

# **ZONING ORDINANCE**

## **TOWN OF WHITE PINE, TENNESSEE**

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# **WHITE PINE ZONING ORDINANCE**

**Town of  
White Pine, Tennessee**

**February 5, 1991**

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**ZONING ORDINANCE  
OF THE TOWN OF  
WHITE PINE, TENNESSEE**

AUTHORITY

An ordinance, pursuant to the authority granted by Sections 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 of the Town of White Pine, Tennessee.

ARTICLE I. SHORT TITLE

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

ARTICLE II. PURPOSE

These zoning regulations and districts as herein set forth have been established 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 town.

### ARTICLE III. DEFINTIONS

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 discretionary. 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.

301. Arterial Street. A street that provides for traffic movement between areas and across portions of the city and secondarily for direct access to abutting land, as shown on the Zoning Map of the Town of White Pine, Tennessee.

302. Boarding or Rooming House. 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.

303. Buffer Strip. A plant material acceptable to the building inspector which has such growth characteristics as will ultimately provide an obscuring screen not less than six (6) feet in height, starting with a base row of vegetation not less than eighteen (18) inches in height.

304. 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.

304.1 Principal building. A building in which is conducted the main or principal use of the lot on which said building is located.

304.2 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.

305. Building Height. The vertical distance measured from the finished grade at the building line to the highest point of the roof.

306. 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.

307. 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.

308. Clinic. A structure used in providing medical services for outpatients only.

308a Clinic, Pain Management (Ord. 1-12). 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 (12) month period.

309. Club. Buildings or facilities owned or operated by a corporation, an association or individuals for a social, educational or recreational purpose, with such facilities being operated neither primarily for profit nor for rendering services which is customarily carried on as a business.

310. Collector Street. A street providing for traffic movement within the city as shown on the Zoning Map of the Town of White Pine, Tennessee.

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

312. Day Care center. A place operated by a person, society, agency, corporation, institution, or other group that receives pay for the care of eight or more children under 17 years of age for less than 24 hours per day, without transfer of custody. The term "Day Care Center" also includes child development centers, nursery schools, day nurseries, play-schools, and kindergartens, as well as agencies providing before-and-after school care, regardless of name, purpose, or auspices. (excluding schools graded 1-12 and kindergartens which are operated by governmental units or by religious organizations).

313. Dwelling, Single Family. A building designed, constructed and used as one dwelling unit.

314. Dwelling, Two Family or Duplex. A building designed, constructed, or reconstructed and used for two (2) dwelling units that are connected by a common structural wall.

315. 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 unit on the same floor.

316. Family. One or more persons occupying a dwelling and living together as a single housekeeping unit.

317. Home Occupation. An occupation for economic 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 (2) persons not residents



of the premises, and not more than 30 percent of the premises is used for home occupation purposes.

318. 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 spaces.

318.1 Lot line. The boundary dividing a given lot from a street, alley, or adjacent lots.

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

319. Manufactured Dwelling Unit. A detached dwelling constructed primarily off-site and designed to be transported on flatbed truck or trailer; provided the structure is installed on a permanent concrete or masonry foundation with permanent sewer and water connection. Such structures shall have the same general appearance as required for site-built homes and shall comply with all requirements of the existing municipal building code.

320. Mobile Home. A factory-manufactured structure constructed as a single self-contained unit and mounted on a single chassis and designed for transportation after fabrication on streets or highways on its own wheels. A travel trailer is not to be considered as a mobile home.

321. Mobile Home Park. A parcel or tract of land under single ownership which has been: (a) planned under the planned unit development concept; (b) improved for the placement of mobile homes for dwelling purposes; and (c) approved by the planning commission.

322. 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.

323. Nursing Home. One licensed by the State of Tennessee.

324. Outdoor Advertising. An attached, freestanding or structural poster panel or painted or lighted sign for the purpose of conveying some information, knowledge or idea to the public.

325. Planned Unit Development. An integrated design for development of residential, commercial or industrial uses or combination of uses which is located on a site which is at least one acre in size and is professionally designed to allow flexibility and initiative in site and building design, location, in accordance with a plan approved by the planning commission. For the purpose of this ordinance, cluster subdivisions, condominiums, townhouses, multi-family dwellings, mobile home parks, multi-use commercial developments, and industrial uses shall be considered as planned unit developments.

326. Shopping Center. A group of at least three (3) commercial establishments that are planned, developed, and owned or managed as a unit, with off-street parking provided on the property.

327. Story. That portion of a building situated between the upper surface of any floor and the upper surface of the floor located immediately above; or any portion of a building used for human occupancy between the uppermost floor and the roof.

328. Street. A governmentally owned right-of-way set aside for public travel which meets one of the following criteria: (a) has been accepted for maintenance by the Town of White Pine; (b) it was established as a public street prior to the date of adoption of this ordinance; or (c) has been dedicated to the Town of White Pine for public travel by the recording of a street plat or a plat of a subdivision which has been approved by the planning commission.

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

330. Total Floor Area. The area of all floors of a building including finished attic, finished basement and covered porches.

331. Townhouse. A townhouse is a single-family dwelling unit attached by fire resistant common walls to other similar type units, each unit having an open space for light, air, and access in the front and rear.

332. Travel Trailer. Any vehicle used, or so constructed as to permit its being used for conveyance upon public streets or highways 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 (a) short-term occupancy, (b) frequent and/or extensive travel, and (c) recreational and vacation use, (including camper trucks and self-propelled campers, etc.).

333. 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 30 days.

334. Yard. An open space on the same lot with a principal building, with such open space being completely open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.

334.1 Front yard. 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.

334.2 Rear yard. 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.

334.3 Side yard. A yard extending along the side lot line from the front yard to the rear yard, and situated between the side lot line and the nearest part of the principal building, including covered porches.

#### ARTICLE IV. GENERAL PROVISIONS

401. Continuance of Nonconforming Uses. Any lawful use of any building, structure or land existing at the time of the enactment of this ordinance or whenever a district is changed by an amendment thereafter may be continued, even though such use does not conform with the provisions of this ordinance, with the following limitations:

401.1 No building or land containing a nonconforming use, except commercial and industrial uses exemplified by *TCA 13-7-208*, shall hereafter be extended unless such extensions shall conform with the provisions of this ordinance for the district in which it is located; provided, however, that a nonconforming use may be extended throughout those parts of a building which were manifestly arranged or designed for such use prior to the time of enactment of this ordinance;

401.2. Any nonconforming building or structure which has been damaged by fire or other causes, may be reconstructed and used as it had previously been used unless the Building Inspector determines that the building has been damaged to the extent of more than fifty (50) percent of its appraised value for tax purposes, in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance;

401.3. When a nonconforming use of any structure or land has been discontinued for a period of one (1) year, it shall not be reestablished or changed to any use not in conformity with the provisions of this ordinance.

401.4. Nonconforming mobile homes and mobile home parks:

401.41. Mobile homes on single lots: Within a thirty (30) day time period and upon the approval of the planning commission, the owner of an existing mobile home on a single lot may replace said mobile home with a mobile home of equal or greater value if such replacement is deemed necessary for reasons of health, safety, or improvement of living conditions; and provided that the replacement mobile home is situated on the site where the original mobile home was located.

402. Off-Street Automobile Parking. Off-street automobile parking space shall be provided on every lot on which any of the following uses are hereafter established except for nonresidential uses in the C-1 (Central 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 be at least one hundred eighty (180) 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. For uses not specifically addressed herein, off-street parking requirements shall be determined by the planning commission.

402.1. Residential uses:

402.11. Single-family dwellings and duplexes: Two (2) spaces for each unit.

402.12. Multi-family dwellings: One and one-half (1-1/2) spaces for each unit.

402.13. Mobile home parks: Two (2) spaces for each mobile home.

402.14. Boarding houses and rooming houses: One space for each room to be rented, plus one space for the caretaker.

402.2. Places of assembly:

402.21. Churches: One (1) space for each four (4) seats.

402.22. Clubs and lodges: One space for two hundred (200) square feet of gross floor space.

402.23. Funeral parlors: One (1) space for each four (4) seats in the chapel.

402.24. High schools: One (1) space for each faculty member, plus one space for each employee, plus one space for each four (4) pupils.

402.25. Elementary, middle, and junior high schools: One (1) space for each faculty member, plus one space for each employee, plus one space for each twenty (20) pupils.

402.26. All other places of public assembly: One space for each five (5) seats in the principal assembly room or area, or one space for each two hundred (200) square feet of gross floor space, whichever is greater.

402.3. Commercial uses:

402.31. Automobile repair garages: One (1) space for each regular employee, plus one space for each two hundred and fifty (250) square feet of floor space used for repair work.

402.32. Gasoline service stations and similar establishments: Four (4) spaces for each bay or similar facility, plus one space for each employee.

402.33. Restaurants: One (1) space for each four (4) employees, plus one space for each four (4) customers, computed on a maximum service capacity.

402.34. Retail business and similar uses: One (1) space for each three hundred (300) square feet of gross floor area.

402.35. Recreation and amusement area without seating capacity: One (1) space for each five (5) customers, computed on a maximum service capacity.

402.36. Hotels and motels: One (1) space for each room to be rented, plus one space for each three (3) employees.

402.4. Professional services:

402.41. Hospitals and nursing homes: One (1) space for each four (4) beds, plus one space for each four (4) beds, plus one space for each two (2) staff or visiting doctors and one space for each two (2) employees, computed on the maximum number of employees on duty during the shift that employs the greatest number of people.

402.42. Medical and dental clinics: Four (4) spaces per doctor or dentist, plus one space for each two (2) employees.

402.5. Industrial uses:

402.51. Wholesale business: Two (2) spaces for each three (3) employees, computed on the maximum number of persons employed during maximum seasonal employment, plus one space for each three hundred (300) square feet of gross floor space designated as customer service areas.

402.52. Industrial buildings: One (1) space for each three (3) employees, computed on the maximum number of persons employed during peak production periods on the shift that employs the most persons, with a minimum of five (5) spaces being provided for any establishment.

402.6. Remote off-street parking: If the off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the planning commission 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, and not on the opposite side of a major street or stream. 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, provided that such remote off-street parking shall be permanent with the principal use and officially recorded as such with the Jefferson County Register of Deeds.

402.7. Extension of parking space into a residential district: Required parking space may extend up to one hundred and twenty (120) feet into a residential zoning district, provided that: (1) the parking space adjoins a commercial or industrial district; (2) the only point of ingress and egress for such parking space are located on the same street as the respective commercial or industrial use; and (3) such parking space is separated from abutting properties in the residential district by either a buffer strip or a fence, as determined by the planning commission.

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

403. Off-Street Loading and Unloading Space. With the exception of uses within the C-1, Central Business District, every building or structure hereafter constructed and used for industry, wholesale, business, or trade shall provide adequate space for the loading and unloading of vehicles off the public street or alley. Each such space shall measure a minimum of 12 x 30 feet and shall not be considered as part of the space requirements for off-street automobile parking. (Ord. 6-97)

403.1. Retail business: One space of at least 12 feet x 25 feet for each three thousand (3,000) square feet of gross floor area or part thereof.

403.2. Wholesale and industrial uses: One space of at least 12 feet x 50 feet for each ten thousand (10,000) square feet of gross floor area or part thereof.

403.3. Terminals: Sufficient space, as determined by the planning commission, shall be required to allow for the storing, loading, and unloading of the maximum number of buses or trucks utilizing the terminal at any one time.

404. Vision Clearance. No vegetation or structures shall be allowed to be placed in any yard or on any portion of any lot that would obstruct the vision of either pedestrian or automobile traffic using the intersecting public street.

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

405.1. In all zoning districts except the C-3, Highway Commercial District and the M-2, Agricultural Industrial District, points of vehicular ingress and egress shall not exceed thirty (30) feet in width. In the C-3, Highway Commercial District and the M-2, Agricultural Industrial District, points of vehicular ingress and egress shall not exceed forty (40) feet in width. In all zoning districts all points of ingress egress shall be constructed so as to allow for proper drainage.

405.2. Except for commercial parking, there shall be no more than two (2) points of ingress and egress on any street for each three hundred (300) feet of lot frontage or fraction thereof; provided, however, that lots of one hundred (100) feet or less of frontage shall have no more than one point of ingress and egress to the same street.

