

**ZONING ORDINANCE**  
**TOWN OF**  
**POWELLS CROSSROADS, TENNESSEE**

**PREPARED BY THE**

**POWELLS CROSSROADS MUNICIPAL PLANNING COMMISSION**

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**December 18, 2003**  
**(As amended through September 21, 2023)**

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**ZONING ORDINANCE**  
**OF**  
**THE TOWN OF POWELLS CROSSROADS, TENNESSEE**

**SECTION 1. SHORT TITLE**

This ordinance shall be known as the “Zoning Ordinance of the Town of Powells Crossroads, Tennessee.” The map herein referred to and entitled “Official Zoning Map of the Town of Powells Crossroads, Tennessee” and all explanatory material thereon are hereby made a part of this ordinance.

**SECTION 2. PURPOSE**

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan of the Town for the purpose of promoting the health, safety, morals, and welfare of the community and its residents. They are designed to provide for the safe, efficient, and harmonious development of the Town; to encourage appropriate industrial, commercial, and residential activities; to promote the safe and efficient movement of vehicular and pedestrian traffic; to provide for adequate air, light, and open space; to lessen the potential for property damage and loss of life due to fire, flooding, and other disasters; and to improve the aesthetics of the community.

**SECTION 3. DEFINITIONS**

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definition. For the purpose of this ordinance, words used in the present tense include the future tense, words used in the singular include the plural, and words used in the plural include the singular. The word “shall” is always mandatory.

1. Accessory Building. A building incidental and subordinate to the main or principal building.
2. Accessory Solar Collection System – One or more solar energy devices which collect, invert, store, and distribute solar light or energy for the purpose of electricity or heat generation which solely serves the property. A system does not become a Solar Farm under this ordinance by virtue of the fact that surplus power generated by the Accessory Solar Collection System is purchased by the electric utility or is subject to net metering by the utility. (Added 7/29/2019)
3. Accessory Use. A use incidental, appropriate, and subordinate to the main or principal use.

4. Adult-Oriented Establishment. Includes but is not limited to, an adult bookstore, adult motion picture theater, adult mini-motion picture establishment, adult cabaret, escort agency, sexual encounter center, massage parlor, rap parlor, sauna, and as further defined in *TCA §7-51-1102* as amended.
5. Apartment Unit. One or more rooms with private bath and kitchen facilities comprising an independent, self contained dwelling unit within a structure containing another dwelling unit(s).
6. Automobile Wrecking, Junk, and Salvage Yard. Any lot or place which is exposed to the weather upon which more than three (3) motor vehicles of any type incapable of being operated, and not economically feasible to make serviceable, are placed, located, or found.
7. Banner Sign. A sign intended to be hung, with or without frames, constructed from paper, plastic, or any type of fabric.
8. Bed and Breakfast. A building of a residential character, other than a hotel or motel, compatible with the neighborhood offering temporary lodging for less than one month; with no more than five (5) rooms for guests; providing at least one meal daily for guests; and the owner/manager resides on the premises.
9. Billboard. A sign that 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.
10. Building. A structure built for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
11. Customary General Farming. The cultivation of land for agriculture and the use of land for raising and breeding of domestic animals, but excluding commercial poultry and swine production, and cattle feeder lots.
12. Customary Home Occupation. An occupation performed by a resident of a dwelling as an accessory use provided that the space used is incidental to the dwelling and that no article or service is sold or offered for sale except that which is produced at the dwelling. See also Sec. 7-1.c.2).
13. Day Care Center. Any place, home or institution that receives seven (7) or more young children that is operated for cultivating children's normal aptitudes, for exercise, play, observation and instruction without transfer of custody and that is licensed by the State of Tennessee to operate.
13. Day Care Home. Any place, home or institution which receives up to six (6) young children and which is operated for cultivating children's normal aptitudes for exercise, play, observation and instruction, without transfer of custody.

14. Dwelling. A permanent building or portion thereof used for residential purposes, which contains at least a kitchen, bathroom facilities, and a sleeping area. In no case shall the term dwelling include any of the following: motor homes, travel trailers, portable buildings, trailer coaches, storage buildings, single-wide modular homes regulated elsewhere in this ordinance, or any other structure not designed specifically for permanent residential dwelling. A dwelling unit is to be occupied by one family for cooking, living, and sleeping purposes. (Amended 4/18/2019)
15. Family. One or more persons occupying a dwelling unit and living together as a single housekeeping unit. Unless all members are related by blood, marriage, or adoption no such family shall contain more than five (5) persons, except that homes for handicapped persons as provided in Section 13-14-102 *Tennessee Code Annotated*, may be up to eight (8) persons and two (2) guardians.
16. Flea Market. Any premises where the principal use is the occasional or periodic sale of new and used household goods, personal effects, tools, art and craft objects, small household appliances and similar merchandise, objects or equipment in small quantities, broken lots or parcels, but not in bulk, for use or consumption by the immediate purchaser. Sales of prepared foods for immediate consumption and home baked items may also be allowed.
17. 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.
18. Ground Sign. A sign supported by a structure or supports attached to the ground and independent from any building.
19. Health Dept. The Marion County Office of the Tennessee Dept. of Environment and Conservation, or any successor agency.
20. Junk. Any manufactured good, appliance, fixture, furniture, machinery, motor vehicle, trailer or mobile home That is abandoned, discarded, dismantled or deteriorated as to be unuseable including, but not limited to scrap metal, scrap material, building materials, motor vehicles, machinery and parts, and used tires.
21. Junk Yard. A building structure or parcel of land or portion thereof used for the collection, storage, dismantling, salvage, demolition or sale of junk on the premises for fore than one week, but excludes such uses with enclosed buildings.
22. Lot. A parcel of property with boundaries.
23. Lot or Property Line. The boundary dividing a lot from adjacent lots, properties, or public rights-of-way.
24. Lot of Record. A lot whose boundaries have been filed as a legal record, whether by deed or properly recorded subdivision plat.

