

**ZONING ORDINANCE
FOR
MOSHEIM, TENNESSEE**



A proud heritage ... a challenging future.

**ADOPTED
JANUARY 23, 1992**

**AS AMENDED THROUGH
May 27th, 2022**

Prepared for

THE MOSHEIM PLANNING COMMISSION

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ZONING ORDINANCE
MOSHEIM, TENNESSEE

AUTHORITY

An ordinance, in pursuant of the authority granted by Section 13-7-201 through 13-7-210, *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 as follows:

ARTICLE I. SHORT TITLE

This ordinance shall be known as the "Zoning Ordinance of Mosheim, Tennessee," and the map herein referred to, which is identified by the title, "Mosheim, Tennessee Zoning Map" shall be known as the Zoning Map of Mosheim, Tennessee. The Zoning Map of Mosheim, Tennessee and all explanatory matter thereon are hereby adopted and made a part of this ordinance.

ARTICLE II. PURPOSE

The 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 dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its particular suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the town.

ARTICLE III. DEFINITIONS

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

1. **ADVERTISING SIGN:** A sign which directs attention to a profession, business, activity, commodity, service or entertainment other than one conducted, sold or offered upon the premises where such sign is located, or within the building to which such sign is affixed.
2. **ALLEY:** A public way which affords only a secondary means of access to property and public travel, less than 20 feet in width.
3. **APARTMENT:** A room or suite of rooms in a multiple dwelling intended to be designed for use as a residence by a single family.
4. **ARTERIAL STREETS:** A street that provides for traffic movement between areas and across portions of the town and secondarily for direct access to abutting land, as shown on the zoning map of the Town of Mosheim.
5. **BOARDING OR ROOMING HOUSE:** A building containing a single unit and not more than five guest rooms where lodging is provided with or without meals for compensation.
6. **BUFFER STRIP:** A plant or fencing material acceptable to the building inspector which has such growth characteristics as will provide an obscuring screen not less than six feet in height.
7. **BUILDINGS:** 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) **PRINCIPAL BUILDING:** A building in which is conducted the main or principal use of the lot on which said building is located.
 - (b) **ACCESSORY BUILDING OR USE:** A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such building or use.
8. **BUILDING HEIGHT:** The vertical distance measured from the finished grade at the building line to the highest point of the roof.
9. **BUSINESS SIGN:** A sign which directs attention to a business or profession conducted on the premises. A "For Sale" sign or a "To Let" sign for the property on which it is displayed shall be deemed a business sign.
10. **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 a business.
11. **COLLECTOR STREET:** A street providing for traffic movement within the city as shown on the Zoning Map of the Town of Mosheim, Tennessee.
12. **CONDOMINIUM:** A multi-unit structure offering individual ownership of said units.
13. **DAY CARE CENTER:** place operated by a person, society, agency, corporation, institution, or other group that receives pay for the care of eight or more children under seventeen years of age for less than twenty-four hours per day, without transfer of custody. The term "Day Care Center" also includes child development center, nursery schools, day nurseries, playschools, and kindergartens as well as agencies providing before and after school care, regardless of name, purpose, or auspices (Excluding schools grades 1-12 and kindergartens operated by governmental units or by religious organizations.)
14. **DWELLING, SINGLE FAMILY:** A building designed, constructed and used for one dwelling unit.
15. **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.
16. **DWELLING, MULTIPLE-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 unit on the same floor.
17. **FAMILY:** An individual or two or more persons related by blood, marriage, legal adoption, or legal guardianship, living together as one housekeeping unit using

