adequate light, air, privacy, and amenities, the following requirements for open space and landscaping are established:
- a. Landscaping shall mean planting of grass, trees, shrubs, or other comparable surface cover or decorative plazas and/or pools. Where existing landscape features exist on site which can meet the purpose of this section, all or part of such features may be used to meet the requirements of this section upon the approval of the planning commission.
 - b. All developments shall meet the minimum yard (open space) requirements established in Chapters 6 and 7.
 - c. The setback space between a public street and parking areas shall be landscaped with berms and/or appropriate landscape plants which shall be maintained in a healthy, growing condition through a permanent maintenance program.
3. Signs. Sign size and placement shall be governed by the provisions of Section 309.
4. Off-Street Parking. The off-street parking and loading/unloading areas, points of ingress/egress, and driveways shall be developed in accordance with the provisions of Sections 302 through 307.
5. Waste Disposal. All waste disposal facilities shall be screened by fencing, walls, or evergreen plant materials in such a way that they are not visible from any public street or adjoining properties.
6. Stormwater Drainage. A certified plan for stormwater drainage shall be included with the site plan which identifies all easements, drainage structures including sizes/capacities, and other pertinent information concerning the assumptions upon which the plan is based. The estimated stormwater runoff based on a ten year storm shall be calculated for pre-development and post-development. The amount of runoff shall not be increased and shall be accommodated on site.
7. Site Improvements Bond. Prior to the issuance of a certificate of occupancy, the building official shall make a determination regarding whether or not all site improvements, as set out in this ordinance and the approved site plan, have been properly made or installed. If not, prior to issuing a certificate of occupancy, the building official and planning commission shall determine the amount, form, and

term of surety that must be established and must secure such guarantee for the purpose of ensuring the timely completion of the required site improvements.

8. Issuance of Building Permits. No building permit shall be issued until the building official receives a site plan which bears the signed certificates of site plan approval and of application and agreement (See Appendix D).
9. Expiration of Approved Site Plans. Approval of a site plan shall expire six (6) months after the date of its approval unless a building permit has been issued and substantial progress has been made toward completion of the project.

311. Site Plan Regulations for Industrial Uses. It is the intent of this section to require site plans for all new industrial uses as well as any non-industrial uses which are permitted in the industrial districts of the city and shall apply to the expansion or redevelopment of any existing uses within the city's industrial districts. The purpose of these regulations is to protect the public health, safety, and welfare of the citizens of Bean Station through a lessening of traffic congestion, the securing of adequate light and air, the preservation of aesthetic qualities, and the protection of property. These site plans shall be reviewed and approved by the planning commission as being consistent with the intent of this ordinance and the comprehensive planning program of the city prior to the issuance of any grading or building permit.

Industrial and/or commercial PUDs located in any industrial zoning district shall be developed under the provisions of the Planned Unit Development (PUD) Regulations as set out in Section 308; except that unless specifically altered by the provisions of Sections 308 or the use and development regulations contained in Sections 601 through 605 or any other applicable provision of this ordinance, all provisions relating to plan preparation and site development contained in this section shall also apply to the plan preparation and site development of all PUDs.

In accordance with the provisions of 13-4-104, *Tennessee Code Annotated*, site plans for any public use including but not limited to schools, parks, streets and highways, public buildings, and utilities, shall be submitted to the planning commission for review and shall be prepared in accordance with the provisions of Sections 308, 601 through 605, and this section, as may be applicable.

1. General Provisions

- a. All site plans shall be prepared and certified by a licensed engineer, landscape architect, architect, and/or surveyor, as may be appropriate, and in accordance with state law regarding the practice of these professions. Drawings shall be at a scale of not less than 1" = 20' for small tracts and 1" = 50' for large tracts.
- b. All site plans shall show:
 - i. Topography of existing and finished grades.
 - ii. Location of all land subject to flooding.
 - iii. Dimensions and calls of all property lines.
 - iv. North point, scale, acreage of site, and location map.
 - v. Location of all existing and proposed structures (including signs), street rights-of-way, sidewalks, easements, and covenants.

- vi. Dimensions of all existing and proposed structures.
 - vii. Plans for vehicular and pedestrian circulation, utilities, solid waste disposal, landscaping and open space, signage, off-street parking, and stormwater drainage.
2. Open Space and Landscaping Plan. To obtain sufficient space between uses and buildings for adequate light, air, privacy, and amenities, the following requirements for open space and landscaping are established:
- a. Landscaping shall mean planting of grass, trees, shrubs, or other comparable surface cover or decorative plazas and/or pools. Where existing landscape features exist on site which can meet the purpose of this section, all or part of such features may be used to meet the requirements of this section upon the approval of the planning commission.
 - b. To minimize adverse visual and environmental impacts, no accessory buildings shall be permitted in areas established for open space.
 - c. All site plans shall meet the minimum yard requirements (open space) established in Chapter 6 and 7; except that, on sites adjoining residential districts, the following additional development standards shall apply:
 - i. The requirements for the yard (open space) area shall be one hundred (100) feet. Whenever highly combustible, flammable, or explosive materials or any other materials that have inherent characteristics that constitute a hazard to life or property are to be used on such sites, the planning commission may require additional yard area. Development within required yard areas adjacent to residential districts shall be subject to the following requirements:
 - (a) Off-street parking areas shall be setback no less than fifty (50) feet from the district boundary.
 - (b) At least the first fifty (50) feet of required yard area shall be appropriately landscaped by use of berms and grass, trees, shrubs, or other appropriate plants.
 - (c) No solid or liquid waste disposal areas shall be allowed in the required yard area, with the exception of solid waste dumpster facilities for nonindustrial solid waste products.
 - d. The setback space between the public street and parking areas shall be landscaped.
 - i. Where possible, berming shall be installed to screen parked cars and where berms are not used screening shall be achieved through use of trees and shrubs.
 - ii. All landscaping shall be maintained in a healthy growing conditions through a permanent maintenance program.
3. Signs. Sign size and placement shall be governed by the provision of Section 309.

4. Off-Street Parking. The off-street parking and loading/unloading areas, points of ingress/egress, and driveways shall be developed in accordance with the provisions of Sections 302 through 307.
5. Emissions. To provide for the protection of the environment and the citizens of Bean Station, a plan for emission control shall meet the following requirements:
 - a. No use shall create noise, vibrations, dust odor, or fumes which are in any way harmful to endanger the health, safety, and general welfare of the public.
 - b. Uses creating undue glare shall provide shielding so that glare cannot be seen off the site.
 - c. In the event that emission controls are questionable, the planning commission may require certification of the proposed controls by an environmental engineer or other appropriate expert.
 - d. If the city determines a violation of these emission standards is occurring, it shall be authorized to take whatever action it deems appropriate to safeguard the health, safety, and general welfare of the public. The burden of proof that no such violation is occurring or has been abated shall rest solely with the industrial use involved.
6. Waste Disposal.
 - a. No waste disposal facilities, whether they be for the disposal of industrial or nonindustrial solid waste, shall be allowed within any front yard.
 - b. All waste disposal facilities shall be screened by fencing, walls, or evergreen plant materials in such a way that they are not visible from any public street or adjoining properties.
7. Stormwater Drainage. A certified plan for stormwater drainage shall be included with the site plan which identifies all easements, drainage structures including sizes/capacities, and other pertinent information concerning the assumptions upon which the plan is based. The estimated stormwater runoff based on a ten year storm shall be calculated for pre-development and post-development. The amount of runoff shall not be increased and shall be accommodated on site.
8. Site Improvements Bond. Prior to the issuance of a certificate of occupancy, the building official shall make a determination regarding whether or not all site improvements, as set out in this ordinance and the approved site plan, have been properly made or installed. If not, prior to issuing a certificate of occupancy, the building official and planning commission shall determine the amount, form, and term of surety that must be established and must secure such guarantee for the purpose of ensuring the timely completion of the required site improvements.
9. Issuance of Building Permits. No building permit shall be issued until the building official receives a site plan which bears the signed certificates of site plan approval and of application and agreement (See Appendix D).
10. Expiration of Approved Site Plans. Approval of a site plan shall expire six (6) months after the date of its approval unless a building permit has been issued and substantial progress has been made toward completion of the project.

