

Surgoinsville
Tennessee



**ZONING
ORDINANCE**

Originally adopted: February 7, 1977

Amended Through: April 13, 2026

Prepared for

THE SURGOINSVILLE PLANNING COMMISSION

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ZONING ORDINANCE
OF THE
TOWN OF SURGOINSVILLE, TENNESSEE

AUTHORITY

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

BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Surgoinsville that the re-adoption of this comprehensive revision of the zoning ordinance will repeal the prior zoning ordinance and all amendments thereto, in its entirety:

ARTICLE I. SHORT TITLE

This ordinance shall be known as the “Zoning Ordinance of the Town of Surgoinsville, Tennessee,” and the map herein referred to, which is identified by the title “Zoning Map of The Town of Surgoinsville, Tennessee,” dated March 2006 and all explanatory matter thereon are hereby adopted and made a part of this ordinance.

ARTICLE II. PURPOSE

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

ARTICLE III. DEFINITIONS

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

301. Alley: A vehicular travel way that provides a secondary means of access to the back or side of properties that also abut a street.
302. Artificial Intelligence Training Facility: A facility, structure, or site where artificial intelligence models are researched, developed, and trained for the purpose of innovation, education, or applied business solutions. AI training facilities may include classroom space, laboratories, and computing resources, provided their primary function is the supervised development and training of AI models, and not large-scale commercial data mining.
303. Boarding or Rooming House: A building containing a single dwelling unit and not more than five guest rooms where lodging is provided with or without meals for compensation.
304. Buffer Strip: A plant material acceptable to the building inspector which has such growth characteristics as will provide an obscuring screen not less than six feet in height.
305. Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattel.
- 305.1. Principal building: A building in which is conducted the main or principal use of the lot on which said building is located.
- 305.2. 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. Cryptocurrency or Artificial Intelligence Data Mining Center: A facility, whether principal or accessory use, engaged in the operation of specialized computer equipment for the primary purpose of validating blockchain transactions, mining digital or cryptocurrency, or maintaining and securing decentralized ledgers. These facilities typically require substantial electrical power, high-capacity cooling systems, and uninterrupted data connectivity to operate application-specific integrated circuits (ASICs), graphics processing units (GPUs), or other mining hardware.
- Cryptocurrency data mining centers may include associated data storage systems, cooling infrastructure, backup power sources, and physical or cybersecurity systems. This use is distinct from general-purpose data centers or server farms and is regulated separately due to its potential impact on infrastructure, noise, heat, and energy demand.
308. Dwelling Unit: A building designed as a permanent living quarters for one or more families.
- 308.1. Accessory Dwelling Unit: An additional residential building that occupies the same lot as a primary residence.
308. Family: One or more persons occupying a premise and living together as a single housekeeping unit.
309. Lot: A parcel of land which fronts on and has access to a public streets and which is occupied or intended to be occupied by a building or buildings with customary accessories and open space.

- 309.1. Lot Line: The boundary dividing a given lot from a street, alley, or adjacent lots.
- 309.2. Lot of Record: A lot, the boundaries of which are filed as legal record.
310. Medical Clinic: – A licensed facility for examining and treating patients with medical problems on an out-patient basis. A medical clinic is not a methadone treatment clinic or facility or substance abuse treatment facility as per the Surgoinsville Zoning Ordinance.
311. Methadone Treatment Clinic or Facility: – A licensed facility for counseling of patients and the distribution of methadone for outpatient, non-residential purposes only. A methadone treatment clinic or facility is not a medical clinic or substance abuse treatment facility as per the Surgoinsville Zoning Ordinance.
312. Mobile Home: A detached single family dwelling unit with all of the following characteristics: Designed for long term occupancy containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections for attachment to outside systems; designed to be transported after fabrication on its own wheels, on a flatbed or other trailers or detachable wheels; and arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.
313. Mobile Home Park: Shall mean any plot of ground containing a minimum of two acres upon which two or more mobile homes are located or are intended to be located (does not include sites where unoccupied mobile homes are on display for sale).
314. Nonconforming Use: Any structure of land lawfully occupied by a use that does not conform to the use regulations of the district in which it is situated.
315. Nursing Home: One licensed by the State of Tennessee.
316. Open-air market: An outdoor market for the retail sale of new or used merchandise, produce or other farm products, where operated by a single vendor or composed of stalls, stands or spaces rented or otherwise provided to vendors. The term does not include the outside display of merchandise as an incidental part of retail activities regularly conducted from a permanent building on sidewalks or other areas immediately adjacent to, and upon the same lot as, such building. The term also does not include merchandise sold at festivals or other special events, temporary in duration, at which the display and sale of merchandise is incidental to the primary cultural, informational or recreational activities of such festival or special event. An Open-air market may include permanent structure(s) for administration, shelter, or bathroom facilities.
317. 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.
318. Setback: The minimum distance by which any building or structure must be separated from a street right-of-way or property line.