405.3. No point of ingress and egress shall be allowed within twenty-five (25) feet of the right-of-way line of an intersecting street.

405.4. The arrangement of off-street parking shall be designed so as to prevent vehicles from having to back into a public street.

406. Flood Protection. All development proposed within the Town of White Pine, Tennessee, shall be in conformance with the Town of White Pine Municipal Flood Damage Prevention Ordinance, adopted in conformance with the Flood Disaster Protection Act of 1973, and any subsequent amendments thereto, a copy of which is on file in the building inspector's office.

407. Planned Unit Development. The following regulations shall apply to planned unit developments, and site plans for these developments shall be submitted to the planning commission for approval and shall comply with the regulations established in this section.

407.1. Purposes: The purpose of the Planned Unit Development (sometimes hereinafter referred to as PUD) is to provide the opportunities to create 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. Planned unit developments are intended to achieve economies in land development, maintenance, street systems, and utility networks while providing building groupings for: privacy, usable attractive open areas, safe circulations, and the general well-being of the inhabitants.

407.2. Location: A PUD may be located within any residential, commercial or industrial district provided that a site plan showing the density and use requirements of the district in which such a PUD is to be located has been reviewed and approved by the planning commission.

407.3. Permitted uses in PUDs: Any use permitted in the district in which the PUD is to be located.

407.4. Height and Area Regulations:

407.41. No building shall exceed three (3) stories or thirty-five (35) feet in height.

407.42. No freestanding building, with the exception of accessory buildings, shall be located closer than:

407.421. Twenty (20) feet to any other freestanding building;

407.422. Twenty-five (25) feet to any exterior property line; or

407.423. Fifteen (15) feet to any internal street or roadway.

407.5. Off-street parking and loading: All minimum off-street parking, loading and unloading requirements set forth in Sections 402 and 403 of this ordinance shall apply to the PUD.

407.6. General Provisions:

407.61. Relationship to the subdivision regulations: The arrangement of public and common ways for pedestrian and vehicular circulation in relation to other existing or planned streets in the area and to the Major Road Plan of White Pine, Tennessee, together with provisions for street improvements, shall generally comply with standards set forth in the subdivision regulations.



Upon application by the landowner and if good cause is shown, the planning commission may permit changes or alterations of such standards which are consistent with the spirit and intent of this section. Modifications may be incorporated only with the approval of the planning commission as a part of its review of the development and granted as a variance in the preliminary approval of the subdivision plat, which shall be concurrent with the final approval by the planning commission of the development plan.

407.62. Site Improvements:

407.621. All streets and drives shall be constructed to conform with the White Pine Subdivision Regulations and street acceptance standards of the Town of White Pine.

407.622. Sidewalks or equivalent paved, internal pedestrian circulation system approved by the planning commission shall be constructed in the planned unit development.

407.623. Storm drainage structures shall be constructed in accordance with plans and specifications approved by the planning commission.

407.624. Any planned unit development to be constructed in White Pine shall be served by a sanitary sewerage system approved by both the White Pine Utility District and the planning commission.

407.625. For all mobile home parks and similar developments:

407.625.1. For the prevention of noise and also for the improvement of visual character and a generally more pleasing environment, a landscaping plan showing adequate landscaping shall be shown on the general PUD plan and shall be approved by the planning commission; and

407.625.2 The landscaping plan will provide for general landscaping as well as provide for screening around the exterior property lines of the development, using a planted buffer strip as defined in this ordinance.

407.626. Each PUD shall be limited to one major business sign and any number of small accessory business signs. All small accessory signs shall be a face sign attached to a building and shall not project above the building. All proposed signage shall be reviewed and approved by the White Pine Municipal Planning Commission during the plan approval stage.

407.63. Building Construction: No multi-family structure in a PUD shall have more than four (4) continuous apartment units that are not separated by fire resistant construction.

407.64. Density: Areas designated for the site of schools, churches and other public buildings shall not be used when computing allowed densities. However, the open space around these sites can be so computed.

407.65. Open Space Requirements:

407.651. General: All open spaces shall be landscaped and all such landscaping shall be shown on the planned unit development plan.

407.652. Residential: On site usable recreation and open space shall be provided. Such areas shall be set aside for open space or recreation purposes only. It is intended to serve the residents of the PUD, and should therefore be easily accessible to them. If the PUD is to be of individually owned units, then this space shall maintained in common ownership, established in the appropriate legal manner.

407.653. Commercial and Industrial: Planned Unit Developments shall meet all open space requirements as established by the ordinance.

407.654. Maintenance of open Space: Open space shall be established in the appropriate legal manner and maintained in one of the following manners:

407.654.1. By the developer or management authority of the PUD;

407.654.2. By a Homeowner's Association established by deed restrictions; or

407.654.3. By the public if dedication of such open space is approved by the planning commission and board of mayor and alderman.

407.66. Stages of Development:

407.661. The applicant may elect to develop the site in successive stages in a manner indicated in the planned unit development plan; however, each such stage shall be substantially complete within itself.

407.6662. If public facilities are not adequate to service the entire development initially; the planning commission may require that the development be accomplished in stages.

407.67. Changes and Modifications:

407.671. Major changes: Minor changes in planned unit development plans may be approved by the planning commission without the developer having to file a new petition. Minor changes may include, but are not limited to, minor shifting of the location of any of the following: buildings, proposed streets, public or private ways, utility easements, parks or other public open spaces, or other features of the plan.

407.7. Applicant Procedure for Planned Unit Development:

To obtain a special Conditions Permit to develop a planned unit development, the developer shall submit a preliminary planned unit development plan to the White Pine Municipal Planning Commission for its review and approval. The preliminary PUD plan shall be drawn at a minimum scale of one inch equals one hundred (100) feet and shall:

407.71. Define the location, size, accessibility, and existing zoning of the proposed site;

407.72. Indicate the surrounding types of development and land use;

407.73. Set forth the type of development proposed, the density of the proposed development,

and the location of all structures, parking areas, and open spaces; and

407.74. Show a plan for streets. Thoroughfares, public utilities, and other public or community uses.

407.75. In addition to the above, the planning commission may require such other additional information as may be determined necessary to adequately review the proposed development.

407.76. Building Permits:

407.761. No building permits shall be issued until the following conditions have been met: (a) the final PUD plan has been approved, and (b) where it is determined that any portion of the property relative to the final PUD plan is to be subdivided, a preliminary subdivision plat must also be approved.

407.77. The final PUD plan shall conform to the preliminary PUD plan and shall also include such items, and in such format, as may be required by the planning commission.

407.78. Any special conditions permit shall expire twelve (12) months from and after its issuance if the development as planned has not been adhered to or is not being adhered to; provided, however, that if good cause is shown, said special conditions permit may be extended for an additional period not to exceed one (1) year.

408. Site Plan Regulations for Commercial, Industrial, 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, industrial, multi-family, public or semi-public uses; in order to provide for a lessening of traffic congestion and for securing adequate light, air, and aesthetic conditions for the residents of the city. These plans shall be approved by the planning commission as consistent with this zoning ordinance and with the comprehensive planning program of the city prior to the issuance of

building and related permits. All provisions relating to plan preparation and site development contained in this section shall also apply to the development of all PUDs as regulated by section 307 of the ordinance.

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.

In accordance with the provision 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 all applicable provisions of this zoning ordinance.

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

(1) General Provisions.

- (a) All site plans shall be prepared and certified by a licensed engineer, landscape architect, and/or surveyor, as may be appropriate, and in accordance with state law regarding the practice of these professions. Plans shall be at a scale of not less than 1" = 20' for small tracts and 1" = 50' for large tracts.
- (b) Site plans shall be prepared to conform with all applicable sections of the White Pine Zoning Ordinance and shall include the following:
  - (1) North point, graphic scale, site acreage, existing zoning, tax map & parcel number, and location map.
  - (2) Dimensions and calls of all property lines.
  - (3) Topography, including existing and proposed finished grades.
  - (4) Location of all land subject to flooding.
  - (5) Location and dimensions of all existing and proposed structures (including signs), street rights-of-way, sidewalks, easements, and other covenants.
  - (6) Detailed plans for off-street parking, ingress and egress, vehicular and pedestrian circulation, site utilities, solid waste disposal, landscaping and open space, and storm water drainage.

- (2) Off-Street Parking and Site Access. The off-street parking, loading/unloading areas, and points of ingress/egress shall be developed in accordance with the provisions of Sections 302 through 305 of this ordinance.
- (3) Stormwater Drainage. A certified plan for stormwater drainage shall be included with the site plan. The plan shall identify 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 (10) 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.
- (4) Open Space and Landscaping Plan. In order 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. 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 approval of the planning commission.
  - (b) All developments shall meet the minimum yard (open space) requirements established in Article 6 and 7 and section 307 of this zoning ordinance.
  - (c) A minimum five (5) foot setbacks shall be introduced between parking areas and all property right-of-way lines. This setback space shall be appropriately landscaped, and shall include at least one tree for every 25 linear feet required setback space. Said trees shall not be less than one and one-half (1-1/2) inches in caliper measured at four (4) feet above the round, and no less than eight (8) feet high at the time of planting. All landscaping shall be designed to protect adequate traffic site distances, and shall be maintained in a healthy, growing condition through a permanent maintenance program.
- (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) Signs. Sign size and placement shall be governed by the provisions of Section 310 of this ordinance.
- (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 shall determine the amount, form, and term of surety that must be established and shall secure such guarantee for the purpose of ensuring the timely completion of the required site improvements. In order to establish the amount of said surety, the building official may require the developer to submit cost estimates from reputable contractors in the area for any unfinished improvements.
- (8) Issuance of Building Permits. No building permit for any development regulated by this section shall be issued until a completed site plan has been approved by the White Pine Municipal Planning Commission.
- (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. The commission may, upon recommendation from the building official and planning staff, extend said approval period.

409. Special Carport Construction. In housing constructed prior to the establishment of provisions addressing off-street parking of automobiles, carports may be constructed in rear and side yards provided the intent and purpose of this ordinance are met as closely as possible, and where in the opinion of the Building Inspector, no objectionable condition to the community will result with the construction of the carport.

410. Signs (See Appendix A).

411. Accessory Building and Use Regulations (Ord. 2-15). 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 may be located in all residential districts. Detached garages and carports may be located in the rear or side yard, but all other accessory buildings shall be located in the required rear yard only.
- b. Detached Garage/Carport. Shall not exceed twenty-five percent (25%) of the required rear or side yard and be located no closer than ten (10) feet from the property line. Detached garages or carports with rear access shall maintain a twenty (20) foot setback from the property line. Structures shall not exceed a maximum of one thousand (1,000) square feet in area.
- c. Swimming Pools. Shall not exceed twenty-five percent (25%) of the required rear or side yard and be located no closer than ten (10) feet from the property line. The swimming pool shall contain a perimeter wall or fence at least five (5) feet in height and maintained in good condition so as to prevent uncontrolled access.
- d. Other Accessory Structures. Shall not exceed twenty-five percent (25%) of the required rear yard. All accessory structures not exceeding one-hundred and twenty (120) square feet shall be located no closer than five (5) feet from the property line. Accessory structures exceeding one-hundred and twenty (120) square feet shall be located no closer than ten (10) feet from the property line.
- e. No accessory buildings or uses shall be permitted within any required front 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.
- f. No accessory structure shall be located within an established easement.
- g. No accessory structure shall be located closer than twenty (20) feet from a public right-of-way.

412. Standards for Self-Storage Facilities (Ord. 2-15).

The following standards shall apply to all self-storage facilities:

1. Minimum Lot Size shall be 40,000 square feet.
2. A site plan shall be submitted the planning commission for approval.
3. No self-storage facility shall exceed eighteen (18) feet in height.