25. Mini-mall. A commercial center with a group of businesses, shops, stores, or offices planned and developed as a single unit with common parking and other elements, with direct pedestrian access to each business, and not exceeding eight (8) acres in size.
26. Mobile Home. A detached residential dwelling unit built as a manufactured home and on a single, permanent chassis, that is not less than eight (8) body-feet in width or forty (40) or more body-feet in length, or when erected on-site is not less than three hundred twenty (320) square feet, with self contained plumbing, heating, air-conditioning and electrical systems ready to be connected to these utilities, and transported to a site where it is to be installed, with or without a permanent foundation, and occupied.
27. Mobile Home Park. A lot, parcel or tract of land under single ownership which has been designed and improved for the placement of mobile homes for dwelling purposes.
28. Nonconforming Building or Structure. A building or structure which does not conform to the zoning requirements for the district in which it is located.
29. Nonconforming Use. A use of a building or land which does not conform to the zoning requirements for the district in which it is located.
30. Portable Sign. Any sign not supported by, or attached to, a permanent structure or building.
31. Principal Building. The building in which the main use of the property is conducted.
32. Principal Use. The main or principal use of a property.
33. Projecting Sign. A sign affixed to a wall or building whose leading edge extends beyond the building or wall.
34. Rear Yard. The yard extending across the entire width of a lot between the rear lot line and the nearest part of the principal building, including covered porches.
35. Side Yard. The yard on either side of the principal building between the front and rear yards.
36. Sign. Any physical surface, writing, pictorial representation, symbol, emblem, or structure used to advertise, announce, or portray information.
37. Solar Energy – light or radiant energy (direct, diffuse, and reflected) received from the sun. (Added 7/29/2019)

38. Solar Farm – An energy generation facility, principally used to convert solar energy to electricity, for the primary purpose of wholesale or retail sales of said electricity. (Added 7/29/2019)
39. Special Event(s). Circuses, fairs, carnivals, festivals, or other types of non-recurring activities which are for one (1) day or more but not longer than two (2) weeks, unlike the customary or usual uses associated with the lot where the event(s) is to be located and conducted.
40. Story. A horizontal or level portion of a building suitable for occupancy or significant storage.
41. Structure. Something constructed or built which is located on the ground or is attached to a building or another structure.
42. Temporary Use. Any use which is not designed nor intended to be permanent in nature and unless otherwise specified in this ordinance, provided the use does not continue for more than ninety (90) days.
43. Use. The activity conducted on a property or in a building.
44. Wall Sign. A sign parallel to or painted upon, the external face of a wall or building.
45. Yard. An open space on the same lot with a principal building which is open, unoccupied, and unobstructed by buildings from the ground to the sky.

#### **SECTION 4. APPLICATION**

- 4-1. **Zoning Affects Every Building and Use.** No building, structure, or land shall hereafter be used, moved, altered, or erected unless it conforms to the requirements of these regulations for the district in which it is, or is to be, located.
- 4-2. **Street Frontage.** No building permit shall be issued and no building constructed on a lot which does not front on a public street for at least fifty (50) feet or twenty-five (25) feet at a cul-de-sac or flag lots, except as may be allowed in an approved planned unit development(s) (PUD).
- 4-3. **One Principal Building on a Lot.** Only one principal building and its customary accessory building(s) may be erected on any lot except as may be allowed in an approved planned unit development(s).
- 4-4. **Reduction of Lot Size.** No lot shall be reduced in size or area so that the yard, density, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

- 4-5. Yard and Other Spaces.** No part of a yard or open space required for any building shall be included as a part of a yard or open space for another building.
- 4-6. Continuance of Nonconforming Uses.** Any lawful use of any building or land existing at the time of enactment of this ordinance or prior to an amendment to this ordinance, may continue although it does not conform to the provisions of this ordinance, provided that:
- a. Any non-conforming commercial, industrial, or other business establishment may continue to operate provided no change in the use of the land is undertaken. Such establishments shall be allowed to expand, construct additional facilities, or reconstruct facilities on the property owned by the establishment provided that there is a reasonable amount of space to avoid nuisances to adjacent property owners and no change in the use of the land is undertaken. However, the expansion of said establishments through the acquisition of additional land is prohibited.
  - b. No nonconforming use may be reestablished once it has been discontinued for twelve (12) months.
  - c. Except for single and two family dwellings, no nonconforming building may be rebuilt or repaired if it has been damaged beyond seventy-five (75) percent of its appraised value for tax purposes, as determined by the building official.
  - d. A nonconforming building or building housing a nonconforming use shall be structurally altered except in conformance with the provisions of this ordinance. This provision shall not be construed so as to prevent normal maintenance, or repairs and alterations required to maintain structural safety.

## **SECTION 5 GENERAL PROVISIONS**

- 5-1. Site Plan Requirement.** Site plans are required for all new construction except agricultural, single and two-family dwellings, and signs. Three copies of the site plan shall be submitted to the building official or town recorder fifteen (15) days prior to the meeting at which it is to be reviewed. All site plans shall contain: the location and dimensions of all property lines; location dimensions, and uses of existing and proposed buildings; and the dimensions and designs of proposed ingress/egress, parking, driveways, walkways, drainage, landscaping, and other applicable data as shown on the “sample site plan.”

**5-2. Off-Street Automobile Parking.** Off-street automobile parking is required for all uses in all zoning districts. The minimum number of parking spaces shall consist of one space for each employee on duty during peak work shift and the following requirements. Buildings containing more than one use shall meet the minimum requirements for each use.

- a. Automobile Service and Repair Facilities: four (4) spaces for each bay or similar facility.
- b. Bowling Alleys: four (4) spaces for each alley.
- c. Churches: one (1) space for each four (4) seats in the chapel.
- d. Clubs and Lodges: one (1) space for each three hundred square feet of floor space.
- e. Dwellings: two (2) spaces for each unit.
- f. Eating and Drinking Establishments: one (1) space for each 50 square feet of space devoted to patron use.
- g. Funeral Parlors: one (1) space for each four (4) seats in the chapel or the total seats in all viewing parlors.
- h. Hospitals and Nursing Homes: one (1) space for each four (4) beds.
- i. Hotels and Motels: one (1) space for each guest room or accommodation.
- j. Industrial: one (1) space for each employee during the peak work shift.
- k. Medical Offices/Clinics: one space for each two hundred square feet of floor space.
- l. Offices: one (1) space for each four hundred (400) square feet of floor space.
- m. Recreation Establishments (indoor or outdoor): one (1) space for each four (4) customers, based on maximum service capacity.
- n. Retail: one (1) space for each two hundred (200) square feet of total floor area.
- o. Schools: elementary and middle: two (2) spaces for each classroom.  
high school - ten (10) spaces for each classroom.