- one kitchen, and providing meals or lodging to not more than three unrelated persons living together as one housekeeping unit using one kitchen.
18. HOME OCCUPATION: An occupation for gain or support which is customarily conducted in the home, which is incidental to the use of the building or structure as a dwelling unit, which employs not more than two persons not residents of the premises, and not more than thirty (30) percent of the total actual ground floor area.
 19. LOT: A parcel of land which fronts on and has access to a public street and which is occupied or intended to be occupied by a building or buildings with customary accessories and open space.
 - (a) LOT AREA: The total horizontal area within the lot lines of a lot exclusive of streets and easements of access to other property.
 - (b) LOT, CORNER: A lot abutting on two or more streets other than an alley, at their intersection.
 - (c) LOT LINE: The property line bounding a lot.
 - (d) LOT LINE, FRONT: The lot line separating the lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.
 - (e) LOT LINE, REAR: The lot line which is opposite and most distant from the front lot line. In case of an irregular triangular or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.
 - (f) LOT LINE, SIDE: Any lot line not a front or rear lot line.
 - (g) LOT WIDTH: The average horizontal distance between the side lot lines ordinarily measured parallel to the front lot line.
 20. MEDICAL CLINIC: A licensed facility for examining and treating patients with medical problems on an out-patient basis. A medical clinic is not a methadone treatment clinic or facility or substance abuse treatment facility as per the Mosheim Zoning Ordinance.
 21. METHADONE TREATMENT CLINIC OR FACILITY: A building or portion of a building that contains licensed facilities, or offices for counseling of patients and the distribution of methadone on-site for outpatient, non-residential purposes to individuals who are dependent or addicted to legal or illegal drugs, opiates, alcohol, or other similar substances. The obligation of the operations of such a facility to obtain a certificate of need (CON) and license from the State of Tennessee shall create a presumption that the intended use is a non-residential substance abuse treatment facility (scheduled drugs dispensed on-site). A methadone treatment clinic or facility is not a medical clinic or substance abuse treatment facility as per the Mosheim Zoning Ordinance.
 22. MOBILE HOME: A detached single-family dwelling unit with all of the following characteristics; Designed for long-term occupancy, and containing sleeping accommodations, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections providing for attachment to outside systems; designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels and arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for assembly operations, location on foundation supports, connection to utilities and the like.
 23. MOBILE HOME PARK: Shall mean any plat of ground containing a minimum of two acres upon which two or more mobile homes are located or are intended to be located (does not include sites where unoccupied mobile homes are on display for sale).
 24. NONCONFORMING STRUCTURE OR USE: A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective which does not conform to the requirements of the zone in which it is located.
 25. NURSING HOME: One licensed by the State of Tennessee.
 26. PAIN MANAGEMENT CLINIC (as found in Tennessee Code Annotated at 63-1-301): A privately-owned facility in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve-month (12) 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 of Tennessee; or
 - f) A hospital or clinic maintained or operated by the federal government.
27. **ADVERTISING SIGN:** An attached, free standing or structural poster panel or painted or lighted sign for the purpose of conveying information to the public.
28. **RECREATIONAL VEHICLE:** A travel trailer, motor home, truck camper, or camping trailer that is permanently designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, and is not immobilized or permanently fixed to a mobile home lot.
29. **RECREATIONAL VEHICLE PARK:** An area or tract of land where two or more recreational vehicle sites are located, established, or maintained for occupancy for vacation and travel purposes.
30. **STORY:** That portion of a building included between the upper surface of the floor next above; or any portion of a building used for human occupancy between the topmost floor and the roof. A basement not used for human occupancy other than for a janitor or domestic employee shall not be counted as a story.
31. **STREET:** Any public or private way set aside for public travel, 20 feet or more in width the word "street" shall include the words "road" "highway" and "thoroughfare".
32. **STRUCTURE:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.
33. **SUBSTANCE ABUSE TREATMENT FACILITY:** A building or portion of a building that contains licensed facilities, or offices with purpose of providing out-patient treatment, counseling or similar services to individuals who are dependent on legal and illegal drugs, opiates, alcohol, or other similar substances. Treatments often include suboxone, buprenorphine, and other prescribed medications used to treat opiate addictions. A substance abuse treatment facility is not a methadone treatment clinic or facility as per the Mosheim Zoning Ordinance.
34. **TEMPORARY USES:** A land use or structure that is in place for only short periods of time, not to exceed 90 consecutive days, unless an extension is granted by the Mosheim Planning Commission
35. **TOTAL FLOOR AREA:** The area of all floors of a building including finished attic, finished basement and covered porches.
36. **TRAVEL TRAILER:** Any vehicle used, or so constructed as to permit its being used as conveyance upon the public streets or highway and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one 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.
37. **TRAVEL TRAILER PARK:** Any plot of land upon which two or more travel trailers are located and used as temporary living or sleeping quarters. The occupants of such parks may not remain in the same trailer park more than thirty (30) days.
38. **USE ON REVIEW:** A use that meets the intent and purpose of the zoning district which requires the review and approval of the Board of Zoning Appeals or the Municipal Planning Commission in order to ensure that any adverse impacts on adjacent uses, structures, or public services and facilities that may be generated by the use can be, and are, mitigated. May also be referred to as a "special use" or "special exception".
39. **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
- (a) **YARD, FRONT:** A yard between side lot lines and measured horizontally at right angles to the front lot line from the nearest point on a

principal building. Any yard meeting this definition and abutting on a street other than an alley, shall be considered a front yard.

- (b) YARD, REAR: A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point on a principal building.
- (c) YARD, SIDE: A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point on a principal building.
- (d) YARD, STREET SIDE: A yard adjacent to a street between the front yard and rear lot line measured horizontally and at right angles from the side lot line to the nearest point on a principal building.

ARTICLE IV. ESTABLISHMENT OF DISTRICTS

Section A. Classification of Districts. For the purpose of this ordinance, Mosheim, Tennessee is hereby divided into four districts designated as follows:

Low Density Residence District:	R-1
High Density Residence District:	R-2
Mobile Home Park District:	R-3
Arterial Business District:	B-1
General Business District:	B-2
Manufacturing District:	M-1

Section B. Boundaries of Districts

1. The boundaries of districts in Section A of this Article are established as shown on the map entitled "Zoning Map of Mosheim, Tennessee" which is a part of this ordinance.
2. Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys or a specific distance therefrom, railroad right-of-way, or the corporate limit lines as they existed at the time of the enactment of the ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.
3. Where a district boundary divides a lot, as existing at the time this ordinance takes effect, and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well as to such portion of said lot as is not more than twenty-five (25) feet within the more restricted district.

ARTICLE V. GENERAL PROVISIONS

For the purpose of this ordinance the following general provisions shall apply to the town as a whole:

Section A. Zoning Affects Every Building and Use: 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 an in conformity with the regulations herein specified for the district in which it is located, whether operated for or without compensation.

Section B. Continuance of Nonconforming Uses:

1. Any building or use existing at the time of enactment or subsequent amendment of this ordinance, but not in conformity with its provisions may be continued with the following limitations. Any building or use which does not conform to the provisions of this ordinance or subsequent amendment may not be:
 - (a) Changed to another nonconforming use.
 - (b) Reestablished after discontinuance for twelve (12) months.
 - (c) Extended except in conformity with this ordinance.
 - (d) Rebuilt or repaired after damage exceeding seventy-five (75) percent of the fair sales value of the building immediately prior to damage.
2. Industrial, commercial, or other business establishments shall comply with provisions established in I3-7-208, *Tennessee Code Annotated*.
3. Nonconforming mobile homes, located on lots, may be replaced with newer and/or structurally sound mobile homes for the protection of the health and welfare of the mobile home resident and surrounding property owners.