4. Internal lanes shall be at least twenty-four (24) feet wide when storage cubicles open onto one side of the lane only and at least thirty (30) feet wide when cubicles open onto both sides of the lane. Lanes shall be surfaced with asphalt or concrete unless porous concrete or other material (not gravel) is approved by the planning commission.
5. A minimum of four (4) parking spaces are required unless the planning commission determines the need for additional parking in which case parking will be calculated at One (1) parking space per four hundred (1,000) square feet of storage area plus one (1) space per employee. Parking standards require handicap spaces in accordance with ADA requirements.
6. Except for the sale or auction of items foreclosed upon by the owner of the facility, the sale or auction of items is prohibited.
7. The storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is specifically prohibited and all rental contracts shall include clauses prohibiting such storage.
8. The servicing or repair of motor vehicles, boats, trailers, lawnmowers or any similar equipment is specifically prohibited.
9. Recreational vehicles, boats and all operational vehicles, except cars or all-terrain vehicles, may be stored outside in designated areas only. All other storage must be within enclosed structures.
10. A planter buffer strip shall be provided along all perimeter lot lines abutting property zoned or used for residential purposes.
11. Perimeter commercial-grade fencing is required along exterior lot lines along the site.
12. The site plan shall contain a lighting plan. All lighting shall be oriented onto the site and away from adjacent property.
13. The establishment of a transfer and storage business is prohibited.
14. Fire protection shall be provided in compliance with the applicable Fire Code.
15. Signs are permitted in accordance with Section 410 of the zoning code.
16. Restroom facilities in conformance with the applicable adopted codes.
17. Exterior sections/facades of the facility shall be neutral and/or earth tone or other colors approved by the planning commission.

413. Wireless Communication Facilities (Ord. 9-16). The following development standards and requirements shall apply to all proposed telecommunications towers to be located in the Town of White Pine. It is the intent of this section to afford the provision of personal wireless service within the corporate limits for the benefit of the residents of the Town of White Pine, to protect the public health, safety, and general welfare of the community, public and private property, community aesthetics and to minimize the visual impact of towers, antennas, and associated buildings through design and siting standards while maximizing the use of existing and approved towers and buildings to accommodate multiple antennas in order to reduce the number of towers needed to serve the community

and to avoid damage to adjacent properties from tower failure through the establishment of effective standards and review process.

Telecommunications towers are any support structure including telecommunications antenna, dish, transmitter, or other equipment including supporting wires, braces and cables designed and constructed primarily for the purpose of supporting any FCC-licensed telecommunications antenna, dish, transmitter, or other equipment including supporting wires, braces and cables for the purpose of wireless communication services including cellular, personal communication services (PCS), enhanced specialized mobile radio (EMR), paging and similar services.

Antennas are any exterior apparatus (rods, panels, discs, etc.) designed for telephonic, radio, or television communication through the sending and/or receiving of electromagnetic waves. Antenna does not include the support structure. The following regulations shall apply to all telecommunication towers and related equipment placements in all zoning districts. Civil and amateur ham radio towers are exempt from Section 412 and shall meet other applicable zoning requirements found in the White Pine Zoning Ordinance.

The tower owner is defined as the owner of the telecommunications tower, associated buildings and facilities, not the landowner.

1. Telecommunications Towers as a Permitted Use. For the purposes of the White Pine Zoning Ordinance, a telecommunications tower shall be considered a permitted use in all zoning districts. 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. An applicant proposing to construct a new telecommunications tower shall identify all other existing towers within the town as possible alternative sites for antenna installation and shall provide documentation signed by appropriate licensed professionals, qualified in the design and installation of wireless communication facilities, that a tower has reached its capacity of additional antenna placements and an additional tower is necessary due to a lapse in coverage. Priority shall be given to all “eligible facilities requests”, as defined by federal guidelines that involve the placement of an additional antenna on an existing structure or tower, instead of erecting a new tower. Furthermore, approval of the construction of a new telecommunications tower shall be contingent on the capability of future installations of additional antennae on such a tower. The applicant for a new tower shall provide written authorization to the planning commission indicating that the proposed tower is designed to allow the installation of additional antennae. The authorization shall be recorded at the Office of the Register of Deeds prior to the issuance of a permit for tower construction.
3. Application for the Erection of Telecommunications Tower.

- A. A request to erect a telecommunications antenna or tower within the Town of White Pine shall be submitted to the Town's Building Official at the White Pine Municipal Building. 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 Town's Building Official may determine the conformance of the request with the Town's regulations. However, if any new tower, extension of an existing structure or tower, or any new telecommunications building is proposed for a site, then a site plan review by the White Pine Municipal Planning Commission is required. No permit shall be issued without the approval of the board of zoning appeals and the planning commission. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association (EIA), as amended from time to time.
- B. Prior to consideration by the planning commission, the board of zoning appeals will conduct an administrative review to determine that the proposal is not an "eligible facilities request" and the withholding of a permit was the proper action taken until action is taken by the board of zoning appeals and the planning commission.
- C. Prior to consideration by the planning commission, considered an 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 two (2) foot intervals; measures to control erosion and contain drainage on site; 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, utility lines or installations in the vicinity of the site; and, the locations of any structures on the property and the names of adjacent property owners.
  - b. In addition to all applicable site plan requirements, the planning commission will determine whether there are any life safety issues or other relevant issues associated with the project as part of the approval process.

4. Setbacks for Towers and Associated Buildings or Facilities. The placement of any telecommunication tower shall be provided with a setback from each property line equivalent in linear feet to the height of the tower, plus ten (10) feet and no structures not associated with the tower shall be located within this safety setback area. The safety setback area or “fall zone” shall not only be clear of all structures not associated with the tower, but the tower owner shall own or lease the entire land area within the safety setback area. Any associated building(s) erected on the tower site shall be restricted to the base area of the tower. If associated buildings are more than twenty (20) feet from the tower all service and electric lines must be placed underground. The placement of any telecommunication tower shall be no closer than one hundred (100) feet to an electric transmission line.
5. Guy Wires and Supports. Guy wires for telecommunication towers shall be set back from the side and/or rear property lines a minimum of ten (10) feet. No guy wires shall be located in required front yards.
6. Lighting, Noise, and Color.
  - A. Lighting for a tower shall not exceed the requirements of Federal and State regulations, with regard to the number and color of lights. Intermittent or strobe lights shall be allowed on a tower only to the extent needed to satisfy Federal or State regulations. Lighting in excess of the applicable requirements shall not be permitted.
  - B. Insofar as possible, given Federal or State regulations, noise emanating from a tower, or from equipment accessory to it, shall not be audible to adjacent residents. Where such noise may emanate from a tower site, the applicant shall provide evidence for the implementation of measures to mitigate noise on surrounding properties.
  - C. Unless mandated by other applicable regulations, tower colors shall be restricted to those which tend to blend into the immediate environment, and which are as inconspicuous as possible.
7. Screening from Public View.
  - A. Landscaping shrubs and/or trees to a height not less than ten (10) feet shall screen fences, equipment enclosures, buildings, and all related facilities located at the base of tower. The material used for screening shall be natural or planted vegetation sufficient to prevent visual observation through the material. The preservation of existing mature trees is preferred except where such tree growth

would interfere with the operation and maintenance of the facilities.

- B. Vegetation installed for tower screening, the time allowed for the installation of landscaping shall not exceed six (6) months after the completion of tower construction and associated appurtenances.
  - C. The landscaping utilized shall be evergreen, native to the area, and shall be sufficient to obscure said fences, equipment and/or facilities from view within two (2) years of its installation and maintained in healthy condition.
  - D. The code officer shall monitor vegetative screening and notify the telecommunications owner of defective or dead vegetation. The telecommunications tower owner shall replace defective or dead screening within thirty (30) days of notification by the code officer.
8. Security Fencing. A minimum eight- (8) foot high chain link fence shall enclose the base of the tower, including any accessory structures. Any proposed landscaping as required under 7.A-D shall be installed outside the fenced enclosure.
9. Tower Removal Upon Termination of Use.
- A. The owner of any telecommunication tower shall provide written notification to the Town's Building Official within thirty (30) days of the occurrence of either or both that the tower has changed ownership and use of all telecommunications antennas on the tower has ceased.
  - B. When the active use of a telecommunications tower ceases for a period of six (6) consecutive months, it shall be considered abandoned, the service provider shall remove same within ninety (90) days of receiving notice from the Town's Building Official, at the owner's expense.
10. Notification of Neighboring Property Owners. For purposes of this ordinance, any applicant for the construction of a new tower or administrative decision shall require notice to all abutting property owners and all property owners that are located within a five hundred (500) foot radius of the property on which the tower is proposed or a decision is sought. The applicant shall provide the Town's Building Official with documentation verifying compliance with this notice requirement at the time that the applicant submits an application for review by the Planning Commission.

11. Placement of Telecommunications Towers and Related Facilities. Upon placement of all telecommunications towers and related facilities, a certified survey shall be submitted to the Town's Building Official which shall verify tower and antennae heights and setbacks for the tower, other structures, and guy wires.
12. INDEMNIFICATION. Each permit issued pursuant to this Section shall have as a condition of the permit, a requirement that the applicant indemnify and hold harmless the town and its officers, agents, and employees from actions or claims of any description brought on account of any injury or damages sustained, by any person or property resulting from the issuance of the permit and the conduct of the activities authorized under said permit. An affidavit stating the aforementioned requirements shall be submitted and signed by a representative of the provider.
13. ADDITIONAL INSUREDS. The Town of Oneida shall be listed as a Co-Insurer on liability insurance of independent carrier or service provider and shall be maintained in full force until such time as all above ground portions of the facility (including foundation) have been removed and all other conditions of the removal method agreement have been satisfied.

#### ARTICLE V. APPLICATION OF REGULATIONS

501. 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.

502. Street Frontage. No dwelling shall be erected on a lot which does not abut on at least one street for at least forty (40) feet. Condominiums and townhouses, however, through the plan approval process for planned unit developments, may be excluded from this provision.

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

504. One Principal Building per Lot. Only one principal building and its customary accessory buildings may hereafter be erected on any one lot, except for planned unit developments which are approved in accordance with this ordinance by the White Pine Municipal Planning Commission; or shopping centers, provided that,

- a) All applicable provisions of this zoning ordinance shall apply,

- b) No freestanding building, with the exception of customary accessory buildings, shall be located closer than twenty (20) feet from any other freestanding building,
- c) No freestanding building, with the exception of customary accessory buildings, shall be located closer than twenty-five (25) feet to any property line. In all cases where a zoning district's building setback requirement exceeds this standard, the greater setback requirement shall be applied. (Ord 5-99)

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

506. Yard and Other Spaces. No part of a yard or other open space required around 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.

507. Conformity to Subdivision Regulations. No building permit shall be issued and no building shall be erected on any lot within the municipality, unless the street giving access to said lot 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 White Pine Municipal Planning Commission and such approval entered in writing on the plat by the secretary of the commission.

508. Height and Density. No building or structure shall hereafter be erected or altered so as to exceed the height limit, accommodate or house a greater number of families, or 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.

509. Annexations. All territory which may hereafter be annexed to the Town of White Pine, Tennessee, shall be considered to be in the R-1 (Low Density) Residential District until otherwise classified.

ARTICLE VI. ESTABLISHMENT OF DISTRICTS

For the purpose of this ordinance, the Town of White Pine, Tennessee, is hereby divided into nine (9) classes of districts as follows:

Residential	–	R-1	District	-	Low Density
Residential	–	R-2	District	-	Medium Density
Residential	–	R-3	District	-	Multi-Family Residential
Residential	–	MHP	District	-	Mobile Home Park
Commercial	–	C-1	District	-	Central Business
Commercial	–	C-2	District	-	General Commercial
Commercial	–	C-3	District	-	Highway Commercial
Industrial	–	M-1	District	-	Light Industrial
Industrial	–	M-2	District	-	Agricultural Industrial
Industrial	–	M-3	District	-	General Industrial
Floodway	–	F-1	District	-	Floodplain

The boundaries of these districts are hereby established as shown on the map entitled “*Zoning Map of the Town of White Pine, Tennessee,*” dated *June of 2007*, and all amendments thereof said map being a part of this ordinance and which is on file in city hall. Unless otherwise specified or indicated on the map, the boundaries of districts are: lot lines or the center lines of streets or alleys (or such lines extended); corporate limit lines; center lines of streams and other bodies of water; or a line running parallel to and midway between the main track of a railroad. Interpretations concerning the exact locations of certain district boundaries shall be determined by the board of zoning appeals.