312. Temporary, Mobile, Factory-Built, or Factory Assembled Structures. It shall be unlawful to place any temporary structure, trailer, mobile structure (including, but not limited to: cars, vans, trucks, or buses), tents and tent-type structures, factory-built or factory assembled structures designed for conveyance after fabrication, either on their own wheels, flatbed truck, or other trailers on any residential, commercial, or industrial lot within the city for the purpose of assembly, or for business, educational, hazardous, institutional, mercantile, residential, or storage occupancies, except as noted herein.

1. Permitted Temporary, Mobile, Factory-Built, or Factory Assembled Structures.

The following structures shall be allowed subject to the provisions of this and other applicable sections of this ordinance and upon obtaining the proper permits from the building official.

- a. Mobile homes located in approved mobile home parks or allowed district.
- b. Modular buildings for residential or nonresidential use installed on permanent concrete or masonry foundation as a finished building with permanent sewer or water connections. Such units shall be inspected at the point of manufacture and shall bear the insignia of approval of the Tennessee Department of Commerce and Insurance or other approved inspection agency, as provided for in Title 58, Chapter 36, Part 3, *TCA*.
- c. Temporary office and storage buildings located on approved construction sites provided they are removed upon completion of construction.
- d. Customary accessory storage buildings in approved residential locations.
- e. Tents used by a person, firm, corporation, or group as an assembly occupancy for the purpose of a religious meeting, festival, fair, circus, or carnival for a limited time not to exceed thirty (30) days with proper permit procedure followed; additional permits may be granted for up to ninety (90) days in one calendar year.

2. Replacement of Nonconforming Mobile Home Dwellings. See Section 301.4 of this ordinance.

3. Establishment of New or Expansion of Existing Mobile Home and Travel Trailer Parks. Mobile home parks shall be subject to the provisions of Section 313 and other applicable sections of this ordinance. Travel trailer parks shall be considered PUDs and the establishment or expansion of these uses shall be subject to the provisions of Section 308 and other applicable sections of this ordinance.

313. Mobile Home Parks. The following regulations shall apply to all mobile home parks.

1. General Provisions.

- a. Mobile home parks shall be located in allowed districts.
- b. No parcel of land containing less than five (5) acres and less than ten (10) mobile home spaces, available at the time of first occupancy shall be used for a mobile home park.

- c. The mobile home park shall be subject to the density provisions of the district in which it is located, provided, however, that no individual mobile home space shall be less than five thousand (5000) square feet in area.
 - d. All mobile home parks shall be approved by the health department for adequate sewage disposal.
 - e. All mobile home parks shall be served by a public water supply system.
 - f. Additional parking must be provided to accommodate guest parking. The planning commission may consider additional width on the access road to allow for on-street parking, additional parking provided at each mobile home, or a designated guest parking area, as regulated by Section 304. (Ord. 98-12-3)
 - g. Ten (10) percent of the area shall be developed for active and passive recreation.
 - h. No mobile home shall be located closer than twenty (20) feet to any other mobile home or building.
 - i. A site plan, meeting the regulations as set forth in Section 310, must be submitted to the planning commission for approval.
 - j. All mobile home parks must meet the applicable provisions of the *Bean Station Subdivision Regulations*.
 - k. A planted landscape buffer of evergreen trees of at least fifteen (15) feet in width and a minimum of seven (7) feet in height when planted, shall be provided along all internal property lines of the mobile home park to provide separation between land uses. (Ord. 98-12-3)
2. Yards. The mobile home park shall meet the yard setbacks as required by the district in which it is located and regulated by Chapter 7.
 3. Height. No building or structure erected or stationed in any mobile home park shall have a height greater than one (1) story or fifteen feet.
 4. External Boundaries. All mobile home parks shall be entirely enclosed, exclusive of driveways, at their external boundaries by a solid wall or evergreen hedge no less than seven (7) feet in height. Along any public street, such wall, or hedge shall be twenty-five (25) feet from the street right-of-way.
 5. Internal Access, Roads, Drives, and Pedestrian Walkways.
 - a. All vehicular access to mobile home spaces shall be internal to the development. Direct access from mobile home spaces to public streets is prohibited.
 - b. Access roads within a mobile home park shall have a pavement width of at least twenty-six (26) feet and comply with the requirements of Sections 302 through 307 of this ordinance and the street design standards set forth in the *Bean Station Subdivision Regulations*. (Ord. 98-12-3)

- c. Mobile home spaces may abut upon a drive of not less than twenty (20) feet in width, which shall have unobstructed access to the Access road within the mobile home park.
- d. Vehicular access shall not be by alley, and all dead-end driveways shall include adequate vehicular turning space or cul-de-sac.
- e. Paved walkways not less than two (2) feet wide shall be provided to service buildings.

6. Mobile Home Spaces.

- a. All mobile home spaces shall be a minimum width of the width of the mobile home plus twenty (20) feet on each side of the mobile home to the plot line. The minimum length shall be the length of the mobile home plus thirty (30) feet from the rear to the plot line and thirty (30) feet from the top to the plot line.
- b. All mobile home spaces shall have four hundred (400) square feet of paved parking area with direct access to a drive or access road.
- c. All mobile home spaces shall have a ten (10) foot by fifty (50) foot or larger pad consisting of a minimum six (6) inches of compacted gravel, or other suitable paved material.
- d. All mobile home spaces shall have planted grass in all areas not covered by gravel or a paved surface.

7. Allowed Uses and Structures.

- a. Mobile homes in approved mobile home parks shall only be used for single family residential occupancy.
- b. Decks, porches that are not enclosed, patios or other similar structures shall be permitted.
- c. Individual accessory storage buildings not exceeding one hundred (100) square feet in area per mobile home space shall be permitted.

8. Prohibited Uses and Structures.

- a. Commercial, industrial, or other non-residential uses within a mobile home park shall be prohibited.
- b. Mobile homes that can not be connected to a sanitary sewer system or do not have toilet facilities shall be prohibited.
- c. Recreational vehicles shall be prohibited from using a mobile home space for connection and occupation.

- 9. Signs. The size, type, and location of signs shall be governed by Section 309 and other applicable sections of this ordinance.

10. Customary Accessory Buildings. The size, type, and location of accessory buildings shall be governed by Section 408 and other applicable section of this ordinance.

11. Ingress and Egress. The size and location of ingress and egress shall be governed by Sections 305 and 306. Parking shall be governed by Section 302.