- p. Wholesale: one (1) space for each five thousand (5,000) square feet of floor space.
- 5-3. Remote Parking.** If the parking space requirements cannot be provided on the same lot as the principal building, off-street parking may be provided on another lot provided the lot is under the same ownership and is within three hundred (300) feet of the main entrance to the principal building.
- 5-4. Parking Lot Design.** All parking facilities shall meet the following requirements for the safe and efficient parking and movement of motor vehicles:
- a. Stall Dimensions - 10 feet wide, 20 feet deep.
  - b. Aisle Width
 

<u>Aisle</u>	<u>90°</u>	<u>75°</u>	<u>60°</u>	<u>45°</u>
one way	NA	18'	16'	14'
two way	22'	20'	20'	20'
  - c. Driveway Width - 20' minimum, 30' maximum, provided the maximum width for a one-way entrance/exit shall be fifteen (15) feet
- 5-5. Access.** Driveways shall meet the following requirements for the safe and efficient access to streets and highways:
- a. Distance between driveways on same property: residential - 25' agricultural, multi-family/commercial - 50'.
  - b. Distance between driveways and side property lines: residential - 10' agricultural, multi-family/commercial – 25.'
  - c. Driveway Width - 10' minimum, 15' maximum, provided the maximum width for a two-way driveway for a commercial use and multi-unit apartments shall be 30'.
- 5-6. Off-street Loading and Unloading Space.** Off-street loading and unloading space shall be provided for every commercial and industrial use. Retail, service, and similar uses shall have at least one (1) 12' x 25' space for each three thousand (3,000) square feet of floor space. Wholesale, industrial, and similar uses shall have at least one (1) 12' x 50' space for each ten thousand (10,000) square feet of floor space.
- 5-7. Vision Clearance.** No plants or structures shall be placed on any lot that will obstruct the vision of pedestrian and vehicular traffic. There shall be no obstruction to vision on corners and commercial driveways between the height of two and one-half feet (2½') and nine feet (9') above the average grade at the centerline of the street. This requirement shall not be construed to prevent any necessary retaining walls.

**5-8 Signs.**

a. General Provisions. The following regulations shall apply to all zoning districts:

- 1) Signs, as allowed in this section, shall be no closer than one-half the distance of the required front yard to the street right-of-way.
- 2) No sign(s) shall be erected in such a manner as to interfere with the free use of a fire escape, entrance or exit, or that shall obstruct the vision of a driver at a driveway or street intersection.
- 3) Billboards, signs using rotating or flashing lights, and rotation or moving signs are expressly not permitted. Provided however, time-temertue signs shall be permitted in a commercial district.
- 4) Banners, streamers, flags, similar temporary signs, and portable signs are not allowed except to advertise special events and grand opening ceremonies for a period not to exceed sixty (60) days preceding the event and must be removed within seven (7) days following the event. Provided, that flags of a nation, state, other political jurisdiction, governmental entity or corporation shall be exempt.

b. Residential Districts. Section 5-8a above and the following regulations govern signs in the residential districts:

- 1) Non-residential uses in the residential district are limited to one (1) sign thirty-two (32) square feet in area and ten (10) feet in height.
- 2) Subdivisions and multi-family developments are limited to one (1) sign per entrance, not to exceed thirty-two (32) square feet in area and ten (10) feet in height.

c. Commercial Districts. Section 5-8a and the following regulations govern signs in commercial districts:

- 1) The maximum number of signs per principal building, or use, are two (2), but not two (2) of the same type. Buildings or uses fronting on more than one (1) street may have one additional sign for each road frontage.
- 2) The maximum height of any ground or pole sign is twenty- (20) feet.
- 3) In the Commercial District the maximum sign area of any ground sign is ninety-six (96) square feet. Buildings housing more than one (1) tenant may have an additional sixteen (16) square feet of sign area, provided the total sign area does not exceed one hundred sixty (160) square feet.

- 4) No wall sign shall cover more than twenty-five (25) percent of the wall area on which it is to be located.
- d. Agricultural District. Signs in the Agricultural District shall meet the requirements of the Residential District.

**5-9. Required Street Frontage and Orientation of Principal Structures.**  
(Added 4/18/2019)

All principal structures shall be positioned on the lot so that the front façade and front door face a dedicated local street for which an E911 address can be given. On corner lots, one of the streets shall be designated as the front street, and the principal structure shall face this street or shall be angled toward the intersection of both streets. Under no condition shall the back of the principal structure face or angle toward a street or be visible from the street providing access except as provided above for corner lots. In no case shall an accessory structure be located in the front yard or closer to any street than the principal structure. Accessory structures shall be located to the side or rear of the principal structure and are subject to all building setbacks as specified in this ordinance.

**5-10. Telecommunications Structures.** (Added 6/20/2019)

The purpose of this ordinance is to establish general guidelines for the siting of wireless communication towers and antennas, commercial radio and television towers. The goals of this ordinance are to (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) and, strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers.

Telecommunication Structures are not allowed in the corporate limits unless within a permitted zone. Telecommunication Structures, where allowed as a permitted use or use on appeal by the Powells Crossroads Municipal Zoning Ordinance, are subject to the following requirements:

- 1. **Setback**
  - a. All towers and accessory structures that are not constructed within a utility easement shall be setback from the property lines a distance equal to twenty (20) percent of the tower height or the district yard requirement, whichever is greater.
  - b. In instances when a tower and accessory structures are constructed within a utility easement on an existing utility structure, the tower and accessory structures shall adhere to a setback from the easement lines equal to twenty (20) percent of the tower height.
  - c. In instances when a tower and accessory structures are constructed adjacent to a residential district, either immediately adjacent to

such property or across a public way, the minimum setback from a residential lot line, residential district, or residential structure measured from the base of the tower, shall be equal to 1.25 times (1.25x) the tower height.

2. **Shared Use**

a. The shared use of existing towers shall be required throughout the community. The applicant's proposal for a new wireless transmission facility shall not be approved unless the applicant can prove through documentation, that the proposed equipment cannot be accommodated on an existing or approved tower located within a minimum distance of one mile of the proposed tower due to one (1) of the following reasons:

- i. The planned equipment would exceed the structural capacity of the existing and approved towers and said towers do not have the capability to be upgraded.
- ii. The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.
- iii. The planned equipment would not function effectively and reasonably on an existing tower.
- iv. Geographic service requirements would prevent the co-use of an existing tower or structure.

b. The feasibility of the shared use of any proposed tower in the future shall be addressed at the time of application. As a minimum, a tower shall be designed for the co-use of a minimum of three (3) fully sectored antenna arrays unless such tower is proposed for co-use on an existing utility structure. The applicants shall provide a letter of intent committing the tower owner and any successive owners to providing for the shared use of the tower, if a future applicant agrees, in writing, to pay any reasonable rate for the shared use.