ARTICLE VII. PROVISIONS GOVERNING USE DISTRICTS

701. R-1 (Low Density) Residential District. 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 and to promote like activities. In order to achieve the intent of the R-1 (Low Density) Residential District, as shown on the Zoning Map of the Town of White Pine, Tennessee, the following uses are permitted:

701.1. Single-family residences, except mobile homes (*Ord 377*);

701.2. Two-family residences, provided that a site plan showing the dimensions of the lot, building and all setbacks are approved by the planning commission;

701.3. Customary general farming;



701.4. Customary home occupations provided that all of the following conditions are met:

701.41. There is no external evidence of the occupation except that an advertising sign of no more than two (2) square feet in area may be allowed;

701.42. Not more than two (2) persons who are not residents of the dwelling may be employed; and

701.43. Not more than 30 percent of the total combined floor area of the entire premises is used for the occupation.

701.5. Public owned buildings and uses, schools offering general education, churches, and cemeteries, provided that:

701.51. The location of site plans for these uses shall first be reviewed and approved by the planning commission;

701.52. The buildings are placed not less than fifty (50) feet from the side and rear property lines; and

701.53. The site plan shall show a landscaping plan which shall be approved by the planning commission.

701.6. Signs as regulated in Appendix A.

701.7. Customary accessory buildings as regulated in Section 411.

701.8. Day care centers upon approval of a site plan by the Building Inspector and the issuance of a letter of approval by the Tennessee Department of Human Services.

702. R-2 (Medium Density) Residential District. It is the intent of this district to provide areas for medium density residential development plus open areas where similar development is likely to occur. Professional services are permitted in the district provided that they meet applicable standards, are limited so as not to encourage general business activity, and are located on an arterial or collector street as shown on the zoning map. In order to achieve the intent of the R-2 (Medium Density) Residential District, as shown on the Zoning Map of the Town of White Pine, Tennessee, the following uses are permitted:

- 702.1. Any use permitted in the R-1 Residential District;
- 702.2. Duplexes;
- 702.3. Boarding and rooming houses;
- 702.4. Medical clinics and hospitals, funeral homes; fraternal organizations and clubs not operated for profit; nursing homes; offices for doctors, lawyers, dentists, architects, real estate agencies, insurance agencies and similar uses provided that:
  - 702.41. These shall be located on arterial or collector streets;
  - 702.42. The buildings shall be placed not less than twenty-five (25) feet from all property lines;
  - 702.43. There is a buffer strip planted on side and rear property lines; and
  - 702.44. A site plan is reviewed and approved by the planning commission;
- 702.5. Existing buildings may be utilized for permitted uses provided that:
  - 702.51. The provisions of this ordinance are met as closely as possible;
  - 702.52. No parking shall be allowed in front yards; and
  - 702.53. A site plan is reviewed and approved by the planning commission.

703. R-3, (Multi-Family Residential) District. (Ord. 3-18) The Multi-Family Residential District (R-3) is intended to provide for areas for high density, multiple dwelling unit planned residential developments located adjacent to public infrastructure capable of providing appropriate levels of service. As such, the following uses are permitted:

- 703.1. Multi-Family Residential (apartments)
- 703.2. Boarding and rooming houses
- 703.2. Multi-family residential developments (apartments) shall be compliant with the applicable regulations of Section 408. In addition to the standards of this section, the following standards shall apply:
  - 703.2.1. The minimum site for a multi-family residential development shall be two (2) acres located on a single lot of record in the same ownership.
  - 703.2.2. The maximum allowable density shall be twelve (12) units per acre.
  - 703.2.3. Street access shall be evaluated on the basis of the capacity of the access street handling the anticipated additional traffic therefore a traffic impact analysis may be required by the planning commission.
  - 703.2.4. Compliance with all open space requirements of Section 407.65.
  - 703.2.5. A planted and maintained buffer strip of evergreen trees at least 8-foot tall when fully mature shall be required where a proposed (multi-family) development site is located adjacent to any residential, business, or industrial district that is not already separated from the site by a publicly owned street, publicly owned open space, or public park.
  - 703.2.6. Compliance with Section 14-604.6 and all other applicable sign regulations.
  - 703.2.7. Compliance with applicable regulations for off-street parking, ingress/egress, and vision clearance.

- 703.2.8 All parking lots shall be provided with a pavement having an asphalt wearing surface so as to provide a permanent, durable and dustless service. Porous asphalt or concrete is also permitted for parking lots (excluding loading/unloading areas) approved by the planning commission. All parking lots shall be provided with adequate lighting. Parking lot lighting shall be oriented so as to prevent light from spilling onto adjacent residential properties.

704. MHP, Mobile Home Park District. (Ord. 2-18)

The Mobile Home Park District (MHP) is intended to provide for areas specifically devoted to planned residential mobile home parks as an affordable housing alternative in locations that are appropriate and compatible with the general character of the area. This district affords the opportunity to plan and design mobile home parks to ensure a high quality of life for residents. As such, minimum standards of design are as follows:

704.1. Minimum Area Requirements

- 704.1.1 The minimum site for a mobile home park shall be five (5) acres located on a single lot of record in the same ownership.
- 704.1.2 The minimum lot width at right-of-way shall be one hundred (100) feet.
- 704.1.3 Direct access into a mobile home park shall be from a city street.
- 704.1.4 The maximum density shall not exceed six (6) mobile homes per gross acre.

704.2 Mobile Home Park Development Plan Required

- 704.2.1 The development plan shall meet the minimum standards of design contained in Section 408 of the zoning code as well as specific requirements pertaining to mobile home parks contained in this section.
- 704.2.2 Location map depicting the park site in relation to the existing street system and adjoining land use type.
- 704.2.3 Location and dimensions of proposed internal streets, open spaces, and parking.

- 704.2.4 Location, size, and approximate location of all utilities that will serve the mobile home park.
- 704.2.5 Landscaping in accordance with Section 407.625.
- 704.3 Minimum Setback Requirements
  - 704.3.1 There shall be a minimum of twenty (20) feet of separation between individual mobile homes.
  - 704.3.2 A minimum setback of twenty-five (25) feet shall be maintained along all exterior lot lines.
  - 704.3.3 A minimum setback of fifteen (15) feet shall be maintained from the edge of internal streets.
- 704.4 Individual Mobile Home Spaces
  - 704.4.1 Individual mobile home spaces shall be a minimum of five thousand (5,000) square feet in area.
  - 704.4.2 No more than seventy-five percent (75%) of the mobile home spaces shall be developed.
  - 704.4.3 Individual mobile home spaces shall have a minimum of twenty-five (25) feet of frontage on the internal street.
  - 704.4.4 Individual mobile home spaces shall be provided with a pad for the adequate support and placement of individual mobile homes.
  - 704.4.5 Individual mobile home spaces shall be provided with adequate electrical outlets, water, and sewer connections.
  - 704.4.6 Individual mobile homes shall have the wheels removed with a permanent foundation and skirting.
- 704.5 Infrastructure Improvements
  - 704.5.1 Internal streets shall contain a minimum wearing surface width of twenty (20) feet.

- 704.5.2 A compacted base course at least four (4) inches deep and one (1) foot wider than the wearing surface in accordance with the base course material requirements of the White Pine Municipal Subdivision Regulations.
- 704.5.2 The wearing surface of internal streets shall contain an asphalt concrete wearing surface.
- 704.5.3 Mobile home parks shall be connected to the municipal water and sewer systems.
- 704.5.4 Water mains shall be a minimum of six (6) inches in diameter with fire hydrants installed in a manner where no individual mobile home is more than five hundred (500) feet from a hydrant.
- 704.5.5 In all mobile home parks accommodating at least twelve (12) mobile homes, there shall be at least one (1) recreation area for every twenty (20) mobile homes.
- 704.6 The owner of the property, or his designee, where the mobile home park is located shall be responsible for maintaining the minimum standards established by these regulations.

705. C-1 (Central Business) District. It is the intent of this district to establish an area for concentrated general commercial development that the general public requires. These regulations are designed to protect the essential characteristics of the district by promoting the use of commercial activities and public and semi-public facilities which serve the general public, while at the same time discouraging residential, industrial and wholesale developments. In order to achieve the intent of the C-1 (Central Business) District, as shown on the Zoning Map of the Town of White Pine, Tennessee, the following uses are permitted:

- 705.1. Stores and shops conducting retail business;
- 705.2. Personal, business, financial, and professional services, except for the following: junkyards, auto wrecking yards, salvage yards, auto repair garages, or other similar uses;
- 705.3. Public buildings and uses, except public schools, upon approval of the planning commission;

705.4. Semi-public uses, including churches, upon approval of a site plan by the planning commission;

705.5. Signs as regulated in Section 410 of this ordinance;

705.6. Lodges and clubs, hotels and motels, restaurants, recreation establishments, and similar services.

705.7. Commercial parking lots and garages; and

705.8. Production of products for retail sales on the premises and the production of jewelry, eyeglasses, and hearing aids.

706. C-2 (General Business) District. It is the intent of this district to establish a business area that encourages the grouping of compatible business uses, reduces traffic congestion, and maintains the aesthetic characteristics of the community. In order to achieve the intent of the C-2 (General Business) District, as shown on the Zoning Map of the Town of White Pine, Tennessee, the following uses are permitted:

706.1. Any use permitted in the C-1 (Central Business) District;

706.2. Automobile sales;

706.3. Places of amusement and assembly;

704.4. Funeral homes;

706.5. Travel trailer parks;

706.6. Auto repair garages and similar operations;

706.7. Hospitals; and

706.8. Gasoline service stations provided all structures shall be placed not less than twenty (20) feet from all property lines. Points of ingress and egress shall not be less than fifteen (15) feet from intersections of street lines.

706.9. Uses Permitted on Review (Special Exceptions):

706.9.1. Self-Storage Facilities (Mini-Warehouses), in accordance with Section 410 (Ord. 2-15).

706.10. Minimum requirements for all uses:

706.10.1 A site plan shall be reviewed and approved by the planning commission as required by section 408 of this ordinance.

706.10.2 A planted buffer strip and landscaping plan shall be required along any side or rear property line that abuts a residential zoning district. Said buffer strip shall be a minimum of 15 feet wide and shall be planted with a mixture of trees and large shrubs to screen commercial site improvements from adjoining residential properties. The required landscaping plan shall clearly identify all proposed trees and shrubs by name and shall include information regarding their sizes at planting and maturity. The use of native species is preferred. The minimum size trees and shrubs utilized at the time of planting shall be as follows: deciduous trees shall be a minimum of 1 & ½ inch caliper measured 6 feet above the ground, evergreen trees shall be at least 6 feet tall, and large shrubs shall be at least 3 feet in height.

706.10.3 A lighting plan shall be required where any side or rear property line abuts a residential zoning district. The plan shall be designed so that lights do not shine or glare directly onto the adjoining properties. All light shall be directed or pointed toward specific ground target areas on the development site. The use of blinders, cut-off protectors, and recessed lighting shall be utilized to insure that light beams are directed away from adjoining properties. The use of “shoe box style” and “wedge style” light fixtures are preferred for ground mounted and wall mounted lights, respectively. Light fixtures shall be mounted parallel to the ground in order to direct light downward and away from adjoining properties. Comparable lighting styles may be utilized provided the light source does not extend below its housing and they are mounted to direct the light downward and away from adjoining properties.