314. Customary Home Occupations. The following uses shall be permitted as home occupations within all residential zoning districts, subject to the applicable provisions of the zoning districts and the limitations and requirements set out in subsection 2 below:

1. Permitted Home Occupations.

- a. Arts and crafts made by the owners of the premises.
- b. Professional offices for architects, real estate brokers, engineers and other contract workers whose businesses rarely require clients to visit the home.
- c. Tutorial instruction allowing two pupils per session, except for music instruction which shall be one student per session.
- d. Beauty/barber shops.
- e. Antique sales.
- f. Any other use which the Board of Zoning Appeals finds to be of similar character.

2. Requirements/Limitations Regarding the Operation of Home Occupations.

- a. Location on Premises. A home occupation shall be conducted within a dwelling which is the bona fide residence of the principal practitioner or in any building accessory thereto which is normally associated with a residential use.
- b. Exterior Alterations. No alterations to the exterior appearance of the principal residential building or premises shall be made which changes the character thereof as a residence.
- c. Outdoor Display or Storage. No outside display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.
- d. Employees. No persons other than a member of the immediate family occupying such dwelling, and one (1) person not a member of such family, may participate in or be employed by such occupation.
- e. Level of Activity. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof.
- f. Traffic, Parking. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential

neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street.

- g. Equipment and Production Processes. No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in the home associated with a hobby or vocation not conducted for gain or profit, or machinery or equipment which is essential in the conduct of the home occupation; and, no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or televisions receivers off the premises.
- h. Signs. No signs accessory to such home occupation shall be displayed except as permitted or authorized by Section 309.3.g.

315. Gasoline Service Stations. The following development standards shall apply to all gasoline service stations:

- 1. Front yard setbacks for all structures, except the principal building, shall be reduced to fifteen (15) feet.
- 2. On all streets classified as arterials on the official zoning map, no driveways shall be constructed within sixty (60) feet of an intersecting street right-of-way line.

316. Telecommunications Towers. The requirements of this section apply to the placement of commercial transmitting and receiving antennae, including any incidental structures to the antennae. Requirements noted below are meant to prevent harmful impacts upon the community, which can occur as the result of the erection of telecommunications towers. Commercial telecommunications towers must adhere to the following standards. (Ord. 00-05-102)

- 1. Telecommunications Tower as a Principal Use. For the purposes of the Bean Station Zoning Ordinance, a telecommunications tower shall be considered a principal use of land. However, this definition shall not preclude the use of an existing structure or tower for the installation of a telecommunications antenna.
- 2. The Priority of Co-location. No proposal for the construction of a new telecommunications tower shall be considered under the terms of this ordinance, when an existing structure or tower can be feasibly used for the installation of a telecommunications antenna. Furthermore, approval of the construction of a new telecommunications tower generally shall be contingent on the capability of future installations of additional antennae on such a tower.
- 3. Application for the Erection of Telecommunications Tower. A request to erect a telecommunications tower within the City of Bean Station shall be submitted to the Building Official at the Bean Station City Hall. If the request consists of an additional antenna placed on an existing structure or tower, without any extension of that structure or tower, and with no construction of new buildings, then the building official may determine the conformance of the request with City regulations. However, if any new tower, extension of an existing structure or tower, or any new telecommunications building is proposed for a site, then the Bean

Station Planning Commission shall consider the request, and no permit shall be issued without the approval of the planning commission.

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

- a. A scaled site plan displaying the location, type, and height of the proposed tower; topographic contour lines at five (5) foot intervals; the locations and dimensions of any proposed or existing buildings on the site; locations of guy wires and their anchor points on the ground; dimensions of property boundaries, nearby rights of way and street names, easements, and significant natural features; proposed or existing access points into the site; a landscape plan, along with indications of any needed screening and fencing, utility lines or installations in the vicinity of the site; and, the locations of any structures on properties adjacent to the site, including the names of adjacent property owners.
 - b. Information collected by the applicant concerning any alternative, existing structures or towers in the City of Bean Station, which might provide for the placement of a telecommunications antenna, without the construction of a new tower. If a new tower is deemed necessary, then the applicant shall provide a notarized statement indicating whether the tower may accommodate additional telecommunications antennas in the future.
4. Setbacks for Towers and Associated Buildings. The placement of any telecommunications tower shall be provided with a setback from each property line equivalent to fifty (50) feet or one-half (1/2) foot for each one (1) foot of tower height, whichever is greater. Any building(s) erected on the tower site shall conform with the applicable building setback requirements that apply to the zoning district in which the site is located.
 5. Guy Wires and Supports. Guy wires, and associated supports for guy wires, shall be set back a minimum of ten (10) feet from side and rear property lines, and no guy wire shall be allowed within the required front setback of the district in which it is located and which is specified in Section 701.
 6. Lighting, Noise, and Color. 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.

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.

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. Any telecommunications tower approved under these regulations shall be screened along all property lines to a height of ten (10) feet. The material used for screening shall be sufficient to prevent visual observation of the telecommunications site through the material. In addition, the landscaping requirements identified in Section 310 of the Bean Station Zoning Ordinance shall be followed.
8. Planting of New Vegetation. Where vegetation is installed for tower screening, the time allowed for the installation of landscaping shall not exceed thirty (30) days after the completion of tower construction and associated appurtenances. If seasonal circumstances prevent the planting of vegetation on a tower site, then the building official may allow an extension of the thirty (30) day time limit into the next growing season, but for no more than thirty (30) days of that season.
9. Drainage and Erosion Control. Measures to control erosion and drainage on a tower site shall conform to the requirements noted in Section 310 of the Bean Station Zoning Ordinance.

CHAPTER 4

APPLICATION OF REGULATIONS

SECTION

- 401. Use
- 402. Street Frontage
- 403. Corner Lots
- 404. One Principal Building On a Lot
- 405. Reduction of Lot Size
- 406. Yard and Other Spaces
- 407. Conformity to Subdivision Regulations
- 408. Accessory Building and Use Regulations
- 409. Height and Density

401. **Use.** Except as herein provided, no building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located.

402. **Street Frontage.** No building shall be erected on a lot which does not abut on at least one public street for at least fifty (50) feet. Residential planned unit developments may be excluded from this provision through the plan approval process for planned unit developments. If an approved public street is inadequate to serve a proposed development, the developer may be required to improve the existing street to approved city standards. (Ord. 00-06-100)

403. **Corner Lots.** The minimum width of a side yard along an intersecting street shall be fifty (50) percent greater than the minimum side yard requirements of the district in which the lot is located.

404. **One Principal Building on a Lot.** Only one principal building and its customary accessory buildings may hereafter be erected on any lot; except that planned unit developments may be excluded from this provision on the approval of the planning commission.

405. **Reduction of Lot Size.** No lot shall be reduced in area so that yards, lot width, building area, or other provisions of this ordinance shall not be maintained.

406. **Yard and Other Spaces.** No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required under this ordinance for another building.

407. **Conformity to Subdivision Regulations.** No building permit shall be issued for or no building shall be erected on any lot within the municipality, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or opened as a public street prior to that time or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Bean Station Municipal Planning Commission and such approval entered in writing on the plat by the secretary of the commission.

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

1. General Provisions.

- a. No accessory structure shall be occupied or used unless the principal structure to which it is accessory is occupied or being used.
- b. If an accessory building shares a structural wall with a principal building, it shall be deemed to be a part of the principal building and shall comply with the requirements of the ordinance applicable to a principal building, such as setback, height, etc.