3. **Type** All new towers shall be a monopole type structure. No lattice type towers or antennas shall be permitted in the Town of Powells Crossroads.

4. **Structural Requirements** Prior to the approval of any application for a tower or the co-use of an existing tower or utility structure, the applicant shall provide written certification from a registered structural engineer that the tower is able to withstand winds of a minimum of seventy (70) miles per hour with one-half (.5) inch radial ice.

5. **Buffering and Landscaping**
- a. For all ground structures and buildings special care shall be taken to minimize the effects on the adjacent residential areas.
  - b. All ground structures shall be buffered in a manner which consists of a minimum of an eight (8) foot wide landscaped strip around the perimeter of the security fencing. The buffered strip shall consist of a combination of trees, shrubs, vines and or ground covers that blends and enhances the appearance of the ground structures within the surrounded area. The buffer shall be installed for the permanent year-round protection of adjacent property by visually shielding internal activities from adjoining property to a height of eight (8) feet or the height of the proposed accessory structures, whichever is greater. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or physical features that meet the intent and purpose of this section.
  - c. Maintenance: The property owner (or lessee if provided in a written lease) shall be responsible for the maintenance of all provided landscaping. All landscaped areas must present a healthy, neat and orderly appearance and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by the property owner with new plantings that meet the requirements of these regulations.
6. **Height**
- a. No tower shall exceed a height of two hundred and fifty (250) feet.
  - b. In instances when a tower is to be co-located upon an existing utility structure, which is defined as an existing power line structure or an existing water tower, the maximum height shall not exceed the height of the structure plus (+) twenty (20) feet.
7. **Location**
- a. Towers may be permitted in Agriculture and Commercial Zoning Districts upon the review and approval by the Powells Crossroads Planning Commission.
  - b. No towers shall be located within 350' of State Route 283 or State Route 27 (R.A. Griffith Highway).
8. **Co-located Towers and Antennas** The co-location of towers and antennas shall only be permitted on existing and proposed

telecommunication towers and public utility structures consisting of power line structures or water towers in excess of thirty-five (35) feet in height.

9. **Vehicle Access Control** The location and design of driveways and/or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the planning commission in accordance with these regulations.
10. **Lighting**
  - a. Structures: Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination occurs only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent residential properties and public streets, and shall be arranged so as not to shine onto any neighboring property or public street. A lighting plan shall be submitted along with the site plan to the Powells Crossroads Planning Commission for review and acceptance.
11. **Security** The cellular tower facility shall be fully secured through the installation of a security fencing/wall system of a minimum height of eight (8) feet or the height of the accessory structures whichever is greater. Additional fencing shall be required by the Powells Crossroads Planning Commission on the outside of the security fencing as an #5 of this Section.
12. **Aesthetics**

Towers and antennas shall meet the following requirements:

  - a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA (Federal Aviation Association), be painted a neutral color so as to reduce obtrusiveness.
  - b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
  - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  - d. Signage and labeling on poles, equipment, and support facilities should be limited only to what is required by the FCC and OSHA.

Other pole identifiers, and emergency contact info may also be permitted.

**13. Removal of Obsolete Towers**

- a. Any tower that is no longer in use for its original communications purpose shall be removed at the owner's expense. The owner shall provide the City with a copy of the notice of intent to the FCC to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and accessory structure(s), provided another operator has not submitted a request for a tower during that time period. Additional time may be granted by the Powells Crossroads BZA provided an acceptable plan and timeframe has been given in writing by the tower owner. In the case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations.
- b. Prior to the issuance of a permit for any tower, co-use of any tower or co-use of any utility structure, a surety instrument (i.e. letter of credit or bond), which shall serve to ensure prompt removal of the tower once it ceases to operate, shall be provided by all users. The amount of the surety instrument shall be determined by the Town's designated official and then approved by the planning commission during the site plan review process.

**14. Site Plan Requirements** Prior to the issuance of a building permit, the construction of a tower or the utilization of an existing structure for telecommunications or television transmission purposes, the submission of a site plan in accordance with the following provisions and all other provisions of this Ordinance shall be required.

- a. If the proposed tower is a new tower not on an existing utility structure, the site plan shall show the location of the initial users accessory structure and the location of two (2) future accessory structures.
- b. A letter of intent from the owner and any successive owners allowing for the shared use of the tower.
- c. A letter from a professional engineer certifying that the towers height and design complies with these regulations and all applicable structural standards and, also, describes the tower's capacity which includes the number and type of antennas that can be accommodated.
- d. A letter indicating why existing towers within one (1) mile of the proposed towers location cannot be utilized.

- e. A site plan reviewed and approved by the Powells Crossroads Planning Commission.

**15. Fees**

A non-refundable fee of one thousand (\$1,000) dollars must accompany any site plan submitted for purposes of securing a building permit under the terms of this Ordinance. The fee will cover all engineering and associated costs incurred by the Town for the review of a site plan request for a communication tower.

**16. Variances**

The Powells Crossroads Board of Zoning Appeals will serve as the appellate body for requests for variances from the terms of this Ordinance. In considering variance requests, the Board of Appeals will give due consideration to the reasons stated for the request, but will also adhere as closely as possible to the requirements of this Ordinance in terms of height, setback, or other standards. The feasibility of shared use for a new tower request will be handled at the time of the request through the site plan approval process set forth in this Ordinance. The decision of the Planning Commission on shared use requirements is not appealable to the Board of Appeals.

**5-11. Solar Collection Systems & Solar farms (Added 7/29/2019)**

Solar energy and solar access are recognized as valid public rights; however, without precedence over historic preservation or aesthetics. The provisions found in this ordinance are intended to aesthetically accommodate, so far as conditions permit, appropriate solar equipment and their necessary access to sunlight. Where there is a conflict between solar energy goals and the goals of this chapter, the applicant may make redress to the Board of zoning Appeals.

**Applicability:**

- A. This ordinance applies to solar energy systems to be installed and constructed after the effective date of the ordinance, and all applications for solar energy systems on existing structures or property.
- B. Solar energy systems constructed prior to the effected date of this ordinance shall not be required to meet the requirements of this ordinance.
- C. Any upgrades, modifications or changes that materially alter the size or placement of an existing solar energy system shall comply with the provisions of this chapter.