Section C. Only one Principal Building on Any Lot:

1. In residence districts only one principal building and its customary accessory building may hereafter be erected on any lot.
2. No residential building shall be erected on a lot which does not abut at least one public street for at least fifty (50) feet.
3. The equipment of an accessory building with sink, cook stove or other kitchen facilities for the independent occupancy thereof, shall be prima facie evidence that such building is not an accessory building but a separate dwelling and must meet all minimum standards of lot area and yard requirements of the district in which it is located.

Section D. Reduction in Lot Area Prohibited: No lot shall be reduced in area so that yards, lot area per family, lot width, building area or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

Section E. Obstruction of Vision at Street Intersections Prohibited: On a corner lot not in business districts, within the area formed by the center lines of the intersection or intercepting streets and a line joining points on such center lines at a distance of ninety (90) feet from their intersection, there shall be no obstruction to vision between a height of three and one-half (3-1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

Section F. 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 Mosheim Municipal Planning Commission.

Section G. 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 that are required or specified in the regulations herein for the district in which it is located.

Section H. Annexations: All territory which may hereafter be annexed to the Town of Mosheim, Tennessee shall be considered to be in the R-1 Low Density Residential District until otherwise classified. Additionally, anyone seeking to have an annexation by request of landowner must provide to the Planning Commission and Board of Mayor and Alderman a plat that is prepared by a licensed surveyor or engineer, that clearly shows the property to be annexed. Tax maps, Topographical Maps, Satellite Maps, or Aerial Maps will NOT be accepted.

(amended 6/24/2021)

Section I. Off-Street Automobile Parking:

1. Off-street automobile parking spaces shall be provided on every lot on which any of the following uses are hereafter established except for nonresidential uses in the Business District. The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall have at least two hundred square feet in area and shall have vehicular access to a public street. Turning space shall be provided so that no vehicle will be required to back into the street.
 - (a) Automobile repair garages: One space for each regular employee plus one space for each 250 square feet of floor space used for repair work.
 - (b) Churches: One space for each four (4) seats.
 - (c) Clubs and lodges: One space for each three hundred (300) square feet of floor space.
 - (d) Dwellings:
 - (i) Single and Duplex: Two spaces for each unit.
 - (ii) Multiple-family: Two spaces for each unit.
 - (e) Funeral parlors: One space for each four (4) seats in the chapel.
 - (f) Gasoline service stations and similar establishment: Four (4) spaces for each bay of similar facility plus one space for each employee.
 - (g) Hospital and nursing homes: One space for each two staff or visiting doctors plus one space for each two employees and one space for each four beds, computed on the largest number of employees on duty at any period of time.
 - (h) Hotel: One space for each three (3) employees plus one space for each guest room.
 - (i) Industry: One space for each two (2) employees, computed on the largest number of persons employed at any period during day or night.
 - (j) Motels: One space for each three (3) employees plus one space for each accommodation.
 - (k) Offices:
 - (i.) Medical: One space for each two hundred (200) square feet of floor space;
 - (ii.) Methadone Treatment Clinic or Facility: One (1) parking space per one hundred (100) square feet of gross floor area plus one (1) space per employee;
 - (iii.) Substance Abuse Treatment Facility: One (1) parking space per two hundred-fifty (250) square feet of total floor area;
 - (iv.) Pain Management Clinic: One (1) parking space per two hundred (200) square feet of total clinic floor area;
 - (i) Other professional: One space for each three hundred (300) square feet of floor space.
 - (ii) General: One space for each three hundred (300) square feet of floor space.
 - (l) Places of public assembly: One space for each three (3) seats in the principal assembly room or area.

- (m) Recreation and amusement areas without seating capacity: One space for each four (4) customers, computed on maximum service capacity.
 - (n) Restaurants: One space for each three employees, plus one space for each fifty (50) square feet of floor space devoted to patron use.
 - (o) Retail business and similar uses: One space for each two hundred (200) square feet of gross floor space.
 - (p) Schools: One (1) space for each faculty member plus one (1) space for each four (4) pupils except in elementary and junior high schools.
 - (q) Mobile home parks: Two spaces for each mobile home.
 - (r) Wholesale business: One space for each two (2) employees based on maximum seasonable employment.
2. If off street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Zoning Appeals may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal uses. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
 3. Extension of parking space into a residential district; Required parking space may extend up to 120 feet into a residential zoning district, provided that:
 - (a) The parking space adjoins a commercial or industrial district from which it provides the required parking space; and
 - (b) Is separated from abutting properties in the residential district by a plant or fence buffer strip as determined by the building inspector.
 4. Parking of trailers and certain other vehicles in Residential Districts:

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

1. Retail business: One space of at least 12 x 25 feet for each 3,000 square feet of floor area or part thereof.
2. Wholesale and industrial: One space for at least 12 x 50 feet for each 10,000 square feet of floor area or part thereof.

Section K Site Plan Regulations

A site plan shall be submitted to the planning commission for approval prior to the issuance of a building permit in the following Zoning Districts: B-1, B-2, M-1 Districts, or any duplex, two-family, multi-family, group housing project, planned unit development, condominium development, public or semi-public use and wireless transmission facilities.

A site plan shall contain and be subject to the following general provisions:

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.

Site plans submitted for review for single family dwelling shall not be required to be prepared and certified by a licensed professional.

- b. All site plans shall show:
 - i. Topography of existing and finished grades.