2. Location.

- a. Residential districts. Accessory buildings not exceeding one (1) story or fourteen (14) feet in height, and occupying less than twenty (20) percent of the required rear yard, may be located as close as ten (10) feet to the rear property line, except as may be provided for in Chapter 6. No accessory buildings or uses shall be permitted within any required front or side yard, except for such items as mail boxes, yard ornaments, and light fixtures located so as not to create a nuisance or safety hazard to neighboring property or the public.
 - b. General Farming Uses in Residential Districts. Accessory general farming structures shall not exceed thirty-five (35) feet in height and shall meet all yard setback requirements of a principal structure.
 - c. Business and Industrial Districts. The location of accessory uses and structures shall be in accordance with the provisions of Sections 310 and 311 of this ordinance.
3. Off-Street Parking and Loading Facilities. These facilities shall be located in accordance with the provisions of Sections 302 through 304.
4. Signs. The size, type, and location of signs shall be governed by Section 309 and other applicable sections of the ordinance.

409. Height and Density. No building or structure shall hereafter be erected or altered so as to exceed the height limit, to accommodate or house a greater number of families, to have narrower or smaller front yards or side yards than are required or specified in the regulations herein for the district in which it is located.

CHAPTER 5

ESTABLISHMENT OF DISTRICTS

SECTION

501. Classification of Districts

502. Zoning District Boundaries

501. Classification of Districts. For the purpose of this ordinance, the City of Bean Station, Tennessee, is hereby divided into five (5) classes of districts as follows:

Residential -	R-1S	Restricted Residential District
	R-1	Low Density Residential
	R-2	Medium Density Residential
Commercial -	B-1	General Business District
	B-2	Neighborhood Business District
Industrial -	M-1	Industrial District

502. Zoning District Boundaries. The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map of The City of Bean Station, Tennessee," dated June 1998, and all amendments thereof, which is a part of this ordinance and which is on file in the Bean Station City Hall. Unless otherwise specifically indicated on the map, the boundaries of districts are lot lines or the center lines of streets or alleys or such lines extended, the corporate limit lines, or a line midway between the main track of a railroad or the center lines of streams or other water bodies. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.

CHAPTER 6
PROVISIONS GOVERNING USE DISTRICTS

SECTION

- 601. R-1S Restricted Residential District**
- 602. R-1 Low Density Residential**
- 603. R-2 Medium Density Residential**
- 604. B-1 General Business District**
- 605. B-2 Neighborhood Business District**
- 606. M-1 Industrial District**

601. R-1S Restricted Residential District. It is the purpose and intent of this district to establish residential areas where site-built homes exist and are likely to develop in a similar manner. The requirements of the district are designed to protect the total characteristics of the district, to promote and encourage an environment for family life, and to restrict all business oriented activities. (Ord. 99-08-102)

In order to achieve the purpose and intent of the R-1S Restricted Residential District, as shown on the zoning map of the City of Bean Station, Tennessee, the following regulations apply and uses are permitted:

1. Single-family residences, except mobile homes.

602. R-1 Low Density Residential. It is the purpose and intent of this district to establish low density residential areas along with open areas which appear likely to develop in a similar manner. The requirements of the district are designed to protect the total characteristics of the district, to promote and encourage an environment for family life, and to restrict all business oriented activities.

In order to achieve the purpose and intent of the R-1 Low Density Residential District, as shown on the zoning map of the City of Bean Station, Tennessee, the following regulations apply and uses are permitted:

1. Single-family residences, including mobile homes on individual lots. (Ord. 99-08-102)
2. Single-family and two-family (duplex) PUD's, except mobile homes parks. (Ord. 99-08-102)
3. Customary general farming.
4. Customary home occupations as regulated in Section 314.
5. Publicly owned buildings and uses, following approval by the planning commission as required in *Tennessee Code Annotated*, 13-4-104; schools offering general education; churches; and tennis clubs, country clubs, and other similar uses which are characteristically associated with ample open space areas and recreation or leisure activities, and are used for social purposes which restrict participation to members and guests only, provided that:
 - a. A site plan prepared as regulated in Section 310 is reviewed and approved by the planning commission;

- b. The buildings are placed not less than fifty (50) feet from side and rear property lines;
 - c. There are planted buffer strips with a minimum of ten (10) feet in height along rear and side property lines;
 - d. That access be restricted to streets classified as Arterial and Major Collector Streets on the official Major Road Plan (See Appendix B); and
 - e. 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. Signs as regulated in Section 309.
 - 7. Customary accessory buildings as regulated in Sections 408 and 803.
 - 8. Access and parking as regulated in Sections 302 through 307.
 - 9. Setback and height requirements as regulated in Chapter 7.

603. R-2 Medium Density Residential. It is the purpose and intent of this district to provide areas for higher density residential development plus open areas where similar development is likely to occur. Professional services are also permitted in this district provided that they meet applicable standards and are limited so as not to encourage general commercial activity. When proposed uses are not allowed in the R-1 Low Density Residential District, but are adjacent to the R-1 Low Density Residential District, a buffer strip shall be planted and maintained.

In order to achieve the purpose and intent of the R-2 Medium Density Residential District, as shown on the Zoning Map of the City of Bean Station, Tennessee, the following regulations apply and uses are permitted:

- 1. Any use permitted in the R-1 Residential District subject to the requirements of the R-1 District.
- 2. Mobile homes, on individual lots.
- 3. Residential planned unit developments and mobile home parks as regulated in Sections 308, 312 and 313.
- 4. Two family (duplex), three family (triplex) and four family (fourplex) residences.
- 5. Bed and breakfast inns.
- 6. Funeral homes; fraternal organizations; clubs not operated for profit; day care centers and homes providing care and supervision for children, handicapped persons, or elderly persons; beauty shops and barbers; and professional offices of doctors, lawyers, accountants, architects, dentists, real estate, insurance agencies, and similar uses, provided:
 - a. A site plan prepared as regulated in Section 310 is reviewed and approved by the planning commission;

- b. The buildings are placed not less than fifty (50) feet from side and rear property lines;
 - c. There are planted buffer strips with a minimum of ten (10) feet in height along rear and side property lines;
 - d. Any outside lighting of 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.
 - e. That access be restricted to streets classified as Arterial and Major Collector Streets on the official Major Road Plan (See Appendix B); and
 - f. Existing buildings may be utilized provided that the provisions of this ordinance are met as closely as possible.
- 7. Signs as regulated in Section 309.
 - 8. Customary accessory buildings as regulated in Sections 408 and 803.
 - 9. Access and parking as regulated in Sections 302 through 307.
 - 10. Setback and height requirements as regulated in Chapter 7.

604. B-1 General Business District. It is the purpose and intent of this district to provide for general commercial areas at convenient locations within the city. The regulations are designed to encourage concentrations of commercial activities and to preserve the traffic carrying capacity of the major collectors and arterials upon which such uses are located. The regulations are also designed to encourage groupings of compatible commercial activities in which parking and traffic congestion can be reduced to a minimum. Therefore, prior to issuance of building permits for all new construction, site plans, as required by Section 310, shall be reviewed and approved by the planning commission to determine if the projects meet all requirements and are in keeping with the comprehensive planning program of the City of Bean Station, Tennessee. When proposed uses are adjacent to a residential district, a buffer strip shall be planted and maintained.