- D. Solar Farm System Requirements.
1. Solar Farms and Accessory Solar Collection Systems (not on rooftops) are subject to site plan review by the Planning Commission. Solar Farms, as defined by this ordinance, are allowed only in AG Agricultural District.
  2. Solar Farms shall be enclosed by perimeter fencing to restrict unauthorized access.
  3. Adequate screening shall be provided that adequately buffers the Solar Farm from any nearby uses.
  4. Solar Farms shall adhere to the setback, height, and coverage requirements of the district.
  5. Solar Farms must not create increased noise levels that are discernible to nearby residential uses.
  6. Solar Farms must not produce glare that would constitute a nuisance to occupants of neighboring properties or persons traveling public roads.
  7. All electrical interconnection and distribution lines within the project boundary shall be underground.
  8. Solar Farms shall comply with the provisions of the National Electrical Safety Code and the other applicable codes previously adopted by the Town or listed in the Municipal Code. In the event there is a conflict in standards among applicable codes, the code with the higher standard shall be used. Solar Farms shall also conform to all applicable industry standards.
  9. Solar Farms which have not been active for a period of one (1) year shall be removed at the owner(s) or operator(s) expense.
  10. Solar Farms and Accessory Solar Collection Systems shall be subject to the requirements of the electric power utility providing grid electrical power to the property where such systems are to be located.
- E. Accessory Solar Collection Systems Design and Installation:
1. To the extent applicable, Accessory Solar Collection Systems shall comply with the provisions of the National Electrical Safety Code and the other applicable codes previously adopted

by Town or listed in the Municipal Code. In the event there is a conflict in standards among applicable codes, the code with the higher standard shall be used.

2. The design of the Accessory Solar Collection System shall conform to applicable industry standards.
3. In heat transfer systems, flammable liquids or gasses shall not be used as the transfer medium. The transfer medium shall not have a flash point less than fifty (50) degrees above the design maximum non-operating temperature attained in the collector.
4. An Accessory Solar Collection System is subject to site plan review by the Planning Commission and may be installed in any zoning district as long as it meets the requirements of this ordinance and all other applicable construction codes.

F. Ground-Mounted Solar Energy System.

1. Solar energy system must comply with all placement, setback and height requirements for an accessory building for the zoning district where the solar energy system is installed.
2. All exterior electrical and/or plumbing lines must be buried below the surface of the ground and be placed in a conduit.
3. A ground-mounted solar energy system must comply with the accessory structure restrictions contained in the zoning district where the ground-mounted solar energy system is installed.
4. All accessory ground-mounted solar systems shall be located to the side or rear of the principal structure.
5. The solar system must not produce glare that would constitute a nuisance to occupants of neighboring properties or persons traveling public roads.

G. Roof-Mounted Solar Energy System.

1. A solar energy system shall conform to the height regulations of the zoning district where the solar energy system is installed.
2. The solar system must not produce glare that would constitute a nuisance to occupants of neighboring properties or persons traveling public roads.
3. Roof-mounted solar collector shall be placed in a location least visible from the street and adjacent properties, without significantly reducing the operating efficiency of the collectors.

4. Roof-mounted collectors shall be mounted in-plane on a gabled, hipped, or mansard roof with no extension above the roof surface except for the actual thickness of the panel.
5. For buildings with flat roofs, the solar system should be installed so that it cannot be seen from the street.
6. Accessory equipment, particularly plumbing and related fixtures, should be installed in an attic space or not be visible from the front of the principal structure.

H. Waivers

1. Upon request, the Board of Zoning Appeals may grant waivers of the setback or height requirements, provided that the waiver will not present any undue hardships on the adjoining property.
2. The Board of Zoning Appeals shall take into consideration the support or opposition of adjacent property owners in granting waivers of setback or height requirements.

**5-12. STANDARDS FOR FENCES AND RETAINING WALLS** (Added 9/21/2023)

For the purposes of this Ordinance, this section shall apply to all properties in all zoning districts of the Town of Powells Crossroads, Tennessee. The purpose of these regulations are to allow for the construction of fences and retaining walls along property lines of private property while not allowing encroachment onto neighboring properties in an effort to eliminate boundary line disputes. This section shall not apply to fences used for legally approved agricultural uses, such as fencing in livestock, and no permit shall be required for such approved agricultural uses. This section shall also not apply to fences that are constructed in the approved building setback areas and that do not lie between the property line and the building setback line. All other fences or retaining walls along property lines or within the prohibited building setback area are subject to review under this section and shall require a building permit for the fence in accordance with the restrictions listed herein:

**1. Review and Permit Required**

Except as exempted above, any fence or retaining wall that is to be constructed on or along property lines, that crosses multiple parcels of property, and/or is located within building setback areas (between property line and setback), shall have a permit from the Town of Powells Crossroads, and be reviewed by the Building Inspector. The proposed fence or retaining wall shall be in compliance with the standards herein for the permit to be granted. An appeal to a denial of a permit may be presented to the Powell Crossroads Board of Zoning Appeals.

**2. Survey Required When Building Along a Property Line**

A survey, prepared by a professional land surveyor, shall be submitted along with the Fence and Retaining Wall Permit Application. The survey shall show the exact location of the property lines as well as the proposed location of the fence and/or retaining wall. The surveyor will also be able to assist the property owner in determining the exact location of the fence and/or retaining wall so as not to encroach on neighboring properties. A

survey may not be required if all property owners adjoining the property line where the fence and/or retaining wall is to be constructed agree to its location. If a survey is not required, then all affected property owners shall submit a letter to the Building Official stating that they agree to the location of the fence and/or retaining wall, and they shall also be required to sign the permit application. If a fence is not going to be located along a property line, then no survey is required.

**3. Visibility and Materials**

3.1 The good side or attractive side of any fence shall face neighboring properties and public or private streets. The construction of a fence or retaining wall should be aesthetically pleasing and consistent with the character of the surrounding area.

3.2 No barbed wire, razor wire, or chicken wire shall be visible from any public right-of-way unless it is used for agricultural purposes and complies with local agricultural regulations.

3.3 Fences and retaining walls should be constructed using materials that are visually appealing, durable, and safe.

**4. Location Restrictions**

4.1 Fences and retaining walls shall not be located within a public or private rights-of-way.

4.2 Fences and retaining walls shall maintain a minimum distance of 12 inches from any sidewalk to allow for pedestrian access and safety.