- ii. Location of all land subject to flooding; including a flood zone certification stating zone, community number, panel number and date.
- 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, including height.
- vii. Plans for vehicular and pedestrian circulation, utilities, solid waste disposal, landscaping and open space, buffer strips, signs, off-street parking, traffic patterns, and storm water 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 the planting of grass, trees, shrubs, or other comparable surface cover or decorative plazas and/or pools. Where existing landscape features exist at the site, 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 requirements as per the appropriate zone.
- c. The setback space between a public street and parking areas shall be landscaped with berms and/or appropriate landscaping plants which shall be maintained in a healthy, growing condition through a permanent maintenance program.
- d. **Buffer Strip**
A buffer strip shall be required on any site plan adjacent to residential properties. A buffer strip shall be composed of plant material to provide an obscuring screen consisting of shrubs spaced not more than five feet apart that will grow to at least five feet in width and six feet in height after one full growing season. Buffer strips shall be a minimum of ten feet in width and shall be landscaped with trees, shrubs, grass and in a manner as specified by the Planning Commission. Other material or method of screening than that outlined above may be approved by the planning commission. The type of buffer shall take into consideration all existing and proposed utilities (power, phone, cable, water, sewer, subsurface sewage disposal systems - septic systems, etc...)

3. Off-Street Parking and Access

The off-street parking; off-street loading and unloading; vision clearance; design, construction and maintenance of off-street parking and unloading; access control; points of ingress/egress, and driveways shall be developed in accordance with the provisions of Article V, Section I & J.

4. Waste Disposal

All waste disposal facilities are to be located to the rear of the development and shall be 100% screened by wood, vinyl, or solid brick walls, in such a way that they are not visible from any

public street or adjoining properties. Any other type of alternative screening shall be approved by the Planning Commission.

5. Mechanical Equipment

All ground mounted mechanical equipment shall be screened from view from an arterial street by the use of walls, fences, or landscaping. All roof mounted mechanical equipment shall be properly screened to minimize visual impact, where such screening will be effective. Where screening will not be effective, the color of the equipment shall be the same as the building.

6. Service, Loading, and Equipment Storage Areas

Service areas, including storage, special equipment, maintenance, and loading areas, shall be 100% screened by wood, vinyl, or solid brick walls, in such a way that they are not visible from an arterial street. Any other type of alternative screening shall be approved by the Planning Commission.

7. Outdoor Storage and Sales of Merchandise

- a. Outdoor storage shall only be permitted as an accessory use and shall be located behind the front building line and outside any required setback from an arterial street.
- b. Outdoor sales of merchandise shall be permitted as an accessory use and shall be located outside the required front yard setback and any required setback from an arterial street.

8. Utility Lines

All new utility lines and service lines shall be placed underground, including, but not limited to, electric, telephone, and cable. Electric power lines in excess of 100 amp, 3 phase, 2500 KVA may be placed aboveground.

9. Lighting

Direct light and glare from lights can be both a hazard and a nuisance to drivers and neighboring residential development. Exterior lighting shall not emit any light above the roof line, nor project onto adjacent properties or streets. Searchlights, laser source lights, or any similar high intensity light for advertising purposes shall be prohibited.

10. Storm-water Drainage

A certified plan for storm-water 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 storm-water runoff based on a 10, 25, 50, and 100-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. A Notice of Intent and Notice of Coverage may be required to be submitted and approved by the Tennessee Department of Environment and Conservation (TDEC) prior to planning commission approval and issuance of a building permit.

11. 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. If the site plan is deemed expired, a new site plan shall be submitted to the planning commission for re-approval.

ARTICLE VI.
PROVISIONS GOVERNING USE DISTRICTS

SECTION A. LOW DENSITY RESIDENTIAL DISTRICT R-1: It is the intent of this district to establish low density residential areas along with open areas which appear likely to develop in a similar manner. The requirements for the district are designed to protect essential characteristics of the district, to promote and encourage an environment for family life and to prohibit all business activities. In order to achieve the intent of this district as shown on the Zoning Map of the Town of Mosheim, Tennessee, the following uses are permitted:

1. Single family dwellings except single-wide mobile homes;
2. Customary general farming;
3. Customary home occupations provided that: there is no external evidence of the occupation except an announcement sign not more than two (2) square feet in area; that only one person, not a resident of the dwelling is employed; and not more than 30 percent of the total floor area of the dwelling is used.
4. Public owned buildings and uses, schools offering general education, and churches and other semi-public uses provided that;
 - (a) The location of these uses shall first be reviewed by the Mosheim Planning Commission;
 - (b) The buildings are placed not less than twenty-five feet from the side and rear property lines;
 - (c) There is a minimum twenty-five foot landscaped and planted buffer strip along the side and rear lot lines which may be deleted or reduced by the planning commission. The reason for the deletion or reduction of the buffer strip shall be stated in the minutes.
5. Customary accessory buildings provided that they are located in rear yards and not closer than ten (10) feet to any property line.
6. One accessory dwelling unit (ADU) may be approved by the Board of Zoning Appeals (BOZA) as a special exception if they find the use in harmony with the character of the district, and the proposed ADU meets the following conditions:
 - (a) The owner must reside on the premise either in the principal building or the ADU, and the principal building must be at least one year old.
 - (b) ADU's are for rental purposes only, and may not be sold.
 - (c) The BOZA may grant a variance to the density and parking requirements if the proposed ADU will be in harmony with the surrounding area.
7. A small day care center may be approved by the Board of Zoning Appeals (BOZA) as a special exception if they find the use in harmony with the character of the district, and the proposed day care center meets the following conditions:
 - (a) They shall be limited to 20 children, and be licensed by the State.
 - (b) Sites on arterial and collector streets will have to have off street loading and unloading, and parking facilities. Sites on minor residential streets will be evaluated on the basis of traffic volume, speed, and sight distance.
 - (c) Sites shall be reviewed by the planning commission.