In order to achieve the purpose and intent of the B-1 General Business District, as shown on the zoning map of the City of Bean Station, Tennessee, the following regulations apply and uses are permitted.

- 1. Personal, business, and professional services and offices, excluding junkyards and other similar uses.
- 2. Storage yards provided that: (Ord. 2002-09-100)
 - a. No exterior storage areas shall be located within the required front yard.
 - b. All exterior storage areas shall be screened by opaque fencing preventing visual observation of such exterior storage areas from all adjacent properties and from all public streets.
 - c. The required opaque fencing shall be setback a minimum of five (5) feet from all property lines, installed at a minimum height of eight (8) feet and shall be secure.

- d. Planted landscaping shall be installed along the exterior of the required opaque fencing to help minimize the impact of the required opaque fencing. Planted landscaping materials shall include a combination of trees, shrubs, ground cover, perennials and annuals with a least fifty (50%) percent of the materials reaching a minimum height of four (4) feet within one year of installation. The installation of planted landscaping shall not exceed thirty (30) days after the completion of site construction. Use of existing natural vegetation as a buffer to adjacent properties may be allowed as substitution for required landscaping upon approval by the planning commission.
3. Retail business, including automobile and mobile home sales.
4. Lodges, clubs, hotels, motels, restaurants, and other similar services.
5. Funeral homes.
6. Churches and places of worship.
7. Gasoline service stations as regulated in Section 315.
8. Wholesale business and warehousing.
9. Places of amusements, recreation, entertainment, or assembly.
10. Shopping centers developed as planned unit developments as regulated in Section 308.
11. Commercial and travel trailer parks developed as planned unit developments as regulated in Section 308.
12. Publicly owned buildings and uses, following approval by the planning commission as required in *Tennessee Code Annotated*, 13-4-104; and schools and colleges offering general education.
13. Dwelling units for the purpose of permanent occupancy located above street level.
14. Townhouses, condominiums, and similar types of housing may be established as separate uses as a PUD under the applicable provisions of Section 308 of this ordinance when the following development criteria are met:
 - a. There shall be no minimum lot size required for this type of development.
 - b. Setback requirements of the B-1, General Business District, shall prevail.
 - c. The density of such developments shall not exceed fifteen (15) units per gross acre.
 - d. Parking as required in Sections 302 -307.
15. Signs as regulated in Section 309.
16. Access and parking as regulated in Sections 302 through 307.
17. Customary accessory uses and structures as regulated in Section 408.

18. Setback and height requirements as regulated in Chapter 7.
19. Special Exceptions. In the B-1, General Business District, the following uses and their accessory uses may be permitted subject to approval by the Bean Station Board of Zoning Appeals in accordance with the provisions of Section 1004-2.
 - a. Methadone Treatment Clinic or Facility
 1. The consideration for approval by the Board of Zoning Appeals of a methadone treatment clinic or facility shall be contingent upon the receipt of the appropriate license and certificate of need by the State of Tennessee.
 2. Maps showing existing land use and zoning within one-half mile of the proposed site should be submitted with an application for Special Exception approval along with the license of the applicant, certificate of need, site plan, survey or other information deemed reasonable by the Board of Zoning Appeals for use in making a thorough evaluation of the proposal.
 3. The clinic or facility shall be located on and gain access only from Arterial Streets as designated on the city's major road plan.
 4. Measurement shall be made in a straight line on the Bean Station Zoning Map from the nearest wall of the building in which the methadone treatment clinic or facility is proposed to the nearest property line of the following uses:
 - a) The clinic or facility shall not be located within one thousand (1,000) feet of a school, day care facility, park, church, pharmacy or similar facility that dispenses prescription or over the counter drugs, hospital, any establishment that sells alcoholic beverages for either on- or off- premises consumption, intersection of two arterial streets, or an arterial and major collector street as designated on the city's major road plan.
 - b) The site shall not be less than one-half (1/2) mile from any other methadone treatment clinic or facility or any pain management clinic or facility.
 5. The site shall comply with off-road parking requirements as regulated by this ordinance.
 - b. Pain Management Clinic or Facility:
 1. For the purposes of this ordinance, a pain management clinic means a privately-owned facility in compliance with the requirements of TCA § 63-1-302 through § 63-1-311
 2. This section does not apply to the following facilities as described in TCA § 63-1-302:
 - a) A medical or dental school, an osteopathic medical school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs;
 - b) Hospital as defined in TCA § 68-11-201, including any outpatient facility or clinic of a hospital;

- c) Hospice services as defined in TCA § 68-11-201;
 - d) A nursing home as defined in TCA § 68-11-201;
 - e) A facility maintained or operated by the State of Tennessee;
 - or
 - f) A hospital or clinic maintained or operated by the federal government.
3. Certification. Said facility shall maintain in good standing a certificate in compliance with TCA § 63-1-306 through § 63-1-309.
 4. Maps showing existing land use and zoning within one-half mile of the proposed site should be submitted with an application for Special Exception approval along with the license of the applicant, certificate of need, site plan, survey or other information deemed reasonable by the Board of Zoning Appeals for use in making a thorough evaluation of the proposal.
 5. Receipts. A pain management clinic, in conformity with TCA § 63-1-310 may accept only a check, credit card or money order in payment for services provided at the clinic, except that a payment may be made in cash for a co-pay, coinsurance or deductible when the remainder of the charge for services is submitted to the patient's insurance plan for reimbursement.
 6. A site plan of the proposed clinic clearly depicting at a minimum:
 - a) Off-Street Parking and Vehicular Operation. Off-street parking shall be provided for the facility as required by this ordinance or as required to prevent the cuing of vehicles in the public right-of-way whichever is greater.
 - b) Measurement shall be made in a straight line on the Bean Station Zoning Map from the nearest wall of the building in which the pain management clinic or facility is proposed to the nearest property line of the following uses:
 - 1) The clinic or facility shall not be located within one thousand (1,000) feet of a school, day care facility, park, church, pharmacy or similar facility that dispenses prescription or over the counter drugs, hospital, any establishment that sells alcoholic beverages for either on- or off- premises consumption, intersection of two arterial streets, or an arterial and major collector street as designated on the city's major road plan.
 - 2) The site shall not be less than one-half (1/2) mile from any other pain management clinic or facility or any methadone treatment clinic or facility.
 7. The clinic or facility shall be located on and gain access only from Arterial streets.
 8. In reviewing each application, the Board of Zoning Appeals may establish additional requirements or conditions of approval to further reduce the impact such facility may have on surrounding properties.
(Ord. 2012-07-100)

605. B-2 Neighborhood Business District. It is the purpose and intent of this district to establish areas to serve surrounding residential districts. The regulations are intended to discourage strip development and encourage grouping of uses in which parking and traffic congestion will be reduced, thereby protecting the general public and promoting a more desirable and aesthetically pleasing community. Prior to the issuance of a building permit for any new construction, a site plan, as required in section 310, shall be submitted to the planning commission for review and approval to determine if the project meets all requirements and is in keeping with the comprehensive planning program of the City of Bean Station, Tennessee. When proposed uses are adjacent to a residential district, a buffer strip shall be planted and maintained.