4.3 Fences and retaining walls located near streets or on corner lots shall not obstruct the view of motorists to ensure traffic safety.

**5. Maintenance**

Property owners shall be responsible for the regular maintenance and upkeep of their fences and retaining walls, ensuring they remain structurally sound and visually pleasing.

**6. Enforcement and Penalties**

6.1 Failure to comply with the regulations set forth in this ordinance may result in penalties, fines, or the requirement to rectify non-compliant structures.

6.2 The local zoning or building official shall be responsible for enforcing these regulations.

## SECTION 6. ESTABLISHMENT OF DISTRICTS

**6-1. Classification of Districts.** For the purpose of this ordinance, the Town of Powells Crossroads is hereby divided into four (4) districts, as follows:

- a. R-1 Low density residential district
- b. R-2 Medium density residential district
- c. C Commercial district
- d. AG Agricultural district

**6-2. Boundaries of Districts** The boundaries of the zoning districts are depicted on the "Zoning Map of the Town of Powells Crossroads, Tennessee." Unless otherwise indicated on the zoning map, the boundaries are lot lines, center lines of streets, alleys, railroad rights-of-way, and the corporate limit lines as they existed at the time of adoption. The Board of Zoning Appeals shall determine questions regarding the exact locations of the district lines. (BZA).

## SECTION 7. PROVISIONS GOVERNING USE DISTRICTS

**7-1. R-1 Low Density Residential District.** This residential district is intended for use by single- and two-family homes with low population densities. This district are to encourage residential uses and prevent incompatible activities which may adversely affect the residential character of the district. The following, and only the following uses, are permitted:

- a. Single and two-family dwellings, excluding mobile homes.
- b. Customary accessory building provided they are located behind the front of the principal structure and not less than ten (10) feet from any property line.
- c. Customary home occupations provided that:
  - 1) There is no external evidence of the home occupation other than announcement sign not exceeding four (4) square feet in area;
  - 2) That no more than one (1) person is employed who is not a resident of the dwelling.
  - 3) No more than 33 percent of the dwelling's floor space is used or that such use is confined to an accessory building not exceeding four hundred (400) square feet in area.
- d. Day care homes, with the same conditions as for customary home occupations.

- e. Public and semi-public buildings and uses including public schools, parks, utility substations, libraries, churches, and golf courses provided that:
  - 1) A site plan is submitted as for Sections 5-1 above, and approved by the planning commission.
  - 2) No building is located less than thirty feet from any side or rear property line.
  - 3) Any such use shall be accessed directly by a state highway or a collector street.
  - 4) A natural or planted buffer strip shall be provided along rear and side property lines.
  
- f. Accessory Solar Collection Systems used primarily to serve the property on which it is located, and further regulated by Section 5-9 Solar Collection Systems and Solar Farms. This does NOT permit solar farms as defined by this ordinance in this zoning district. (Added 7/29/2019)
  
- g. Private non-commercial garages as a principal use of property may be permitted as a use on review if the planning commission determines it to be the best use of property, is compatible with the surrounding land uses, and meets the criteria described below (added 5/20/2021 Ord #2021-60):
  - 1) Property must not be able to pass a perc test and be denied for use as residential property by the Tennessee Department of Environment and Conservation (TDEC).
  - 2) The maximum developed area, including all buildings, shall not exceed 40% of the building area inside the building setbacks.
  - 3) The garage and/or any accessory buildings may not be used for any commercial operations, customary home occupations, rental storage, junk or salvage yards, or any other use that would generate revenue for the property owner.
  - 4) Storage on the property or in the building may not be rented to other individuals, and shall be for the sole use of the property owner.
  - 5) The property shall not have more than one (1) inoperable or unlicensed vehicle, boat, RV, camper, motorcycle, or other motorized vehicle parked outside of an enclosed building.
  - 6) The building(s) shall not be used as a dwelling or rental dwelling, and shall not allow for overnight occupants.
  - 7) Adjoining property owners must be notified of the planning commission meeting in which a request is made to allow a garage as a principal use on property in the R-1 zoning district.

**7-2. R-2 Medium Density Residential District.** This residential district is intended to promote and encourage the establishment and maintenance of a suitable environment for medium density residential uses. It also is designed to provide for certain professional and recreational services compatible with a medium density residential area. The following uses, and only the following uses, are permitted:

- a. Any use permitted in the R-1 district, with the same regulations.
- b. Multi-family dwellings with an approved site plan.
- c. Mobile homes and mobile home parks, with an approved site plan for mobile home parks.
- d. Bed and breakfast.
- e. Barber shops, beauty shops, day care centers, cemeteries, fraternal organizations and clubs that are not operated for profit or resemble a commercial business; and professional offices and funeral homes provided the exterior of the structure is compatible with and resembles a residence. Where the structure exceeds 2,000 square feet a site plan is required. The maximum size for a single structure shall not exceed 3,500 sq. ft.
- f. Accessory Solar Collection Systems used primarily to serve the property on which it is located, and further regulated by Section 5-9 Solar Collection Systems and Solar Farms. This does NOT permit solar farms as defined by this ordinance in this zoning district. (Added 7/29/2019)

**7-3. Commercial District.** This district is established to provide an area for business activities to serve neighboring residential area and those uses that require visibility and accessibility. The district is to encourage the location of commercial activities in areas of good accessibility and high convenience for local residents and shoppers within the region. The following uses, and only the following uses, are permitted:

- a. Personal service establishments including barber and beauty shops, laundromats, dry cleaners, shoe repair, tailors and dressmakers with alterations, indoor recreation including pool halls and video arcades, day care centers, restaurants and fast food stores, professional offices, photography, dance, and martial arts studios. (Amended 1/21/21)
- b. Retail sales establishments including grocery stores, drug stores and pharmacies, video rental and sales stores, discount stores, clothing sales, convenience stores, florists, office supply, computer supplies and equipment, books, audio and video rental and sales; music and musical instruments, music instruction, building supplies, hardware, garden and lawn supplies and equipment; auto parts, jewelry stores, appliances,

photography, radio, television and audio supplies, equipment and repair; hobby stores, sporting goods, antique stores, souvenirs, pets and pet supplies and accessories, bakeries, and mini-malls, but excluding adult oriented entertainment.