SECTION C. HIGH DENSITY RESIDENTIAL DISTRICT R-2: It is the intent of this district to provide for areas of multi-family residential development. An important purpose of this district is to create adequate standards for multi-family residential development in order to prevent overcrowded and unhealthy housing conditions. In order to achieve the intent of this district as shown on the zoning map of Mosheim, the following uses are permitted:

1. Multiple family dwellings and condominiums will be approved by the Mosheim Board of Zoning Appeals under Article VIII, Section C, Group Housing provided that no permit shall be issued without written approval of the Board of Zoning Appeals, and subject to the following minimum standards.

- (a) A complete site plan showing the location of all buildings, recreational areas, drives and walkways, parking lots, refuse disposal containers, drainage system and easements, and landscaping details.
- (b) There is a minimum twenty-five foot landscaped and planted buffer strip along the side and rear lot line which may be deleted or reduced by the planning commission. The reason for the deletion or reduction of the buffer strip shall be stated in the minutes.
- (c) There is a minimum lot size of one acre.

SECTION D. MOBILE HOME PARK DISTRICT R-3: It is the purpose of the district to provide areas for mobile home parks which will be attractive and at a density which will prevent overcrowding, lessen traffic congestion and provide adequate open space. Within this district as shown on the zoning map of Mosheim, Tennessee the following uses are permitted.

- 1. Any use permitted in the R-2 Residential District.
- 2. Mobile home parks will be approved by the Mosheim Board of Zoning Appeals as a special exception subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of Mosheim, and provided that no permit shall be issued without written approval of the Board of Zoning Appeals, and subject to the following minimum standards.
 - (a) A complete site plan showing the location of all mobile home spaces, recreational areas, drives and walkways, parking lots, refuse disposal containers, drainage system and easements, and landscaping details.
 - (b) There is a minimum twenty-five foot landscaped and planted buffer strip along the side and rear lot line which may be deleted or reduced by the planning commission. The reason for the deletion or reduction of the buffer strip shall be stated in the minutes.
 - (c). The minimum size for a mobile home park is two acres with a limit of no more than six individual spaces per acre.

SECTION E. ARTERIAL BUSINESS DISTRICT B-1. It is the intent of this district to establish business areas that encourage the groupings of compatible business activities in which parking and traffic congestion can be reduced to a minimum. In order to achieve the intent of this district, as shown on the Zoning Map of the Town of Mosheim, Tennessee the following uses are permitted:

- 1. Stores and shops conducting retail business;
- 2. Personal, business, and professional services;
- 3. Places of assembly;
- 4. Shopping centers
- 5. Auto and mobile home sales
- 6. Auto repair establishments
- 7. Mini-warehouses
- 8. Service Stations
- 9. Business signs provided that all signs, except one detached sign, shall be erected flat against front or side of a building or within eighteen (18) inches thereof. All signs shall not project above buildings nor have flashing, intermittent, or moving illumination. Detached signs, in certain instances, may exceed the building height. These signs must be located on designated arterial streets, and shall be reviewed and approved by the Mosheim Planning Commission.

Detached signs located in the Interstate 81 exit area, may have a maximum elevation of fifty-five feet (55') above the roadway elevation of Interstate 81. Said elevation is to be measured from the nearest point that the roadway passes the center point of HWY 11-E overpass. These signs shall be reviewed and approved by the Mosheim Planning Commission.

A limit of one (1) portable sign shall be permitted per tenant at each road frontage. The sign shall be located at least 10 feet off the right-of-way and shall be constructed or anchored to prevent movement of the sign by the wind, except that the anchoring shall not be permanent and shall not damage the property on which the sign is placed. No portable sign may be placed to cause a site distance problem, obstruction or a hazard.

10. Recreational vehicle parks provided that a site plan meeting the requirements found in Article V, Section K is submitted to and approved by the Planning Commission prior to the commencement of operations. No recreational vehicle may be used as a permanent residential dwelling or storage structure. All such vehicles shall only be allowed, as they were designed, for temporary and seasonal use.

11. USES PERMITTED UPON REVIEW:

- i. Methadone Treatment Clinic or Facility (scheduled drugs dispensed on-site)
 - a. The facility shall be fully licensed/certified by the appropriate regulating state or federal agency, if required;
 - b. If a certificate of need (CON) is required, a copy of the CON application shall be submitted to the Board of Zoning Appeals prior to being heard by the Board. The CON shall be obtained as a condition of final approval; no building permits shall be issued or occupancy be allowed prior to the petitioner receiving the CON and licenses and presenting them to the Planning Department;
 - c. The facility shall be located on properties which abut, adjoin, or physically border a collector or arterial street;
 - d. The petitioner shall provide the Board of Zoning Appeals with information regarding the number of staff to be employed;
 - e. The indoor waiting/seating area shall be open to all patients thirty (30) minutes prior to patients being seen;
 - f. The facility shall post a conspicuous sign stating that no loitering is allowed on the property; and
 - g. Provide the name and phone number of the community relations contact who will respond to complaints
- ii. Substance Abuse Treatment Facilities
 - a. No facility shall allow outdoor seating areas, queues, or customer waiting area. All activities shall be conducted within the building and adequate indoor waiting areas shall be provided for all patients and business invitees.
 - b. The indoor waiting/seating area shall be open to all patients thirty (30) minutes prior to patients being seen;
 - c. The facility shall post a conspicuous sign stating that no loitering is allowed on the property. A sign shall also be posted stating that no drugs/medications are stored or distributed on property; and
 - d. Provide name and phone number of the community relations contact who will respond to complaints.