In order to achieve the purpose and intent of the B-2 Neighborhood Business District, as shown on the Zoning Map of the City of Bean Station, Tennessee, the following regulations apply and uses are permitted:

1. Any use permitted in the R-2 Residential District subject to the requirements of the R-2 District.
2. Grocery stores, bakery stores, hardware stores, shoe repair shops, tailor shops, photographic studios, barber and beauty shops, laundromats, self-service laundries, restaurants, fitness centers, dance studios, and other similar uses, provided access is restricted to streets classified as Arterial and Major Collector Streets on the official Major Road Plan (See Appendix B). (Ord. 2013-05-102)
3. Multi-use commercial centers, limited to three (3) or less units, developed as planned unit developments as regulated in Section 308.
4. Signs as regulated in Section 309.
5. Access and parking as regulated in Sections 302 through 307.
6. Customary accessory uses and structures as regulated in Section 408.
7. Setback and height requirements as regulated in Chapter 7.

606. M-1 Industrial District. It is the purpose and intent of this district to establish areas for certain industrial and commercial establishments along with open areas which will likely develop in a similar manner. The regulations are designed to protect the essential community characteristics and to promote and encourage industrial, wholesaling, and commercial uses and to discourage residential development. Therefore, prior to the issuance of building permits for all new construction, site plans, as required by Section 311, shall be reviewed and approved by the planning commission to determine if the projects are in keeping with this ordinance and the comprehensive planning program of the City of Bean Station, Tennessee.

In order to achieve the purpose and intent of the M-1 Industrial District, as shown on the Zoning Map of the City of Bean Station, Tennessee, the following regulations apply and uses are permitted:

1. Personal, business, and professional services and offices.
2. Wholesale trade.

3. Warehouses.
4. Trucking terminals of moderate vehicle size and/or activities.
5. Contractor offices and equipment storage.
6. Building supplies.
7. Enclosed manufacturing uses as established below:
 - a. printing and publishing, limited to newspapers, books, periodicals, miscellaneous printing and publishing, and similar allied industries;
 - b. optical;
 - c. food and dairy products, meat packing except odorous cooking and preserving and slaughterhouse operations;
 - d. small article products including jewelry, musical instruments, toys, pens, pencils, and similar uses;
 - e. weaving and moderate textiles, apparel and other finished products made from fabrics and similar materials;
 - f. professional, scientific, and controlling products; and
 - g. lumber and wood products, furniture, and other products, except sawmills and paper mills.
8. Service terminals for waterways, trucks, railroads, and related facilities.
9. Solar Farms as a primary use provided: (Ord. 2013-03-100)
 - a. All state and federal regulations are met.
 - b. Planted and opaque screening shall be provided at facility perimeter if the facility adjoins a public road or residence.
 - c. Facility is a minimum of 2,000 feet from any designated parkway, scenic highway or byway.
 - d. Maximum height of any structure may not exceed 25 feet.
10. Any industry which does not cause injurious or obnoxious noise, odors, fire hazards, or other objectionable conditions as determined by the planning commission. Slaughterhouses, sawmill uses, and jails shall automatically be considered as non-allowed uses.
11. Signs as regulated in Section 309.
12. Access and parking as regulated in Section 302 through 307.
13. Customary accessory uses and structures as regulated in Section 408.
14. Setback and height requirements as regulated in Chapter 7.

CHAPTER 7

AREA, YARD, AND HEIGHT REQUIREMENTS

SECTION

701. Area, Yard, and Height Requirements

701. Area, Yard, and Height Requirements. (Ord. 99-08-102)

District	<u>Minimum Lot Size</u>		<u>Minimum Yard Requirements From Property Lines (Feet)</u>				
	Area in Square Feet	Square Feet per Additional Family	Lot Width at Bldg. Setback	Front ² Yard	Side ² Yard (feet)	Rear ² Yard	Max. Height of Structures
R-1 ¹	12,000	12,000	75	30	10 ³	25	35
R-1S ¹	12,000	12,000	75	30	10 ³	25	35
R-2 ¹	7,500	3,500	60	30	10 ³	25	35
B-1 (general)				30	15 ⁵	10	35 ⁴
B-2 (neighborhood)				30	15 ⁵	25	35
M-1				30	20	25	55

¹ Residential lots not served by public water and/or sewer shall meet the min. lot size requirement of the Tennessee Department of Health and Environment and shall not be less than 100' wide at the building setback line.

² Different setback requirements stated in Section 308, 310, 311, 313 and 601 through 605 shall take precedence over the above stated requirements.

³ One-story and two-story buildings shall meet a minimum side yard setback of ten (10) feet and three-story buildings shall meet a minimum side yard setback of fifteen (15) feet.

⁴ Height limits may be increased to fifty-five (55) feet if an internal fire protection system and fire hydrants are installed.

⁵ Minimum side yard setback of twenty-five (25) feet if abuts a residential use.

CHAPTER 8

EXCEPTIONS AND MODIFICATIONS

SECTION

- 801. **Lot of Record**
- 802. **Adjoining and Substandard Lots of Record**
- 803. **Exceptions for Carport or Garage Construction**
- 804. **Front Yards**
- 805. **Exceptions on Height Limits**

801. Lot of Record. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of applicable zoning regulations does not own sufficient land to enable him to conform to the yard or other requirements of the zoning regulations, 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, in the opinion of the Board of Zoning Appeals, as is possible.

802. Adjoining and Substandard Lots of Record. Where two 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 or more building sites meeting the minimum requirements of the district in which they are located.

803. Exceptions for Carport or Garage Construction. For existing housing constructed on lots of record of less than 7,500 square feet in area and on which no garage or carport currently exists, carports or garages may be constructed in rear and side yards upon the building official making the following findings:

1. The size or shape of the lot or the location of the principal structure on the lot will not permit the construction of a carport or garage in a manner that will meet the current setback requirements of this ordinance.
2. That the construction of a carport or garage will not have a detrimental affect on the safety of adjoining properties or damage the aesthetic character of the surrounding neighborhood.
3. That the current setback requirements of the ordinance be followed as closely as possible, except that, no carport or garage shall be constructed less than five (5) feet from any property line unless a letter of consent first be obtained from the adjacent property owner.

804. Front Yards. The front yard setback requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots located within two hundred (200) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots.

805. Exceptions on Height Limits. The height limitations of this ordinance shall not apply to any structure not intended for human occupancy, including but not limited to church spires, belfries, cupolas, domes, and chimneys attached to residential structures. Such structures

including, but not limited to monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts, and aerials may exceed the maximum height limitations of the district within which they are located so long as such structures are located no closer to a property line than the distance equal to their own height plus five (5) feet and shall be reviewed by the planning commission prior to construction.

CHAPTER 9

ADMINISTRATION AND ENFORCEMENT

SECTION

- 901. Building Permit Required
- 902. Enforcing Officer
- 903. Application For/Issuance of Building Permits
- 904. Expiration/Extension of Building Permit Approvals
- 905. Final Site Inspection/Issuance of Certificate of Occupancy
- 906. Violations
- 907. Penalties
- 908. Remedies

901. Building Permit Required. It shall be unlawful to commence the excavation for or the construction of any building including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings until the building official has issued for such work a building permit including a statement that the plans, specifications, and intended use of such building in all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the building official.

902. Enforcing Officer. The provisions of this ordinance shall be administered and enforced by the Municipal Building Official. The building official shall have the authority to enter upon any land during reasonable hours and make examinations and surveys that do not occasion damage or injury to private property.