- c. Banks, financial services, insurance agencies, and business offices.
- d. Hospitals, medical clinics, doctor's offices, chiropractors, therapists, medical laboratories, ambulance and rescue services, assisted living facilities for the elderly, and nursing homes; veterinarians and kennels.
- e. Gasoline service stations provided all structures, building and underground tanks are located at least thirty (30) feet from all property lines; automobile servicing and repair, except for body and paint work. Body shops and vehicle paint shops as a use on review.
- f. Hotels, motels, lodges, clubs and similar activities with accessory uses. Provided that the serving of alcoholic beverages and dance floors shall be a use on review.
- g. Churches, schools, government buildings, cultural centers, museums and necessary public utility facilities to serve the immediate area. Government/utility heavy equipment storage as a use on review.
- h. Wholesale activities with a retail use, not to exceed 33 percent of the area of the structure or outdoor yard.
- i. Multi-family apartments, condominiums and townhouses. Provided however, residential uses are allowed within structures containing commercial and office uses as a PUD; or a single dwelling unit for a proprietor or manager within a commercial/office building is permitted as an accessory use.
- j. Equipment, agricultural implements, and mobile home/recreational vehicle sales and repair; sales and service of boats as a use on review.
- k. Customary accessory buildings provided they are located in side or rear yards and not closer than ten (10) feet to any property line.
- l. Accessory Solar Collection Systems used primarily to serve the property on which it is located, and further regulated by Section 5-9 Solar Collection Systems and Solar Farms. This does NOT permit solar farms as defined by this ordinance in this zoning district. (Added 7/29/2019)

**7-4. AG Agricultural District.** This district is intended to preserve those areas within the corporate limits of Powells Crossroads for which agriculture is a desirable and profitable use from encroachment by more intense uses. The AG Agricultural District also provides for low density residential and outdoor recreation uses. It is further intended that the AG Agricultural District prevent undesirable urban sprawl and exclude land uses which demand a level of urban services which are impossible or uneconomical to provide. The agricultural use of land shall be limited by the requirement that no significant offensive odors or dust be created. Furthermore, after the adoption of this Ordinance, no new agricultural structures shall include space for commercial poultry and swine production, cattle feeder lots, or fur-bearing animal farms. The following uses, and only the following uses, are permitted:

- a. **(Amended 4/19/07)** Detached single-family dwellings on a minimum of two (2) acres. A single accessory apartment within the principal structure or a garage apartment, not to exceed 900 sq. ft. as a use on review.
- b. Parks, playgrounds, golf courses and driving ranges, country clubs, community centers, and other public recreational facilities and special events as a use on review.
- c. Plant nurseries and greenhouses
- d. Signs as regulated in Section 5-8
- e. General farm uses such as cultivation of soil for food products, or animal feed or timber, and the grazing of livestock including dairy cattle.
- f. Riding stables and kennels with an approved site plan.
- g. One (1) roadside stand per farm for the sale of agricultural products produced on the premises provided that such stand does not exceed a total area of three hundred (300) square feet and provided it is located not nearer than twenty (20) feet from the roadway
- h. Cemeteries as a use on review.
- i. Adult entertainment and massage parlors as a use on review provided they:
  1. comply with all requirements of the “Adult-Oriented Establishment Registration Act of 1998” (*TCA 7-51 Part 11*) as amended.
  2. Are no closer then 750-feet from any residence, school or church.
- j. Accessory Solar Collection Systems subject to Site Plan Review in accordance with applicable standards found in Section 5-1 Site Plan Review Requirements. Other requirements are found in Section 5-9 Solar Collection Systems and Solar Farms of this ordinance. (Added 7/29/2019)

- k. one single-wide mobile home may be permitted as a use on review by the planning commission subject to the following minimum requirements and any additional requirements deemed necessary by the planning commission in allowing such use that would otherwise not be allowed in the AG district (Added 9/21/2023):
- 1) Only one single-wide mobile home would be considered, and it must be located on at least 2 acres of property that does not contain any other residential structures.
  - 2) It must be underpinned, skirted, and have the proper anchors.
  - 3) It must be able to pass inspection and meet currently applicable building codes.
  - 4) It must be able to meet building setback requirements for the zoning district.
  - 5) It will not be allowed in a flood zone.
  - 6) It must be compatible with the surrounding area and not create or be considered a detriment to neighboring properties that are of a different housing type or development.

**SECTION 8. AREA, YARD, AND HEIGHT REQUIREMENTS**

**8-1. Purpose.** For the purpose of this ordinance area, yard, and height requirements for the district classifications are established as follows:

**8-2. Minimum Requirements.** (Amended 4/18/2019)

<u>District</u>	<u>Lot Size</u> <sup>①</sup>	<u>Front Yard</u>	<u>Rear Yard</u>	<u>Side Yard</u>	<u>Maximum Height</u>	<u>Minimum Dwelling Size</u>
R-1	12,500 <sup>②</sup> SF	20'□	25'	10' <sup>③</sup>	35'	800 Sq. Ft.
R-2	7,500 <sup>②</sup>	20'□	25'	10' <sup>③</sup>	35'	600 Sq. Ft
C	-	20' <sup>④</sup>	30'	20' <sup>④</sup>	35'	
AG	5 acres	50'	40'	30'	35'	

Minimum Square Footage Requirements for Residential Structures & Dwelling Units.

Single-family dwellings in the R-1 Low Density Residential District shall have a gross floor area of not less than eight-hundred (800) square feet of living space. Detached single-family dwellings and multi-family dwellings in the R-2 High Density Residential Zoning District shall have a gross floor area of not less than six-hundred (600) square feet of living space per dwelling unit. Custom built homes, multi-family residential structures, and permitted modular homes shall be required to have a permanent foundation.

- NOTES: <sup>①</sup> Lots without public sewer must meet the minimum lot size requirements, typically 20,000 sq. ft., established by the Tennessee Department of Environment and Conservation/Marion County Health Dept.
- <sup>②</sup> Plus 3,000 square feet for each additional dwelling unit.
- <sup>③</sup> Plus 5 additional feet for each story over one.
- <sup>④</sup> With an approved PUD and in certain other, limited circumstances the planning commission may approve up to zero lot lines on the front and side yard(s).

□ Provided, for structures on numbered state highways the minimum front yard shall be 40'.

**SECTION 9. EXCEPTIONS AND MODIFICATIONS**

**9-1. Adjoining and Vacant Lots of Record.** Where two or more substandard lots are adjacent and in single ownership, the planning commission may require they be combined to form a standard lot or lots, to meet the requirements of this ordinance.