SECTION F. GENERAL BUSINESS DISTRICT B-2. It is the intent of this district to provide for business uses which need some buffering from other business uses and have some aspects closely associated with manufacturing. In order to achieve the intent of this district, as shown on the zoning Map of the Town of Mosheim, the following uses are permitted;

1. Any use permitted in the B-1 District;
2. Wholesale business, warehouses, storage yards and buildings, truck terminals and similar uses;
3. Business signs provided that all signs, except one detached sign, shall be erected flat against front or side of a building or within eighteen (18) inches thereof. All signs shall not project above buildings nor have flashing, intermittent, or moving illumination. Detached signs, in certain instances, may exceed the building height. These signs must be located on designated arterial streets, and shall be reviewed and approved by the Mosheim Planning Commission.

A limit of one (1) portable sign shall be permitted per tenant at each road frontage. The sign shall be located at least 10 feet off the right-of-way and shall be constructed or anchored to prevent movement of the sign by the wind, except that the anchoring shall not be permanent and shall not damage the property on which the sign is placed. No portable sign may be placed to cause a site distance problem, obstruction or a hazard.

4. USES PERMITTED UPON REVIEW:

- i. Methodone Treatment Clinic or Facility (scheduled drugs dispensed on-site)
 - a. The facility shall be fully licensed/certified by the appropriate regulating state or federal agency, if required;
 - b. If a certificate of need (CON) is required, a copy of the CON application shall be submitted to the Board of Zoning Appeals prior to being heard by the Board. The CON shall be obtained as a condition of final approval; no building permits shall be issued or occupancy be allowed prior to the petitioner receiving the CON and licenses and presenting them to the Planning Department;
 - c. The facility shall be located on properties which abut, adjoin, or physically border a collector or arterial street;
 - d. The petitioner shall provide the Board of Zoning Appeals with information regarding the number of staff to be employed;
 - e. The indoor waiting/seating area shall be open to all patients thirty (30) minutes prior to patients being seen;
 - f. The facility shall post a conspicuous sign stating that no loitering is allowed on the property; and
 - g. Provide the name and phone number of the community relations contact who will respond to complaints
- ii. Pain Management Clinic
 - a. For the purpose 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 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.
 - b. This section does not apply to the following facilities as described in TCA 63-1-302:
 - i. 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
 - ii. A hospital as defined by TCA 68-11-201, including any outpatient facility or clinic of a hospital;
 - iii. Hospice services as defined in TCA 68-11-201;
 - iv. A nursing home as defined in TCA 68-11-201;
 - v. A facility maintained or operated by the State of Tennessee; or
 - vi. A hospital or clinic maintained or operated by the federal government.
 - c. Certification. Said facility shall maintain in good standing a certificate in compliance with TCA 63-1-306 through 63-1-309.
 - d. 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.
 - e. Applicants for a Use on Review for a pain management clinic shall submit a site plan clearly depicting the following:
 - i. Off-Street Parking and Vehicular Operation. Off-street parking shall be provided for the facility at a rate of one (1) space per two hundred square feet of total clinic floor area and there shall be no curbing of vehicles in the public right-of-way.
 - ii. Location. The clinic shall not be located within one thousand (1,000) feet, as measured from the closest wall of the proposed building to the nearest property line, of any school, day care, facility, park, church, residential district, pharmacy or similar facility that sells or dispenses either prescription drugs or over the

counter drugs or any establishment that sells alcoholic beverages for either on or off premise consumption.

- iii. The site shall not be less than one-half (1/2) mile from any other pain management clinic.
- iv. Access. The clinic shall be located on property that is adjacent to and has access to a principal arterial street as shown on the Mosheim, Tennessee Transportation Plan.
- v. Maps showing existing land use and zoning within one-quarter (1/4) mile of the proposed site should be submitted with an application for Use on Review 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.
- vi. 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.

iii. Substance Abuse Treatment Facilities

- a. No facility shall allow outdoor seating areas, queues, or customer waiting area. All activities shall be conducted within the building and adequate indoor waiting areas shall be provided for all patients and business invitees.
- b. The indoor waiting/seating area shall be open to all patients thirty (30) minutes prior to patients being seen;
- c. The facility shall post a conspicuous sign stating that no loitering is allowed on the property. A sign shall also be posted stating that no drugs/medications are stored or distributed on property; and
- d. Provide name and phone number of the community relations contact who will respond to complaints.

SECTION G. INDUSTRIAL DISTRICT M-1. It is the intent of this district to establish industrial areas along with open areas which will likely develop in a similar manner. The requirements established in the district regulations are designed to protect the essential characteristics, to promote and encourage industrial, wholesaling and business uses. In order to achieve the intent of the district as shown on the zoning Map of the Town of Mosheim, Tennessee, the following uses are permitted;

- 1. Wholesale business, warehouses, storage yards and buildings, truck terminals and similar uses;
- 2. Any industry which does not cause injurious or obnoxious noise, fire hazards or other objectionable conditions as determined by the Building Inspector.
- 3. Uses Permitted Upon Review:

The following minimum conditions shall be complied with for site to be approved.

(a) Adult oriented establishments: Sexually explicit establishments which cater to an exclusively or predominantly adult clientele and including but not limited to: adult bookstores, adult theaters, adult motion picture theaters, cabarets and other enterprises which regularly feature materials, acts, or displays involving complete nudity or exposure of human genitals, pubic regions, buttocks, or female breast and/or sexual enticement or excitement.