707. C-3 (Highway Commercial) District. It is the intent of this district to establish an interstate highway interchange district which shall provide for the establishment of certain commercial developments and discourage congestion caused by local traffic patterns. The district regulations are intended to encourage the types of commercial activities which are most closely associated with and located within close proximity to interstate highway interchanges. In order to achieve the intent of the C-3 (Highway Commercial) District, as shown on the Zoning Map of the Town of White Pine, Tennessee, the following regulations shall apply:

707.1. Permitted Uses and Structures:

707.11. Hotels, motels, restaurants, and recreational activities;

707.12. Retail stores and shops;

707.13. Automobile and mobile home sales;



707.14. Service and repair garages;

705.15. Wholesale businesses, warehouses, and storage yards and buildings, except for wrecking, junk, and salvage yards;

707.16. Terminals and truck stops provided precautions are taken for proper storage of bulk oil and gasoline;

707.17. Convenience stores and gasoline stations provided that all structures shall be placed not less than twenty (20) feet from all property lines. Points of ingress and egress shall not be less than fifteen (15) feet from intersection of street lines; and

707.18. Signs as regulated in Section 410 of this ordinance.  
(Ord. 5-09)

705.19. Schools offering general education.  
(Ord. -. -16)

707.2. Uses Permitted on Review (Special Exceptions):

705.2.1. Self-Storage Facilities (Mini-Warehouses), in accordance with Section 410 (Ord. 2-15).

707.3. Access control: Any point of access for vehicles onto a public street shall not exceed forty (40) feet in width.

708. M-1 (Light Industrial) District. It is the intent of this district to create specific light industrial areas which can be located between general industrial areas and residential areas, or in locations which are served by major roads, but are not feasible for general industrial developments due to their proximity to residential districts. The requirements for this district are designed to encourage light industrial development which provides for open space, landscaping, and adequate parking, and which is also compatible with surrounding or abutting residential districts. In order to achieve the intent of the M-1 (Light Industrial) District, as shown on the Zoning Map of the Town of White Pine, Tennessee, the following regulations shall apply:

708.1 Permitted uses and structures:

708.11. Light manufacturing and assembling operations;

708.12. Communication facilities and public and semi-public utilities;

708.13. Scientific, electronic, and computerized laboratories, testing, manufacturing, or assembly;

708.14. Warehouses and wholesale businesses;

708.15. Storage services and outdoor equipment storage lots and yards, except for wrecking, junk or salvage yards;

708.16. Signs as regulated in Section 410 of tis ordinance; and

708.17. Uses and structures customarily incidental to the above uses.

708.2. Uses Permitted on Review (Special Exceptions):

708.21. Self-Storage Facilities (Mini-Warehouses), in accordance with Section 410 (Ord. 2-15).

708.3. Minimum requirements:

708.31. A site plan shall be reviewed and approved by the planning commission;

708.32. All lots shall have a buffer strip planted along side and rear property lines; and

708.33. For any lot which abuts a residential or commercial district, no building or structure shall be closer than fifty (50) feet to any lot line which abuts said residential or commercial district.

709. M-2 (Agricultural Industrial) District. It is the intent of this district to create an industrial district which shall provide for the establishment of certain commercial and industrial activities associated with the market for and distribution of regional agricultural products. The district regulations are intended to encourage both individual developments and planned unit developments which are most closely associated with and dependent upon agricultural processing, sales, and distribution. In order to achieve the intent of the M-2 (Agricultural Industrial) District, as shown on the Zoning Map of the Town of White Pine, Tennessee, the following regulations shall apply:

709.1. Permitted uses and structures:

709.11. Agricultural processing, canning, etc., and wholesale and retail sales of agricultural products;

709.12. Retail services which directly serve or are auxiliary to the needs of the agricultural operations or employees;

709.13. Public and semi-public utilities, communication equipment, etc., except general office buildings;

709.14. Terminals;

709.15. Enclosed warehousing and bulk storage;

709.16. Storage lots and yards, except for wrecking, junk or salvage yards;

709.17. Signs as regulated in Section 410 of this ordinance; and

709.18. Uses and structures which are customarily incidental to regional agricultural markets.

709.2. Uses Permitted as Special Exceptions:

709.21. . Pain Management Clinics provided (Ord. 1-12):

- a. Obtaining a Business License, a valid Certification by the State of Tennessee Health Department, compliance with all applicable requirements of the White Pine Municipal Code and continued compliance with the conditions set forth in the Special Use Permit that is issued;
- b. The clinic or facility shall be located on and have access to a street classified as a Major Collector or Arterial, as shown on the White Pine Major Road Plan;
- c. Map(s) showing existing land use and zoning within one-quarter (1/4) mile of the proposed site with an accompanying site plan.
- d. Compliance with all applicable requirements of Section 62-38-201 through 62-38-210 of the *Tennessee Code Annotated*;
- e. The clinic or facility shall not be located within five hundred (500) feet of a residential zoning district, a school, day care facility, park, church or hospital.
- f. The maximum sign area does not exceed twenty (20) square feet in area and meets all requirements of Section 11-604.
- g. Off-Street Parking provided at one (1) space for each five hundred (500) square feet of floor space.
- h. The site shall not be less than One Thousand (1,000) feet from any other methadone treatment clinic or facility.
- i. The clinic or facility shall not be located within One Thousand (1,000) feet of any establishment that sells alcoholic beverages for either on-or-off-premises consumption.

709.22. Self-Storage Facilities (Mini-Warehouses), in accordance with Section 410 (Ord. 2-15).

709.3. Access control: Any point of access for vehicles onto a public street shall not exceed forty (40) feet in width.

709.4. Minimum requirements:

709.41. A site plan shall be reviewed and approved by the planning commission; and

709.42. For any lot which abuts a residential or commercial district, no building or structure shall be closer than fifty (50) feet to any lot line which abuts said residential or commercial district.

710. M-3 (General Industrial) District. It is the intent of this district to provide areas for which the principal use of land is the manufacturing, processing, assembling, fabrication of materials, warehousing, or storage. The requirements of this district are designed to encourage general industrial development, and in order to ensure that all of the development in this district complies with these district regulations, site plans for all industrial activities shall be required. In order to achieve the intent of the M-3 (General Industrial) District, as shown on the Zoning Map of the Town of White Pine, Tennessee, the following regulations shall apply:

710.1. Any use permitted in the M-1 or M-2 Industrial Districts;

710.2. Scrap or salvage yards, automobile wrecking yards, and junkyards, provided that an opaque fence, the minimum height of which shall be at least eight (8) feet, shall be constructed around the perimeter of such operations; and

710.3. Any other industry which, in the opinion of the planning commission, does not cause injurious or obnoxious noise, fire hazards or other objectionable conditions.

710.4. Uses permitted on review (Special Exceptions):

710.41. Pain Management Clinics provided (Ord. 1-12):

- a. Obtaining a Business License, a valid Certification by the State of Tennessee Health Department, compliance with all applicable requirements of the White Pine Municipal Code and continued compliance with the conditions set forth in the Special Use Permit that is issued;
- b. The clinic or facility shall be located on and have access to a street classified as a Major Collector or Arterial, as shown on the White Pine Major Road Plan;

- c. Map(s) showing existing land use and zoning within one-quarter (1/4) mile of the proposed site with an accompanying site plan.
- d. Compliance with all applicable requirements of Section 62-38-201 through 62-38-210 of the Tennessee Code Annotated;
- e. The clinic or facility shall not be located within five hundred (500) feet of a residential zoning district, a school, day care facility, park, church or hospital.
- f. The maximum sign area does not exceed twenty (20) square feet in area and meets all requirements of Section 11-604.
- g. Off-Street Parking provided at one (1) space for each five hundred (500) square feet of floor space.
- h. The site shall not be less than One Thousand (1,000) feet from any other methadone treatment clinic or facility.
- i. The clinic or facility shall not be located within One Thousand (1,000) feet of any establishment that sells alcoholic beverages for either on-or-off-premises consumption.

710.42 Self-Storage Facilities (Mini-Warehouses), in accordance with Section 410 (Ord. 2-15).

711. F-1 (Floodplain) District. The intent of the floodplain district is to require restrictions upon the use of lands which lie in floodways and floodplains within the Town of White Pine so as to meet federal regulations developed to implement the Flood Disaster Protection Act of 1973, and any subsequent amendments thereto; thereby protecting persons, property, and the community from dangers arising from periodic flooding. The floodplain district is shown on Flood Hazard Boundary maps, of the Federal Emergency Management Agency, which are made a part of this ordinance. (Ord. 348)

The floodplain district is an overlay district. In order to achieve the intent of the F-1 (Floodplain) District, as shown on the Zoning Map of the Town of White Pine, Tennessee, the following regulations shall apply:

711.1. Within designated floodways, no permanent structures shall be allowed; and

711.2. Within flood fringe areas, uses permitted in the underlying district shall be permitted subject to the requirements established under the Town of White Pine Municipal Flood Damage Prevention Ordinance adopted in conformance with the flood disaster act of 1973, and any subsequent amendments thereto.

**ARTICLE VIII**

**AREA, YARD, AND HEIGHT REQUIREMENTS**

For the purposes of this ordinance, area, yard, and height requirements for the district classifications of the Town of White Pine, Tennessee, Zoning Ordinance are hereby established as follows:

<u>District</u>	<u>Lot Area (sq. ft.)</u>	<u>Minimum Lot Requirements Per Additional Family (sq. ft.)</u>	<u>Street Frontages*</u>	<u>Minimum Yard Requirements From Property Lines</u>			<u>Maximum Height of Structures</u>
				<u>Front</u>	<u>Side (Each Side)</u>	<u>Rear</u>	
R-1	10,000	5,000	50 ft.	30 ft.	15 ft.	25 ft.	35 ft.
R-2	10,000	3,500	50 ft.	30 ft.	10 ft. per story	25 ft.	35 ft.
C-1**							35 ft.
C-2**				30 ft.	15 ft.	25 ft.	35 ft.
C-3**				30 ft.	15 ft.	25 ft.	35 ft.
M-1				30 ft.	25 ft.	30 ft. ***/****	35 ft.
M-2				30 ft.	25 ft.	30 ft. ***/****	35 ft.
M-3				30 ft.	25 ft.	30 ft. ***/****	35 ft.

\* Except on a cul-de-sac

\*\* Planned Unit Development requirements shall govern all shopping centers.

\*\*\* Width of either side yard or a rear yard which abuts a residential district shall not be less than fifty (50) feet.

\*\*\*\* Except for lots that rear property lines abut on a railroad or rail spur, where no rear setbacks are required.

ARTICLE IX. EXCEPTION AND MODIFICATIONS

901. Lot of Record. Where the owner of a lot consisting of one or more adjacent lots of official record does not own sufficient land to enable him to conform to area, yard or 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 XI. Such lot may be used as a building site if, in the opinion of the board of zoning appeals, such use and placement of structures comply with the area, yard, and other requirements of the district regulations as closely as possible.

902. Adjoining and Vacant Lots of Record. A plat of land in single ownership which consists of one or more adjacent lots with continuous frontage and which individually are less than lot widths required by this ordinance, shall be considered as a single lot or several lots of minimum permitted size, and such lot or lots shall be subjected to the requirements of this ordinance.

903. 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 required front yard shall be the average of the existing front yard depths on the developed lots.

904. Exception on Height Limits. The height limitations of this ordinance shall not apply to church spires, belfries, freestanding poles, towers, domes and other structures not designed or suitable for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts and aerials provided that each of these structures: (a) comply the provisions of all other pertinent codes and ordinances; and (b) are located no closer to the nearest property line than a distance equal to their own height plus five (5) feet. not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts and aerials.

## ARTICLE X. ENFORCEMENT

1001. Enforcing Officer. The provisions of this ordinance shall be administered and enforced by the Municipal Building Inspector. This official shall have the right to enter upon any premises necessary to carry out his duties in the enforcement of this ordinance.

1002. 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 inspector 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 inspector.

1003. Issuance of Building Permit. In applying to the building inspector for a building permit, the applicant shall submit a sketch or scale plan indicating the dimensions, shape, size, height, and location of all buildings to be erected, altered or moved, and of any building already on the lot. The applicant 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 will be met. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance, the building inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the building inspector shall state the reason for refusal in writing and shall issue a written copy of the refusal to the applicant.

1004. Certificate of Occupancy. Upon the completion of the construction or alteration of a building or structure for which a building permit has been granted, application shall be made to the building inspector for a certificate of occupancy. Within three days of such application, the building inspector 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 both to the provisions of the ordinance and the statements made in the application for the building permit. If such a certificate is refused, the building inspector shall state the reason for refusal in writing and shall issue a written copy of the refusal to the applicant. Moreover, no land or building hereafter erected or altered in its use, shall be used until such a certificate of occupancy has been granted.

1005. Penalties. Any persons violating any provision of the ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation continues shall constitute a separate offense.



1006. 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 could be damaged by such violation, in addition to other remedies may institute injunction, mandamus, work-stop orders, or any other appropriate action in proceeding to prevent the occupancy or use of such building.