903. Application For/Issuance of Building Permits. For all multi-family residential, commercial, public, semi-public, or industrial uses, a site plan or PUD plan, whichever may be applicable, prepared in accordance with the provisions of Sections 308, 310, 311 or 313, shall be submitted with an application for a building permit. Building permit applications for all other uses not requiring a site plan or PUD plan shall be accompanied by a dimensioned sketch or scale plan indicating the size and shape of the lot and the location and use of any existing or proposed buildings or structures on the site. No building permit for earth moving or construction shall be issued unless all the applicable provisions of this ordinance have been met. If the request for issuance of a building permit is refused, the building official shall state the reason for his refusal in writing.

904. Expiration/Extension of Building Permit Approvals.

1. **Expiration of Building Permits.** Unless provided for otherwise in this ordinance, building permits, along with any sketch or site plans upon which such permit was issued, shall be null and void six (6) months from the date of issuance and/or approval if substantial progress has not been made toward completion of the development activity as it was approved. Planned Unit Developments (PUD's) shall be null and void twelve (12) months from the date of approval if substantial progress has not been made toward completion of the development activity as it was approved.

The building official may grant any number of ninety (90) day extensions to a building permit holder for a building permit, if just cause can be given to justify the extension and if progress toward completion of the project can be shown.

2. **Abandonment of Permitted Projects.** Any project for which a building permit has been issued and where an accessory or principal building has only been partially

constructed at the end of one (1) year and for which an application for extension has not been submitted, may be subject to being considered as an unsafe and illegal building and may be subject to the provisions of Section 102.4 of the *Southern Standard Building Code* and any other applicable provisions of this or any other ordinance of the city.

905. Final Site Inspection/Issuance of Certificate of Occupancy. In order to ensure that a building, structure, or addition has been constructed in accordance with the approved sketch, site, or PUD plan and will be occupied by a use lawful within the zoning district in which it is located, the building official shall make a final inspection upon notification by the owner or occupant that a premises is ready to be occupied. Within three (3) working days of such application, the building official shall make a final inspection of the property in question, and shall issue a certificate of occupancy if the building or structure is found to conform to the provisions of this ordinance and the statements made in the application for the building permit. If such a certificate is refused, the building official shall state such refusal in writing with the cause. No land or building hereafter erected or altered in its use shall be used until such a certificate of occupancy has been granted.

906. Violations. Any person whether owner, lessee, principal, agent, employee, or otherwise who violates any provision of this ordinance, permits any such violation, fails to comply with any of the provisions or requirements hereof, including any conditions, stipulations, or safeguards attached to any permit, variance, special exception, or other such final authorization or approval hereunder, or who erects, constructs or reconstructs any building or structure, or uses any land in violation of any written statement or plan submitted and approved pursuant to this ordinance shall be guilty of a misdemeanor.

907. Penalties. Any persons violating any provision of the ordinance shall be guilty of a Class C misdemeanor, and upon conviction shall be subject to such penalties as may be provided for by law. Each day such violation shall continue shall constitute a separate offense.

908. Remedies. In case any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this 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.

CHAPTER 10

BOARD OF ZONING APPEALS

SECTION

1001. Creation and Appointment

1002. Procedure

1003. Appeals

1004. Powers

1005. Action of the Board of Zoning Appeals

1001. Creation and Appointment. A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205, *Tennessee Code Annotated*. The Bean Station Municipal Planning Commission is hereby designated as the Board of Zoning Appeals and the terms of the members of the Board of Zoning Appeals shall be concurrent with the terms of the members of the Bean Station Municipal Planning Commission.

1002. Procedure. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman or by a majority of the membership and at such other times as the board may determine. Such chairman, or in his/her absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact; shall take all evidence necessary to justify or explain its action, and shall keep records of its examinations and other official action, all of which shall be immediately filed in the office of the board and shall be a public record.

1003. Appeals. An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the building official based in whole or part on provisions of this ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the building official and with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The building official shall transmit forthwith to the board all papers constituting the record upon which the action appeal was taken. The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or attorney.

1004. Powers. The Board of Zoning Appeals shall have the following powers:

1. **Administrative Review.** To hear and decide appeals where it is alleged by the appellant that there is error in any order, or requirement, permit decision, determination or refusal made by the building official or other administrative official in the carrying out or enforcement of any provision of this ordinance.
2. **Special exceptions.** To hear and decide application for special exceptions as specified in this 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 this ordinance. The following procedures shall apply:
 - a. The procedure shall be the same whether review is required by this ordinance or if a review is requested by the building inspector to determine whether a proposed use is potentially noxious, dangerous, or offensive.

- b. Application and fee. An application shall be filed with the Board of Zoning Appeals for review. Said application shall include a site plan showing the location and intended uses of the site, the names of the property owners within one thousand (1,000) feet, zoning and existing land uses within one-half (1/2) mile, and any other material pertinent to the request which the Board of Zoning Appeals may require. To partially defray the administration cost and cost of giving notice to the public, the applicant shall pay a non-refundable filing fee to the City of Bean Station of fifty (\$50) dollars.
- c. Notice of property owners. Person(s) requesting the special exception shall submit to the Board of Zoning Appeals letters addressed to each property owner and resident within one thousand (1,000) feet of the property in question containing information adequate to notify such owners and residents of the intended special exception. Information relevant to the date, time and location of the meeting of the Board of Zoning Appeals shall be included. Such letter shall be placed in unsealed, stamped, and addressed envelopes ready for mailing by the board or city. The return address of the board or city must appear on the envelope, and a list of all persons to whom letters are sent must accompany the application. In addition, the city shall post a sign on the property stating the nature of the request and a telephone number where additional information may be obtained pertaining to the request.
- d. Restrictions. In the exercise of its approval, the Board of Zoning Appeals may impose such conditions regarding the location, character, or other features of the proposed uses or buildings as it may deem advisable in the furtherance of the general purposes of the zoning ordinance.
- e. Validity of plans. All approved plans, conditions, restrictions, and rules made a part of the approval of the Board of Zoning Appeals shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.
- f. General Requirement. A special exception shall be granted provided that the Board of Zoning Appeals finds that it:
1. Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected;
 2. Will not adversely affect other property in the area in which it is located;
 3. Is within the provision of "special exceptions" as set out in this ordinance; and

4. Conforms to all applicable provisions of this ordinance.
(Ord. 2012-07-100)
3. Variance. To hear and decide applications for variance from the terms of this ordinance, but only where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of adoption of this ordinance was a lot of record; or where by reason of exceptional topographical conditions or other extraordinary or exceptional situations or conditions of a piece of property, the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granting a variance, the board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance. Before any variance is granted it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood.

1005. Action of the Board of Zoning Appeals. In exercising the aforementioned powers, the Board of Zoning Appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all powers of the building official. The concurring vote of a majority of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to authorize any variance from the terms of this ordinance.

CHAPTER 11

AMENDMENTS

SECTION

1101. Procedure

1102. Approval by Planning Commission

1103. Introduction of Amendment

1101. Procedure. The Board of Mayor and Aldermen may amend the regulations, boundaries, or any provision of this ordinance. Any member of the Board of Mayor and Aldermen may introduce such amendment, or any official, board, or any other person may present a petition to the Board of Mayor and Aldermen requesting an amendment or amendments to this ordinance.