Because adult oriented establishments have a deteriorating effect on property values, create higher crime rates in the area, create traffic congestion and depress nearby residential neighborhoods and retail districts, these activities will only be permitted when minimum conditions are met.

The following minimum conditions must be complied with for a site to be approved for adult entertainment activity:

- 1. The site shall be not less than one thousand feet from any residentially zoned property at the time of approval for an adult entertainment activity.

2. The site shall be not less than one thousand feet from the site of any public amusement or entertainment activity, including, but not limited to, the following: arcades, motion picture theaters, bowling alleys, marinas, golf courses, playgrounds, ice skating or roller skating rinks or arenas, zoos, community centers and similar amusements offered to the general public. "Amusement or entertainment activities" in this section shall not include adult oriented establishments, and shall not reduce the distance requirements otherwise dictated by this section.
3. The site shall be not less than one thousand feet from any area devoted to public recreation activity.
4. The site shall not be less than one thousand feet from any school, library, day care center, park, church, mortuary or hospital.
5. The site shall not be less than one-half mile from any other adult entertainment business site.
6. Measurement shall be made from the nearest recorded property line of the lot on which the adult oriented establishment is situated to the nearest property line or boundary of the above mentioned uses, measuring a straight line on the Mosheim Zoning Map.
7. Maps showing existing land use and zoning within one half mile of the proposed site should be submitted with an application for Use or Review approval along with site plans, surveys or other such special information as might reasonably be required by the planning commission for use in making a thorough evaluation of the proposal.

(b) Methadone Treatment Clinic or Facility (scheduled drugs dispensed on-site)

1. The facility shall be fully licensed/certified by the appropriate regulating state or federal agency, if required;
2. If a certificate of need (CON) is required, a copy of the CON application shall be submitted to the Board of Zoning Appeals prior to being heard by the Board. The CON shall be obtained as a condition of final approval; no building permits shall be issued or occupancy be allowed prior to the petitioner receiving the CON and licenses and presenting them to the Planning Department;
3. The facility shall be located on properties which abut, adjoin, or physically border a collector or arterial street;
4. The petitioner shall provide the Board of Zoning Appeals with information regarding the number of staff to be employed;
5. The indoor waiting/seating area shall be open to all patients thirty (30) minutes prior to patients being seen;
6. The facility shall post a conspicuous sign stating that no loitering is allowed on the property; and
7. Provide the name and phone number of the community relations contact who will respond to complaints

(c) Pain Management Clinic

1. For the purpose 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 in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve-month period.
2. This section does not apply to the following facilities as described in TCA 63-1-302:
 - i. 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

- ii. A hospital as defined by TCA 68-11-201, including any outpatient facility or clinic of a hospital;
 - iii. Hospice services as defined in TCA 68-11-201;
 - iv. A nursing home as defined in TCA 68-11-201;
 - v. A facility maintained or operated by the State of Tennessee; or
 - vi. 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. 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.
5. Applicants for a Use on Review for a pain management clinic shall submit a site plan clearly depicting the following:
- i. Off-Street Parking and Vehicular Operation. Off-street parking shall be provided for the facility at a rate of one (1) space per two hundred square feet of total clinic floor area and there shall be no curbing of vehicles in the public right-of-way.
 - ii. Location. The clinic shall not be located within one thousand (1,000) feet, as measured from the closet wall of the proposed building to the nearest property line, of any school, day care, facility, park, church, residential district, pharmacy or similar facility that sells or dispenses either prescription drugs or over the counter drugs or any establishment that sells alcoholic beverages for either on or off premise consumption.
 - iii. The site shall not be less than one-half (1/2) mile from any other pain management clinic.
 - iv. Access. The clinic shall be located on property that is adjacent to and has access to a principal arterial street as shown on the Mosheim, Tennessee Transportation Plan.
 - v. Maps showing existing land use and zoning within one-quarter (1/4) mile of the proposed site should be submitted with an application for Use on Review 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.
 - vi. 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.

(d) Substance Abuse Treatment Facilities

- 1. No facility shall allow outdoor seating areas, queues, or customer waiting area. All activities shall be conducted within the building and adequate indoor waiting areas shall be provided for all patients and business invitees.
 - 2. The indoor waiting/seating area shall be open to all patients thirty (30) minutes prior to patients being seen;
 - 3. The facility shall post a conspicuous sign stating that no loitering is allowed on the property. A sign shall also be posted stating that no drugs/medications are stored or distributed on property; and provide name and phone number of the community relations contact who will respond to complaints.
4. Business signs provided that all signs, except one detached sign, shall be erected flat against front or side of a building or within eighteen (18) inches thereof. All signs shall not project above buildings nor have flashing, intermittent, or moving illumination. Detached signs, in certain instances, may exceed the building height. These signs must be located on designated arterial streets, and shall be reviewed and approved by the Mosheim Planning Commission.

A limit of one (1) portable sign shall be permitted per tenant at each road frontage. The sign shall be located at least 10 feet off the right-of-way and shall be constructed or anchored to prevent movement of the sign by the wind, except that the anchoring shall not be permanent and shall not damage the property on which the sign is placed. No portable sign may be placed to cause a site distance problem, obstruction or a hazard.