## ARTICLE XI. BOARD OF ZONING APPEALS

1101. 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 Public Acts of Tennessee of 1935. The White Pine 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 White Pine Municipal Planning Commission.

1102. 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. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall be required to: (1) keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact; (2) examine and consider all evidence necessary to justify or explain its action, and (3) keep records of its examinations and of all other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

1103. Appeals: How Taken. An appeal to the board of zoning appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected by any decision of the building inspector based in whole or 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 inspector and with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The building inspector shall transmit forthwith 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 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.

1104. Powers. The Board of Zoning Appeals shall have the following powers:

1104.1. 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 inspector or other administrative official in the administration or enforcement of any provision of this ordinance.

1104.2. Special Exceptions: To hear and decide special exceptions to this ordinance as set forth in Article IX.

1104.3. 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 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.

1105. 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 inspector. 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.

ARTICLE XII. AMENDMENTS

1201. Procedures. The board of mayor and aldermen may amend the regulations, boundaries, or any provision of this ordinance. Any member of the city 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.

1202. Approval by Planning Commission. No change in or departure from the text or maps as certified by the planning commission shall be made unless such change or departure is first submitted to the planning commission and approved by it, or, if such change or departure is disapproved by the planning commission, its passage shall require the favorable vote of a majority of the entire membership of the chief legislative body.

1203. 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, with said notice specifying the time and place set for a public hearing by the board of mayor and aldermen to hear public comments on the proposed amendment. Such notice shall be published in a newspaper of general circulation in the Town of White Pine, Tennessee and said public hearing by the board of mayor and aldermen shall not be held any sooner than sixteen (16) days after the date of publication of such notice.

ARTICLE XIII.                      LEGAL STATUS PROVISIONS

1301. Conflict with Other Ordinances.        In the event this ordinance or any part thereof may conflict either wholly or in part with any existing or future ordinance or regulation of the Town of White Pine, the most restrictive shall always prevail.

1302. 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.

1303. Effective Date.        This Ordinance shall become effective upon its final passage, the public welfare requiring it.

Re-Certified by Planning Commission    8/21/18

Passed on First Reading    12/4/90

Date Public Hearing Held    2/5/91

Passed on Second Reading    2/5/91

Approved and Signed in Open Meeting    2/5/91

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Recorder

**APPENDIX A**  
**OFFICIAL SIGN CODE**  
(Ord. No.1-16)  
**GENERAL PURPOSE AND INTENT OF SIGN CODE**

The purpose of these provisions are to establish an equitable process of regulatory oversight of signs within the town as a reasonable balance and impartial method of preserving and protecting the free speech, public health, safety and welfare by encouraging appropriate signage within the town that is compatible with the character of the town while providing due regard for the public and private interests of the citizenry by recognizing that signs serve a vital communicative function. The general intent of regulating signs and similar advertising structures within the town is to ensure open space, prevent over concentration and cluttering of signs, to reduce improper sign placement, reduce advertising distractions that may contribute to traffic accidents, to protect property values and to enhance the aesthetics of the town by establishing impartial and reasonable standards for the placement of signs. The following regulations are crafted to manage location, height, bulk, scale, size and spacing of signage within the town. These regulations in no way attempt to regulate the content of signage itself. Therefore, all new signs erected, constructed or placed upon any property within the corporate limits shall conform with these regulations. The following regulations shall apply as specified:

**SECTION 14-604.1 DEFINITIONS**

For the purpose of this Section the following definitions shall apply for all districts:

ABANDONED OR OBSOLETE SIGN. A sign either on-premise or off-premise, which identifies, describes, directs attention to, or gives directions for locating any business or establishment no longer in operation, or advertises any product no longer being marketed or any sign structure lacking sign face or sign copy.

AWNING, CANOPY, OR MARQUEE SIGN. A sign painted, stamped, perforated or stitched, or otherwise applied on the valance of an awning or canopy (*this includes covered walkways*).

BANNER SIGN. A sign usually of cloth, paper, plastic or other non-rigid material with no enclosing framework that is fastened or otherwise attached to support structures spanning horizontally and overhanging an area and generally temporary in nature.

BILLBOARD SIGN. A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located. This includes electronic and dynamic signs with advertisements other than the on-premise business. *These signs shall be considered off-premise signs and are prohibited.*

CHANGEABLE COPY SIGN (READER BOARD). A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters.

CONSTRUCTION SIGN. A sign erected during the construction of a building or other type of improvement, customarily listing the name of the owner, architect, engineer, designer, and/or contractors involved in the construction of said building or improvement.

DIRECTIONAL SIGN. An incidental on-premise sign giving directions, instructions, or facility information, such as parking, loading, entrance, or exit.

DYNAMIC SIGN. A non-static sign employing actual motion or the illusion of motion by artificial means. Dynamic signs constitute a broad category of which are differentiated from manually changeable signs as defined and regulated by these regulations and include the following types:

ELECTRONIC DISPLAY SCREEN. A sign, or portion of a sign, that displays an electronic image or video, which may or may not include text. This definition includes television screens, multi-prism screens, plasma screens, digital screens, flat screens, LED screens, video boards, and holographic displays.

ELECTRONIC MESSAGE CENTER. Any sign or portion of a sign that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. This definition includes electronic changeable copy signs and menu boards.

ELECTRONIC MESSAGE DISPLAY. A sign capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means. Such signs shall include the following modes of operations:

1. Static. Signs which include no animation or effects simulating animation.
2. Fade. Signs where static messages are changed by means of varying light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.
3. Dissolve. Signs where static messages are changed by means of varying light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneous to the gradual appearance and legibility of the subsequent message.

4. Travel. Signs where the message is changed by the apparent horizontal movement of the letters or graphic elements of the message.

5. Scrolling. Signs where the message is changed by the apparent vertical movement of the letters or graphic elements of the message.

**FLASHING SIGN.** A sign, the illumination of which is intermittently on and off so as to flash or blink or the intensity varies so as to appear to flash or blink. *Such signs are prohibited.*

**MENU BOARD.** A permanently mounted dynamic sign displaying the bill of fare sign associated with drive-through windows and oriented toward drive-through traffic.

**MULTI-PRISM SIGN.** An off-premise sign made with a series of triangular sections that rotate and stop, or index, to show three (3) images or messages in the same area at different times.

**FASCIA SIGN.** A sign attached directly to the fascia of a building.

**FENCE SIGN.** A sign that is fastened to or painted on a fence in such a manner that the fence becomes the supporting structure for, or forms the background surface of the sign.

**FREESTANDING (GROUND) SIGN.** Any non-movable sign not affixed to a building, including ground, podium, pylon, pole, tower or similar signs.

**GARAGE OR YARD SALE SIGN.** A sign either on-premise or off-premise, which identifies, describes, directs attention to, or gives direction for locating a garage sale or yard sale.

**ILLUMINATED SIGN.** A sign that has an artificial light source incorporated internally or externally illuminated by electric or other devices for night visibility.

**INTERNAL ILLUMINATION.** A source of illumination entirely within the sign which makes the sign content visible at night by means of the light being transmitted through a translucent material, but wherein the source of the illumination is not visible.

**LEADING EDGE.** The first vertical edge of a sign as measured in a straight line from the nearest street right-of-way or property line, or as determined by the Building Official.

**MAJOR DIRECTORY SIGN.** A freestanding sign for multiple businesses within shopping centers.

**MANSARD SIGN.** A sign attached to a roof-like façade architecturally comparable to a building wall. For the purpose of these regulations the area of the mansard shall be determined by multiplying the width and the total vertical height, ignoring any slope.

MARQUEE SIGN. A sign that advertises from a roofed structure projecting from and supported by a building, or free-standing when such roofed structure extends beyond the building line, building wall or street lot line.

MENU BOARD (non-dynamic). A non-dynamic sign displaying the bill of fare sign associated with drive-through windows and oriented toward drive-through traffic.

MONUMENT SIGN. A freestanding sign constructed on the ground with a continuous solid foundation of brick, stucco, stonework, textured wood, textured concrete or other suitable material located at the base of the sign at grade level.

MOBILE OR PORTABLE SIGN. A sign which is designed to be readily transportable from place to place, not permanently attached to a footer or masonry foundation, or any such sign, which generally meets this criteria, as shall be determined by the Building Official to be a mobile or portable sign.

OFF-PREMISE SIGN. A sign which advertises goods, services, facilities, events or attractions available at a location other than the premises where the sign is located (*this shall include electronic & digital signage*).

ON-PREMISE SIGN. A sign other than an off-premise sign.

PERMANENTLY AFFIXED. Shall mean permanently attached with adhesive, bolts, nails, approved concrete footings, not intended to be easily removed. The building official shall make the final determination of if a sign is permanently affixed.

PLATE LINE. The point at which any part of the roof structure first touches or bears upon an external wall.

POLITICAL SIGN. A temporary sign designed to attract support for a particular candidate, political party, or political issue or to express an opinion on any matter of public interest.

PORTABLE SIGN. Shall mean any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building. This includes attached or painted advertisements on vehicles parked and visible from the right-of-way, unless said vehicle is used as a vehicle in the normal day-to-day operations of the business (*all temporary signs are also considered portable*).

PREMISES. A lot of record as defined by the White Pine Municipal Code.

PROJECTING SIGN. A sign that is wholly or partly dependent upon a building for support and which projects more than one (1) foot from such building.



PYLON SIGN. A freestanding sign permanently affixed to the ground by one or more supports that has a width of two feet or a height at least three times the width.

REAL ESTATE SIGN. A sign advertising the sale, auction, rent or lease of the premises on which it is located.

ROOF SIGN. Any sign erected or maintained upon or attached to a roof of a building.

SANDWICH BOARD. Any sign designated or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

SIGN. Outdoor graphics conveying or intended to convey some information, knowledge or idea to the public. The word "sign" includes the word "billboard" or any other type of advertising device. For the purposes of installation and removal, sign shall also include all sign structures. This definition shall not include festival or holiday decorations; the noncommercial use of a flag, emblem, insignia, or other display of any nation or political subdivision; traffic, safety or similar regulatory devices; legal notices; scoreboards; memorial signs or tablets; emblems of religious institutions that are attached to buildings; and customary displays of merchandise or objects and materials placed behind a store window.

SIGN STRUCTURE. Any structure, vehicle, trailer or any other object or device that supports, has supported, or is capable of supporting a sign.

SUSPENDING SIGN. A sign that is attached to the underside of a horizontal plane or arm and is supported by the horizontal plane.

TEMPORARY SIGN. Any sign which by reason of construction or purpose intended to be displayed for a short period of time.

UNDER-AWNING SIGN. A sign located under a permitted awning or canopy at the entrance to the premises. Such sign shall only identify the name of the business or premises and shall be perpendicular to the entrance wall of the building.

VEHICLE OR TRAILER SIGN. A permanent or temporary sign affixed, painted on, or placed in or on any vehicle, trailer, or other device capable of being driven or towed, which is displayed in public view so that the primary purpose is to attract the attention of the public, rather than to serve the business of the owner thereof in a manner which is customary for said vehicle or trailer.

WALL SIGN. A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign, and which does not project more than one (1) foot from such building or structure (*This includes signs attached to windows*). For the purpose of these regulations a wall shall be considered as the first perpendicular surface originating from

ground level. An individual sign may fall under more than one of the above definitions, e.g., illuminated free-standing on-premise sign, temporary off-premise sign, etc.

WINDOW SIGN. An outside sign attached to a window, either temporary or permanent, for the purpose of advertisement.

## **SECTION 14-604.2 PERMITTING REQUIREMENTS AND FEES**

For all signs permitted in any residential, commercial or industrial zoning district as shown on the Official Zoning Map of the Town of White Pine, Tennessee or with any residential, commercial or industrial use, the following regulations unless otherwise noted herein shall apply:

14-604.2.1 An application for a sign permit shall be submitted to the Building Official on forms furnished by the town and approved prior to the erection, relocation, major alteration or modification of any sign located in the Town of White Pine. The replacement and/or addition of a sign or conversion from an existing conventional sign to a dynamic sign shall be considered as new signage, requiring a sign permit in conformance with these regulations.