**9-2. Front Yards.** The front yard requirements of this ordinance shall not apply to any lot where the average depth of developed lots on the same side of the street and within one hundred (100) feet of the lot are less than the requirement for that district. In such case, the minimum front yard shall be the average of the depths of the front yards.

- 9-3. Absolute Minimum Lot Size and Setbacks.** Where a lot of record or a combination of said lots under one ownership, does not contain sufficient land to conform to the yard or setback requirements of this ordinance, the Board of Zoning Appeals may permit such lot(s) to be used as building site provided the yard setbacks and other requirements of the district are complied with as closely as is possible in the judgment of the Board, and further provided that in no case shall the Board permit a detached residence on a lot whose total area is less than 7,500 square feet where public sewer is available or as permitted by TDEC/Marion County Health Dept.
- 9-4. Height Limits.** The height limitations of this ordinance shall not apply to church steeples, radio towers, flag poles transmission towers, masts, and similar structures not intended for human occupancy.

## SECTION 10. ENFORCEMENT

- 10-1. Enforcing Officer.** The provisions of this ordinance shall be enforced by the zoning/building official or in his/her absence such town official as shall be designated by the Mayor. The official shall have the right to enter any premises at reasonable times including but not limited to normal business hours, as may be necessary to carry out his/her duties in the enforcement of this ordinance.
- 10-2. Building Permit Required.** A building permit is required prior to the excavation, site preparation, alteration, construction, or moving of any structure, building, or parking lot.
- 10-3. Issuance of Building Permit.** Except for single and two-family dwellings, agricultural buildings and signs, a building permit shall not be issued by the zoning/building official unless a site plan containing the information required by Section 5-1 has been approved by the planning commission and the proposed construction meets the requirements of the applicable building and fire codes. The zoning/building official may require a sketch plan prior to the issuance of permits for single and two-family dwellings, and agricultural buildings, and signs. Where the building official determines that all requirements of this ordinance and applicable building codes have been met, a building permit shall be issued. In the event a building permit is denied, the reasons(s) for denial shall be entered in writing upon the application.
- 10-4. Certificate of Occupancy.** Upon completion of any construction or other activity requiring a building permit, an application shall be made to the zoning/building official for a certificate of occupancy. The certificate shall be issued if the zoning/building official determines the provisions of this ordinance, applicable building and fire codes, and conditions of the permit are satisfied. No building or land shall hereafter be occupied unless a certificate of occupancy has been issued. In the event a certificate of occupancy is denied, the reason(s) for the denial shall be entered in writing upon the application.

**10-5. Penalties.** Any person(s) violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten (\$10.00) dollars nor more than fifty dollars (\$50.00) for each offense. Each day such violation continues shall constitute a separate offense.

**10-6. Remedies.** In the event the occupation, excavation, site preparation, alteration, construction, or moving of any structure, building or parking lot is initiated in violation of this ordinance, the zoning/building official or any other appropriate authority or affected property owner may institute injunction, mandamus, or other appropriate action to prevent the occupancy or use of said building or property.

## **Section 11. BOARD OF ZONING APPEALS**

**11-1. Creation and Appointment.** A board of zoning appeals is hereby established in accordance with Section 13-7-205 of the *Tennessee Code Annotated*. The Powells Crossroads Municipal Planning Commission is hereby designated as the board of zoning appeals. The terms of the members of the board of zoning appeals shall be concurrent with the terms of the members of the Powells Crossroads Municipal Planning Commission.

**11-2. Procedure.** Meetings of the board of zoning appeals shall be held at the call of the chairman or by a majority of the membership or at such other times as the board may determine. All meetings shall be open to the public. The chairman, or in his absence, the acting chairman, shall direct the meetings and may administer oaths and compel attendance of witnesses. The board shall keep minutes of its meetings. Said minutes shall be a public record and shall record the actions of the board and the individual votes of the members.

**11-3. Appeals: How Taken.** An appeal to the board of zoning appeals may be made by any aggrieved person, firm, or corporation or by any governmental officer, department, board, or agency affected by any decision of the zoning/building official regarding the enforcement of this ordinance. The zoning /building official shall provide the board with all appropriate papers and information pertaining to the appeal. The board shall hear and decide an appeal within a reasonable time. A public notice of the time, date and place of the hearing shall be published, posted and provided to the appellant.

**11-4. Powers.** The board of zoning appeals shall have the following powers:

- a. **Administrative Review.** To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, or refusal made by the zoning/building official or any other administrative official in carrying out the enforcement of any provision of this ordinance.

- b. **Special Exceptions.** To hear and decide special exceptions as set forth in this ordinance.
- c. **Variances.** To hear and decide application for variances from the terms of this ordinance where by reason of exceptional narrowness, shallowness, or shape of a piece of property at the time of enactment of the zoning regulations or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of such a piece of property, the strict application of this ordinance would result in peculiar and exceptional practical difficulties or exceptional or 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.

## **SECTION 12. AMENDMENTS**

- 12-1. Procedure.** The Powells Crossroads Board of Aldermen may amend this ordinance, including the zoning map, provided that any proposed amendment is first submitted to the planning commission for review and recommendation. If the planning commission does not recommend the amendment, a favorable vote of the majority of the Town Commission's membership is required before the amendment becomes effective.
- 12-2. Public Hearing.** A public hearing is required prior to the adoption of any ordinance to amend the text of the zoning ordinance or the zoning map. A public hearing notice stating the time, place, and date of the public hearing shall be placed at least fifteen (15) days prior to the hearing.

## **SECTION 13. LEGAL STATUS PROVISIONS**

- 13-1. Conflict with Other Ordinances.** Should there not be any conflict between sections of this ordinance or between this and another ordinance, the more restrictive regulations shall apply.
- 13-2. Validity.** If any section, clause, provision or portion of this ordinance shall be held to be invalid by a court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not in itself invalid or unconstitutional.
- 13-3. Effective Date.** This ordinance shall take effect from and after its passage, the public welfare requiring it.

Recommended by the planning commission: 11/10/2003  
Date

Town Recorder

Mayor

Passed on first reading: 11/20/2003

/s/ Carolyn Ables

/s/ Ralph Chapin

Passed on second reading: 12/18/2003

/s/ Carolyn Ables

/s/ Ralph Chapin

Public hearing held: 12/18/2003

Approved as to Form: \_\_\_\_\_  
Town Attorney