ARTICLE VII. 801. AREA, YARD, AND HEIGHT REQUIREMENTS

District	Minimum Lot Area in Sq. Ft.	Min. Lot Area. for each additional unit after the first four in Sq. Ft	Minimum Lot Width at Building Line	Front	Side	Rear	Maximum Height Of Structures
R-1	15,000	N/A	80 feet	30 feet	15 feet	25 feet	35 feet
R-2	7,500	2,500	80 feet	30 feet	10 feet	25 feet	35 feet
R-3	7,500	2,500	80 feet	30 feet	10 feet	25 feet	35 feet
B-1	7,500	2,500	80 feet	30 feet	10 feet	25 feet	70 feet
B-2	7,500	2,500	80 feet	30 feet	10 feet	25 feet	70 feet
M-1	N/A	N/A	80 feet	40 feet	20 feet	25 feet	70 feet

1. Mobile home parks in the R-3, B-1, and B-2 zones are limited to six mobile homes per acre.
2. One accessory dwelling unit is allowed in the R-1 zone on approval of the board of zoning appeals.

ARTICLE VIII. EXCEPTIONS AND MODIFICATIONS

Section A. 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 this ordinance does not own sufficient land to enable him to conform to the yard of other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance, in accordance with Article IX, section D3. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as close as is possible.

Section B. Front yards: The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing yard depths on the developed lots.

Section C. Group Housing Project: In the case of a group housing project of two or more buildings to be constructed on a plat of ground of at least one acre not subdivided or where the existing or contemplated street and lot layouts make impractical to apply the requirements of this ordinance to the individual building units in such housing projects, the application of the terms of this ordinance may be varied by the Board of Zoning Appeals in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of the neighborhood, will insure substantially the standard of open space no lower than that permitted by this ordinance in the district in which the proposed project is to be located. However, in no case shall the Board of zoning Appeals authorize a use proposed in the district in which the project is to be located, or a smaller lot area per family than the minimum required in such district, or a greater height, or a larger coverage than the requirements of this ordinance permit in such district.

Section D. Exception on Height Limits: The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys smokestacks, derricks, conveyors, flag poles, radio towers, mast and aerials.

ARTICLE IX. ENFORCEMENT

Section A. Enforcing Officer: The provisions of this ordinance shall be administered and enforced by a Building Inspector appointed by the Mayor and Aldermen who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

Section B. Building Permits and Certificates of Occupancy:

1. Building permit required: It shall be unlawful to commence excavation for the construction of any building including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the Building Inspector has issued a building permit for such work.
2. Issuance of a building permit: In applying to the Building Inspector for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, height, location on the lot of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance and other ordinances of the Town of Mosheim, then in force, the Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector shall state such refusal in writing with the cause.
 - (a) The issuance of a permit shall in no case be construed as waiving any provision of this ordinance.
 - (b) A building permit shall become void twelve (12) months from the date of issuance unless substantial progress has been made by that date on the project described therein.
3. Certificate of occupancy: No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the building Inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this ordinance. Within five (5) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building or part thereof and the principal use thereof are found to conform with the provision of this ordinance, or, if such certificate is refused, to state such refusal in writing with the cause.
4. Records: A complete record of such application, sketches and plans shall be maintained in the office of the Building Inspector.

Section C. Penalties: Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two (\$2.00) dollars nor more than fifty (\$50.00) dollars for each offense. Each day such violation shall continue shall constitute a separate offense.

Section D. Remedies: In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the Building Inspector or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation in addition to other remedies may institute injunction, mandamus or other appropriate action in proceeding to prevent the occupancy or use of such building, structure or land.

ARTICLE X. BOARD OF ZONING APPEALS

Section A. Creation and Appointment: A Board of Zoning Appeals is hereby established in accordance with Section 13-7-205, *Tennessee Code Annotated*, Volume 3, same being Section 5, Chapter 44 of the Public Acts of Tennessee of 1935. The Mosheim Planning Commission is hereby designated as the Board of Zoning Appeals. It shall be appointed by the Mayor of the town and confirmed by the majority vote of the Board of Mayor and Aldermen. The term of the individual membership shall be concurrent with appointment on the Mosheim Planning Commission.

Section B. 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, and board of bureau affected by any decision of the Building Inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, the appellant shall file an application for the relief sought and shall pay a fee of the total cost of publishing the notice of such a hearing. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any person or party may appear and be heard in person or by agent or by attorney.

Section C. 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, requirements, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.
2. Special exceptions: To hear and decide applications for special exceptions upon which the Board of Zoning Appeals is specifically authorized to pass.
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 the adoption of this ordinance was a lot of record; or where, by reason of exceptional topographic 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 as specifically authorized in Article VIII. Section A and C.
 - (a) 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.
 - (b) 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.

ARTICLE XI. AMENDMENT

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

Section B. 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 within thirty (30) days disapproves after such submission, it shall require the favorable vote of a majority of the entire membership of the Town Board to become effective. If the Planning Commission neither approves nor disapproves such proposed amendment within forty-five (45) days after such submission, the action of such amendment by said board shall be deemed favorable.

Section C. Introduction of Amendment: Upon the introduction of an amendment to 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 on the requested change. Said notice shall be published in some newspaper of general circulation in the Town of Mosheim, 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.

ARTICLE XII. LEGAL STATUS PROVISIONS

Section A. Conflict with Other Ordinances: In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Mosheim, the most restrictive shall in all cases apply.

Section B. 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.

Section C. Effective Date: This ordinance shall take effect and be in force fifteen (15) days from and after its passage, the public welfare demanding it.

Date approved by Planning Commission _____

Passed on First Reading _____

Passed on Second Reading _____

Approved and Signed in Open Meeting _____

Mayor

Approved as to Form: _____
City Attorney

Attest: _____
City Recorder