14-604.2.2 The application for a sign permit shall contain the following information:

1. Name, address and telephone number of applicant.
2. Location of building, structure or lot to which or upon which the sign is to be located.
3. Affidavit from property owner, if different from sign owner, indicating approval for sign location.
4. The Building Official may require evidence of liability insurance policy or bond responsibility for sign erection if deemed necessary.
5. Brief description, sketch or drawing of the proposed sign, including all dimensions and estimated cost.
6. Evidence of setback compliance for all freestanding sign structures.
7. Engineered drawings for any sign exceeding fifteen (15) feet in height or seventy (70) square feet in sign face area. Engineered drawings may be required for other signs if determined as necessary by the Building Official.

14-604.2.3 A sign permit fee shall be submitted to the Building Official with the application for the sign permit. The permit fee shall be based on the square footage of sign face area, per sign face, as follows:

1. Up to 100 square feet of sign area: \$0.25 per square foot with a minimum fee of \$15.00.
2. From 101 square feet to 250 square feet or less of sign face area: \$0.50 per square foot
3. Greater than 250 square feet of sign face area: \$1.00 per square foot
4. For applications involving multiple signs, the permit fee shall be calculated separately for each sign.

14-604.2.4 For temporary signs, a one hundred dollar (\$100) refundable cash bond shall be deposited to the town to guarantee removal of the sign. Following removal of the sign before the expiration date, the deposit will be returned to the applicant. Temporary signs exempted from this requirement are temporary signs advertising charitable events, political signs, church-sponsored events, civic groups and governmental entities.

14-604.2.5 Sign permits shall become null and void six (6) months from the original date of issuance if the work authorized under the permit has not been commenced by that time.

14-604.2.6 For permitting fees, the area for a sign with more than one face shall be computed by adding together the area of all sign faces. However, the permissible maximum square footage shall only be applied to one face for signs with identical double faces placed in such a manner to ensure that the angle at which the two sign faces are placed does not exceed 60 degrees.

14-604.2.7 No sign shall be considered in compliance with these regulations until such time as a Certificate of Approval has been issued. A Certificate of Approval shall be issued on the date that the final inspection of the sign is completed and approved by the Building Inspector or authorized official.

### **SECTION 14-604.3 SIGN MAINTENANCE**

For all signs and similar advertising structures, including any existing conforming or non-conforming signs, the following regulations shall apply:

14-604.3.1 All signs, support structures, braces, guys, anchors, and electrical equipment shall be kept in safe repair and shall be well maintained.

14-604.3.2 All signs and support structures shall be maintained in such a manner so as to allow a clear and unobstructed view of traffic when approaching an intersection or exiting or entering private property.

14-604.3.3 The area around all signs shall be properly maintained, clear of brush, trees and other obstacles so as to make signs readily visible. Landscaping shall be continuously maintained at the expense of the owner.

14-604.3.4 All sign copy shall be maintained securely to the sign face and all missing copy shall be replaced.

14-604.3.5 Any sign or similar advertising structure failing to meet the above requirements shall be repaired or removed within thirty (30) days after receipt of notification from the Building Official.

#### **SECTION 14-604.4 GENERAL REGULATIONS**

The purpose of this section is to provide requirements of general application throughout the town that will afford reasonable signage for purposes of identification of buildings, businesses and individual occupancies that is compatible with the character of the area, associated land use and neighboring developments. It is the intent of this section to establish standards applicable to all signage within the town that will encourage signs to be proportionate in size and scale and compatible with the appropriate planning neighborhood. For all zoning districts as shown on the Official Zoning Map of White Pine, Tennessee, the following regulations for signs and similar advertising structures shall apply:

14-604.4.1 No sign shall be located in such a manner so as to obstruct free or clear vision, or cause hazards for vehicular or pedestrian traffic by reason of location, shape, illumination or color.

14-604.4.2 No sign shall be located on, or attached to, any public property except public signs authorized by the Town of White Pine, Jefferson County, or the State of Tennessee.

14-604.4.3 No sign shall be located on or overhanging any public rights-of-way except as provided in this Official Sign Code.

14-604.4.4 All permanent signs overhanging a sidewalk shall have a minimum clearance of nine (9) feet above the ground and may extend over a sidewalk a distance two-thirds (2/3) of the width of the sidewalk, but in no case exceeding ten (10) feet.

14-604.4.5 No sign shall be erected, replaced or relocated so as to prevent free ingress or egress from a required door, window or fire escape.

14-604.4.6 No sign attached to a building shall be erected, replaced or relocated on such building so as to extend over eight (8) feet above the rafter of the building.

14-604.4.7 Setbacks for all signs shall be measured by the Building Inspector from the leading edge of the sign.

14-604.4.8 No source of incandescent lighting used for illuminating signs shall be directly visible from any street or highway or from any residential district.

14-604.4.9 No temporary mobile or portable sign shall be allowed unless a special permit has been obtained from the Building Inspector and then for a thirty (30) day consecutive period to be removed no more than seven (7) days following the conclusion of the event. Any one establishment or event may have up to four (4) special permits per calendar year. Mobile or portable signs requiring electrical power are prohibited. No mobile or portable sign shall exceed fifteen (15) square feet in sign area. All mobile or portable signs shall be securely anchored at all times. If a temporary mobile or portable sign is determined to be seasonal in nature, the special permit shall specify the dates and other conditions under which the sign is permitted

14-604.4.10 All nonconforming signs, which existed lawfully at the time of the enactment of this Official Sign Code, shall be allowed to remain and shall be considered as "grandfathered" in place. Any signage previously approved by the planning commission in any district shall be "grandfathered" and allowed to continue with the business that such "grandfathered" approval was granted, but shall be non-transferable to other businesses.

14-604.4.11 Off-premise signs are prohibited in ALL districts, except for signs installed by city, county, state or federal governments.

14-604.4.12 No part of any sign shall exceed twenty-five (25) feet in height, except for provisions applicable to the C-3 District contained in this sign code.

14-604.4.13 The parking of an off-premise vehicle or trailer sign on a public right-of-way for an extended period of time is prohibited except during normal business hours when related to conducting business (*deliveries, merchandise pick-up, service calls, etc.*). When a vehicle or trailer sign is on the same premise as the associated business, said vehicle shall be parked within a designated parking space for business vehicles.

## **SECTION 14-604.5 SIGNS ALLOWED IN ALL DISTRICTS**

The following signs are allowed in all zoning districts:

14-604.5.1 Signs established by, or by order of, any governmental agency.

14-604.5.2 For parking areas, permanent entrance and exit signs with no advertising are permitted not to exceed four (4) square feet in area, but, no such signs shall have the effect of obstructing ingress or egress visibility.

14-604.5.3 Temporary signs denoting the architect, engineer or contractor when placed at the construction site. Such signs shall not be illuminated and no such signs shall exceed an area of thirty-two (32) square feet. The signs may remain up to thirty (30) days following the submittal of the notice of completion.

14-604.5.4 Temporary signs containing announcement by public or non-profit organizations of fund raising events, special events or activities of interest to the general public. Such signs shall not exceed thirty-two (32) square feet in size. Such sign may be

erected up to two (2) weeks prior to an event, but must be removed within seven (7) days following the conclusion of the event.

14-604.5.5 Temporary “Grand Opening” signs shall not exceed eight (8) square feet in residential districts and thirty-two (32) square feet in non-residential districts. Such signs may be erected for up to thirty (30) days after the business initially opens.

14-604.5.6 Political signs do not require a permit and may be displayed on private property with the consent of the owner. Such signs are considered temporary signs and must be removed within seven (7) days following the end of the election.

14-604.5.7 Nothing contained herein shall prohibit an on-premise business located outside the historic district from configuring landscaping in such a fashion as to reflect a sign, provided that all such landscaping material shall be natural and contain two (2) of the following categories: live plants, shrubbery trees, live flowers and mulch as ground cover. All of the same shall remain in their natural state of color and no such landscaping configured to resemble a sign for the on-premise business shall cover more than thirty percent (30%) of any unimproved area immediately adjoining any city street or highway. Nothing contained herein shall supersede the applicable site plan provisions contained within the Zoning Ordinance unless approved by the Board of Zoning Appeals.

#### **SECTION 14-604.6 SIGNS ALLOWED IN RESIDENTIAL DISTRICTS**

In the R-1, R-2 and R-3 Residential Districts, as shown on the Official Zoning Map of White Pine, Tennessee, the following regulations for signs and similar advertising structures shall apply:

14-604.6.1 For multi-family complexes, apartment buildings, and mobile home parks, identification signs not exceeding twenty-five (25) square feet in area are allowed.

14-604.6.2 Signs announcing legal customary home occupations (R-1 & R-2) are allowed, but shall not exceed four (4) square feet in area.

14-604.6.3 Church, school, or public building bulletin boards or identification signs, not exceeding forty (40) square feet in area are allowed.

14-604.6.4 Bed and Breakfast non-internally illuminated sign not to exceed ten (10) square feet in area are allowed. The sign shall complement the nature of the use; i.e., historic structures should have an historic style sign. The sign shall contain no information other than identification of the premises as the named bed-and-breakfast home.

14-604.6.5 Single real estate signs advertising the sale, rental, or lease of only the premises on which they are located, provided that they are not over six (6) square feet in area, and placed at least five (5) feet from all lot lines and street rights-of-way.

14-604.6.6 No sign shall be placed closer than five (5) feet to any property or right-of-way line.

14-604.6.7 For a subdivision consisting of twenty (20) or more lots, a multi-family development consisting of sixteen (16) or more dwelling units or a mobile home park consisting of ten spaces, one (1) permanent sign identifying the development at each major vehicular entrance is allowed, provided that all yard setbacks are complied with, and provided that the sign does not exceed eight (8) feet in height and twenty-five (25) square feet in area.

## **SECTION 14-604.7 SIGNS ALLOWED IN BUSINESS DISTRICTS**

All signs allowed in residential districts may also be permissible in business districts, subject to applicable permitted use requirements of this zoning ordinance and the issuance of a sign permit, as required by this Official Sign Code. The following regulations for signs and similar advertising structures shall apply:

### **14-604.7.1 SIGNS ALLOWED IN THE C-1 DISTRICT**

Due to the unique nature of the C-1 District, as shown on the Official Zoning Map, the following requirements are established to protect the historic character and integrity of the downtown. All signs within the C-1 District shall conform to the following minimal requirements of the underlying district and additional requirements of the H-1 District. The following regulations shall apply:

14-604.7.1a Electronic and dynamic signs are prohibited within the district.

14-604.7.1b No sign shall have internal illumination or intermittent blinking or flashing illumination (*except marquee signs upon approval by the Historic Planning Commission*).

14-604.7.1c Sign materials and architectural style shall be consistent and compatible with the historic character of the district.

14-604.7.1d When a different standard exists between the zoning ordinance and the White Pine Design Guidelines, applicable to the H-1, Historic Overlay District, the more restrictive standard shall prevail.

### **14-604.7.2 SIGNS ALLOWED IN THE C-2 DISTRICT**

Due to the prevalent occurrence of the C-2 Districts, as shown on the Official Zoning Map, and the need to establish standards for the general welfare of the town, the following requirements are established. All signs within the C-2 District shall conform to the following minimal requirements:

14-604.7.2a No part of any on-premise freestanding business sign located in the C-2 District shall be higher than twenty-five (25) feet from grade. Where an unusual circumstance involving topography or congestion exists, the planning commission may allow a sign of up to thirty (30) feet. Except for entrance/exit signs, as regulated in this ordinance, the announcement portion of all permanent signs shall be located at least seven (7) feet from the ground.

14-604.7.2b Businesses shall be allowed a total of two (2) permanent signs consisting of either one (1) wall sign, one (1) roof sign or one (1) freestanding sign (*a sign may also be permitted for parking areas; see "Regulations for all Districts"*). Temporary signs advertising products are prohibited.

14-604.7.2c When applicable, a business may also be permitted one (1) canopy sign not to exceed twelve (12) square feet in area and not extending past the vertical edge of the canopy the sign is attached. The canopy sign area permitted shall be in addition to the permissible aggregate sign area, but in no case shall exceed forty (40) percent of the canopy area.

14-604.7.2d The maximum sign area for a permissible freestanding sign allowed for each business shall not exceed eighty (80) square feet.