1102. Approval by Planning Commission. No such amendment shall become effective unless the same be first submitted for approval, disapproval, or suggestions to the planning commission. If the planning commission disapproves after such submission, it shall require the favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen to become effective.

1103. Introduction of Amendment. Upon the introduction of an amendment of this ordinance or upon the receipt of a petition to amend this ordinance, the Board of Mayor and Aldermen shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the Board of Mayor and Aldermen of the request change. Said notice shall be published in a newspaper of general circulation in the City of Bean Station, Tennessee. Said hearing by the Board of Mayor and Aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice.

CHAPTER 12

LEGAL STATUS PROVISIONS

SECTION

1201. Conflict with Other Ordinances

1202. Validity

1203. Effective Date

1201. Conflict with Other Ordinances. In the case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Bean Station, the most restrictive shall in all cases apply.

1202. Validity. If any section, clause, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

1203. Effective Date. This ordinance shall take effect and be in force from and after its passage, the public welfare demanding it.

Certified by Planning Commission 6-22-98.

Public Hearing 7-17-98.

Passed on First Reading 6-22-98.

Passed on Second and Final Reading 7-17-98.

Attest:

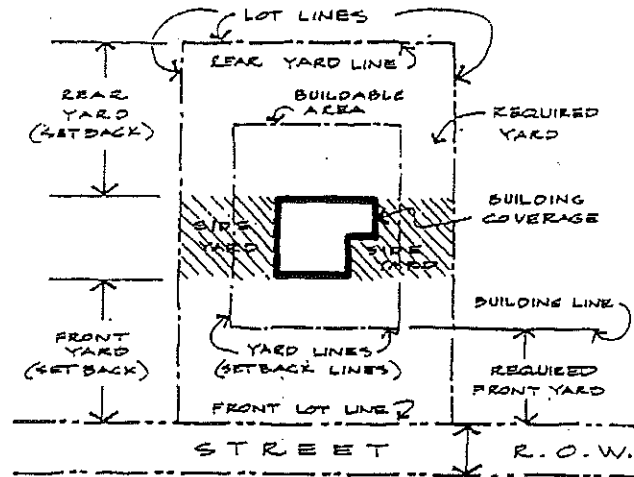
/S/ _____
Mayor

City Recorder

APPENDICES

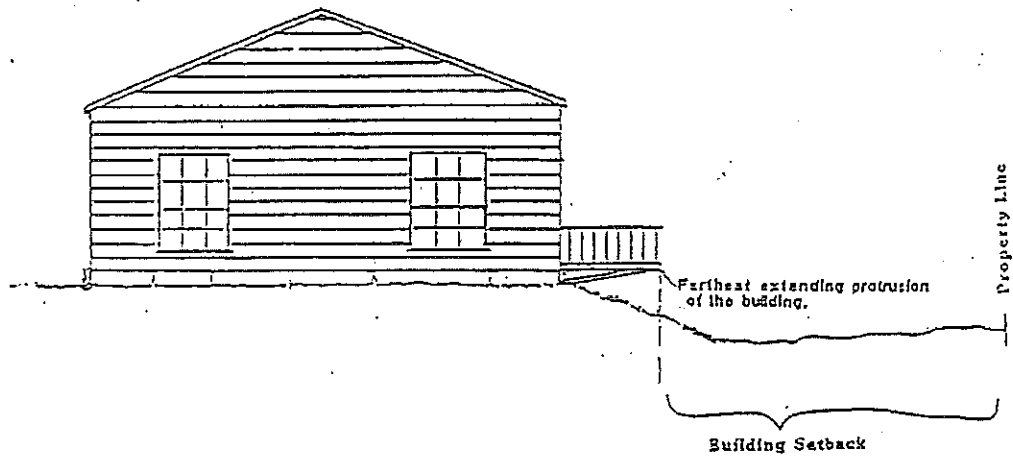
APPENDIX A

Illustration A



Muskowitz, Harvey S., and Carl G. Lindbloom. The Illustrated Book of Development Definitions. Piscataway: Rutgers University, 1981.

Illustration B



APPENDIX B

The streets and roads in the City of Bean Station, Tennessee, are classified on the official Major Road Plan and for the purpose of this ordinance as follows:

Arterial-

New Highway 25E By-Pass; Old Highway 25E; Highway 11W-25E; Highway 11W

Major Collectors-

County Line Road (North to South section); Barnard Grove Road

Minor Collectors-

County Line Road (West to East section); Campbell Road; Rocky Springs; Kirham Road (section); Lakeview Subdivision Road; Moore's Chapel Road (section); Meadowbranch Road; Treat Road South; Glades Circle North (section); Terrace View (section)

Local Streets-

All other streets and roads in the City of Bean Station, Tennessee.

APPENDIX C

CERTIFICATE OF PLANNED UNIT DEVELOPMENT APPROVAL

We hereby certify that this Planned Unit Development (PUD) has been found to comply with the zoning and PUD regulations of the Bean Station Municipal Planning Commission, with the exception of such alterations or variances, if any, as noted in the minutes of the Bean Station Municipal Planning Commission and the Bean Station Board of Zoning Appeals.

_____	_____
Date	Chairman Bean Station Municipal Planning Commission

_____	_____
Date	Secretary Bean Station Municipal Planning Commission

CERTIFICATE OF PUD APPLICATION AND AGREEMENT

I (we) hereby certify that I (we) understand that the approval of a Planned Unit Development (PUD) shall expire twelve (12) months after the date of approval.

_____	_____
Date	Applicant

_____	_____
Date	Applicant

APPENDIX D

CERTIFICATE OF SITE PLAN APPROVAL

We hereby certify that this site plan has been found to comply with the zoning and site plan regulations of the Bean Station Municipal Planning Commission, with the exception of such variances, if any, as noted in the minutes of the Bean Station Board of Zoning Appeals.

_____	_____
Date	Chairman Bean Station Municipal Planning Commission

_____	_____
Date	Secretary Bean Station Municipal Planning Commission

CERTIFICATE OF SITE PLAN APPLICATION AND AGREEMENT

I (we) hereby certify that I (we) understand that the approval of a site plan shall expire six (6) months after the date of approval unless a building permit has been issued and substantial progress has been made toward completion of the project.

_____	_____
Date	Applicant

_____	_____
Date	Applicant

APPENDIX E

APPLICATION FOR SPECIAL EXCEPTION

CITY OF BEAN STATION
P.O. BOX 520
BEAN STATION, TN 37708
(865)993-3177

SECTION 1

Applicant: _____

Address: _____ Phone: _____

Project Address: _____

Project Name (if applicable): _____

Grainger County Tax Map #: _____ Group #: _____ Parcel #: _____

Property is located in Zoning District: _____

SECTION 2

Type of Special Exception Being Requested:

_____ Carport

_____ Methadone Clinic*

_____ Building Height

_____ Pain Clinic*

* Section 3 Required

SECTION 3

_____ Site Plan or Survey

_____ State License and Certificate of Need

_____ Land Use and Zoning Map

_____ Letters to Adjoining Property Owners

_____ Application Fee

_____ Other Information Required by the Board of Zoning Appeals (see below):

Applicant Signature _____

Action Taken: Approved _____ Denied _____ Other (see attached page) _____

BZA Chairman

BZA Secretary

Date