14-604.7.2e Each business establishment shall be allowed one (1) wall or one (1) roof sign for on-premise advertising provided that each sign per business shall not exceed forty (40) square feet.

14-604.7.2f In addition to the aforementioned permissible signs, not to exceed the aggregate sign area permitted, businesses may also be allowed up to two (2) window signs on the first story only not to exceed thirty (30) percent of the window coverage and affording seventy (70) percent of the window area to be visible for employees and patrons.

14-604.7.2g No part of any on-premise freestanding sign shall be located closer than fifty (50) feet from another freestanding sign.

14-604.7.2h Single real estate signs advertising the sale, rental, or lease of only the premises on which they are located, provided that they are not over thirty-two (32) square feet in area, and placed at least five (5) feet from all lot lines and street rights-of-way.

14-604.7.2i No sign shall be placed closer than five (5) feet to any property or right-of-way line.



### **14-604.7.3 SIGNS ALLOWED IN THE C-3 DISTRICT**

Due to the characteristics of the C-3 District, as shown on the Official Zoning Map, in serving a higher volume of traffic with a higher degree of visibility, equitable standards that safeguard the general public and do not impose rigid restrictions on businesses, the following requirements are established. All signs within the C-3 District shall conform to the following minimal requirements:

14-604.7.3a Businesses within 2,000 feet of the interstate with public street frontage on a street classified as an arterial may have a total of two (2) permanent freestanding signs consisting of one (1) ground sign up to 80 ft in height and one (1) free-standing or monument sign up to twenty (25) feet in height. Temporary signs advertising products are prohibited. The aggregate square footage shall not exceed four hundred (400) square feet.

14-604.7.3b Businesses within 2,000 feet of the interstate without public street frontage on a street classified as an arterial may have a total of two (2) permanent freestanding signs consisting of one (1) ground sign up to 80 ft in height and one (1) free-standing or monument sign up to twenty (20) feet in height. Temporary signs advertising products are prohibited. The aggregate square footage shall not exceed three hundred and fifty (350) square feet.

14-604.7.3c In addition to the permissible freestanding signs, each business establishment shall be allowed one (1) permanent wall or one (1) permanent roof sign for on-premise advertising provided that such sign shall not exceed forty (40) percent of the area of the face of the wall upon which the sign is erected, or portion of the wall occupied by the business establishment, whichever is less. Temporary signs advertising products are prohibited. No such sign shall exceed twenty-five (25) feet in height. All signage shall not exceed the applicable aggregate square footage for all signs.

14-604.7.3d In addition to the aforementioned permissible signs, not to exceed the aggregate sign area permitted, businesses may also be allowed up to two (2) window signs on the first story only not to exceed thirty (30) percent of the window coverage and affording seventy (70) percent of the window area to be visible for employees and patrons.

14-604.7.3e No part of any on-premise freestanding sign shall be located closer than seventy-five (75) feet from another freestanding sign.

14-604.7.3f Single real estate signs advertising the sale, rental, or lease of only the premises on which they are located, provided that they are not over thirty-two (32) square feet in area, and placed at least five (5) feet from all lot lines and street rights-of-way.

14-604.7.3g No sign shall be placed closer than five (5) feet to any property line or the edge of the right-of-way line.

## **SECTION 14-604.8 SIGNS ALLOWED IN MANUFACTURING DISTRICTS**

Due to the need for limited advertising and the higher intensive activities of permitted uses within the M-1 District, as shown on the Official Zoning Map, the following requirements are established. All signs within the M-1 District shall conform to the following minimal requirements:

14-604.8.1 Industries shall be allowed one (1) permanent freestanding ground sign and either one (1) permanent wall or one (1) permanent roof sign for on-premise advertising provided that the aggregate square footage does not exceed four hundred and fifty (450) square feet. Temporary signs advertising products are prohibited.

14-604.8.2 The permitted wall or roof sign shall not exceed forty (40) percent of the area of the face of the wall upon which the sign is erected, or portion of the wall occupied by the establishment, whichever is less.

14-604.8.3 No such sign shall exceed twenty-five (25) feet in height.

14-604.8.4 No part of any on-premise freestanding sign shall be located closer than seventy-five (75) feet from another freestanding sign.

14-604.8.5 Single real estate signs advertising the sale, rental, or lease of only the premises on which they are located, provided that they are not over thirty-two (32) square feet in area, and placed at least five (5) feet from all lot lines and street rights-of-way.

14-604.8.6 No part of any on-premise freestanding sign shall be closer than five (5) feet from any street right-of-way line or property line.

**SECTION 14-604.9 SHOPPING CENTERS, OFFICE PARKS, NON-RESIDENTIAL PLANNED UNIT DEVELOPMENTS & MULTI-USE BUILDINGS**

14-604.9.1 Shopping centers shall be allowed one (1) on premise freestanding Major Directory Sign not to exceed two hundred (200) square feet. The Major Directory Sign shall advertise all occupants within the shopping center and/or afford spacing on such sign for potential full occupancy of the center.

14-604.9.2 The Major Directory Sign may not be used to advertise for only one (1) occupant regardless of any agreement between occupying owners.

14-604.9.3 In addition to the permissible Major Directory Sign, each individual business shall be allowed one (1) wall or roof sign not to exceed fifteen (15) percent of the total square footage of the front façade of the business.

14-604.9.4 In addition to the landscaping requirements of Section 14-313, there shall be a minimal landscaped area around the base of the Major Directory Sign of at least ten percent (10%) of the total square footage of the sign or a minimum of fifty (50) square feet in area.

14-604.9.5 Office Parks shall be required to submit a Common Signage Plan for the entire development. Such plan shall include a minimum, overall layout of the office park with sign and building locations, parking, existing streets, sign sizes and allocation of signs for multiple tenants. Such plan may be superimposed onto a site plan for convenience. Multiple Directory Signs may be permitted upon approval of the Common Signage Plan.

14-604.9.6 Multi-use buildings shall be allowed one (1) freestanding ground sign not to exceed the district standards that the building is located in, In addition to the permissible freestanding signs, each business establishment shall be allowed one (1) wall or one (1) roof sign for on-premise advertising provided that such sign shall not exceed forty (40) percent of the area of the face of the wall upon which the sign is erected, or portion of the wall occupied by the business establishment, whichever is less. No such sign shall exceed twenty-five (25) feet in height.

14-604.9.7 No part of any on-premise freestanding sign shall be closer than five (5) feet from any street right-of-way.

## **SECTION 14-604.10 DYNAMIC SIGNS**

Based on studies linking dynamic signs and driver distraction associated with message duration, message transition, illumination, brightness, special effects, minimal regulations are established to regulate dynamic signs within the town and therefore maintain the objective of preserving the unique characteristics of White Pine. These regulations are considered the minimal standards necessary to achieve the long range planning policies of the town.

14-604.10.1 Zoning Districts Permitted: On-premise dynamic signs, in accordance with all applicable requirements, are permitted within the C-2, C-3, B-4 and M-1 Districts only.

14-604.10.2 Dynamic signs shall not constitute the principal on-premise sign, but shall be permitted not to exceed thirty percent (30%) *of the total sign area the digital portion is attached to* and not to exceed twenty-five (25) square feet in area devoted to the dynamic portion of the sign. (per ordinance 10/11-04)

14-604.10.3 There shall be a minimum one hundred (100) feet of separation from individual dynamic signs.

14-604.10.4 Dynamic signs shall be oriented away from residential neighborhoods.

14-604.10.5 The letter size for the advertising on the sign face, measured in inches from top to bottom of individual letters, shall be a minimum of seven (7) inches high and a maximum of twelve (12) inches high.

14-604.10.6 Each message displayed on an electronic message center must be static or depicted for a minimum of ten (10) seconds. The continuous scrolling of messages is prohibited.

14-604.10.7 Dynamic signs shall be designed and equipped to immediately freeze or discontinue the device in one position if a malfunction occurs.

14-604.10.8 No dynamic sign shall be brighter than necessary for clear and adequate visibility or of such intensity that it interferes with the effectiveness of an official traffic control device.

14-604.10.9 The owner is responsible for making any adjustments to the brightness of the dynamic sign following notice by the town of non-compliance with these requirements.

14-604.10.10 Conversions to a dynamic sign for the principal sign shall be considered the same as new signage.

14-604.10.11 The addition of any electronic message center to any nonconforming freestanding sign is prohibited.

## **SECTION 14-604.11 SIGNS PROHIBITED**

The purpose and intent of this section is to identify signs that are prohibited within the town and do uphold the stated purpose and intent of the sign regulations as a whole. The following signs are prohibited within the town:

14-604.11.1 Flashing or intermittent illumination is prohibited, as defined herein.

14-604.11.2 Continuous scrolling messages are prohibited.

14-604.11.3 Dynamic signs as the principal on-premise sign are prohibited.

14-604.11.4 Billboards and similar permanent off-premise signs are prohibited, except for directional or advertisements placed by a governmental entity at the federal, state or town level.

14-604.11.5 Any sign that due to its position, illumination, size, shape or color, may obstruct, impair, obscure, interfere or be confused with any authorized traffic control sign, signal or other traffic control device.

14-604.11.6 Any sign not authorized by the town or other authorized governmental entity to be located on or attached to trees, utility poles, park benches, street lights or public property.

14-604.11.7 Dynamic signs attached to or located on stationary motor vehicles, equipment, trailers and related devices.

14-604.11.8 Dynamic signs using a video display method, or other artificial means to change from one message to another (*i.e. fading, dissolving, etc.*)

14-604.11.9 Signs located in the public right-of-way.

14-604.11.10 Signs that have been abandoned or are not being maintained.

14-604.11.11 Signs without an authorized permit or are in conflict with the adopted sign regulations of the town.

14-604.11.12 Dynamic signs in Residential Districts.

14-604.11.13 Any additional advertising to an authorized sign that was not included on the original sign application. This includes temporary signage attached to an authorized sign.

## **SECTION 14-604.12 VIOLATIONS AND ENFORCEMENT**

14-604.12.1 Non-compliance with this ordinance shall be deemed a violation. When the sign administrator (Building Official) finds violations of the provisions of this ordinance, the administrator shall document such findings and take the appropriate action to correct said violations. A citation to municipal court may be issued to the owner, agent, or employee for violations of this ordinance.

14-604.12.2 Each day a violation continues shall be considered a separate offense. The owner or tenant of any building, sign, premises, or sign thereon, and any architect, builder, contractor, agent or other person who commits, or participates in, assists in, or maintains any violation hereunder may be found responsible of a separate offense. Nothing herein contained shall prevent the town from taking such lawful action as is necessary to prevent or remedy any violation of this ordinance.

14-604.12.3 Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed fifty dollars (\$50.00). Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

## **SECTION 14-604.13 SIGN REMOVAL**

The following provisions shall apply for the removal of abandoned, illegal nonconforming, or obsolete signs:

14-604.13.1 Abandoned or obsolete signs or sign structures, including any nonconforming on-premise or off-premise sign or sign structure, shall be removed within thirty (30) days of written notification by the Building Official.

14-604.13.2 Any sign that is declared to be an illegal sign, one that is erected or placed in violation of this ordinance or other applicable code, shall be removed immediately.

14-604.13.3 When fifty (50) percent or more of the sign structure of any nonconforming sign is removed, (including poles, cabinet or support structure), the sign structure shall only be replaced so as to comply with all applicable provisions of this ordinance.

14-604.13.4 Any sign or sign structure found by the Building Official to present an immediate danger to the public shall be immediately repaired or removed.

14-604.13.5 Any obsolete sign panel or sign copy which identifies, describes, directs attention to, or gives directions for locating any business or establishment no longer in operation, or advertises any product no longer being marketed shall be removed within thirty (30) days by the owner or lessee after becoming obsolete. Covering obsolete sign panels or sign copy with any material is specifically prohibited.

#### **SECTION 14-604.14 VALIDITY**

Should any section, clause, or provision of this Official Sign Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, the judgement shall not affect the validity of the Official Sign Ordinance as a whole or any other part judged invalid.

#### **SECTION 14-604.15 APPEALS AND VARIANCES**

Appeals of the decisions of the Building Official and requests for variances from the provisions of this ordinance shall be submitted in writing to the town for consideration by the Board of Zoning Appeals.