The following rules shall apply in determining setbacks:

- a. All buildings including stoops, porches, and decks shall meet the minimum setback requirement for the zoning district in which they are located.
 1. Front and/or rear entry stoops/porches/decks whether open or enclosed up to eight (8) feet by six (6) feet in size will be exempt from the setback requirement.
- b. Overhangs of two (2) feet or less including gutters will be exempt from the setback requirement. (Needs to be removed)
- c. Stairs or ADA ramps may project into the setback areas provided they are a minimum of five (5) feet from any property line.
- d. Driveways, patios and walks are exempt from the setback requirement.

- f. Customary accessory buildings in residential districts will meet the setback specified for such (Article V, Section 508).

- 319. Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any point of a building used for human occupancy between the topmost floor and the roof. A basement not used for human occupancy other than for a janitor or domestic employee shall not be counted as a story.
- 320. Street: Any vehicular way, except alleys, that is owned or dedicated to, and maintained by the municipal, state, or federal governments.
- 321. Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.
- 322. Substance Abuse Treatment Facility: A licensed facility with purpose of providing out patient treatment, counseling or similar services to individuals who are dependent on legal and illegal drugs, opiates, alcohol or other similar substances. A substance abuse treatment facility is not a medical clinic or methadone treatment clinic or facility as per the Surgoinsville Zoning Ordinance.
- 323. Total Floor Area: The area of all floors of a building including finished attic, finished basement and covered porches.
- 324. Yard: An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.
 - 324.1. 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.
 - 324.2. Side yard: A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches.
 - 324.3. 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.

ARTICLE IV. ESTABLISHMENT OF DISTRICTS

401. Classification of Districts. For the purpose of this ordinance, Surgoinsville, Tennessee is hereby divided into nine districts, designated as follows:

- R-1 Low Density Residential District
- R-1A Medium Density Residential
- R-2 High Density Residential District
- B-1 Neighborhood Business District
- B-2 Arterial Business District
- B-3 Central Business District
- H-1 Historic District
- M-1 Light Industrial District

402. Boundaries of Districts.

402.1 The boundaries in Section 401 of this Article are established, as shown on the map entitled "Zoning Map of Surgoinsville, Tennessee." Dated March, 2006 which is a part of this ordinance and which is on file in the office of the Town Recorder.

402.2 Unless otherwise indicated on the zoning map, the boundaries are lot lines, the centerlines of streets or alleys or a specified district therefrom, or the corporate limit lines as they existed at the time of the enacted of the ordinance. The building inspector shall determine questions concerning the exact locations of district boundaries and his/her decision may be appealed to the Town of Surgoinsville Board of Zoning Appeals.

ARTICLE V. APPLICATION OF REGULATIONS

Except as herein provided:

501. Use. No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by 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 least one street for at least forty (40) feet, except that lots fronting on cul-de-sacs may have a minimum road frontage of thirty (30) feet if the lot is at least fifty (50) feet in width at the building line.
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 on a Lot. Only one principal building and its customary accessory buildings may hereafter be erected on any lot.
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. This section shall not apply when a portion of a lot is acquired for a public purpose.
506. Yard and Other Spaces. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required under this ordinance for another building.
507. Conformity to Subdivision Regulations. No building permit shall be issued for and no building shall be erected on any lot within the municipality, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or opened as a public street prior to that time, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Surgoinsville Regional Planning Commission and such approval entered in writing on the plat by the secretary of the commission.
508. Customary Accessory Buildings in Residential Districts. Accessory buildings are permitted provided they are located in rear yards and not closer than five (5) feet to any property line. Accessory buildings shall also comply with the setback from the intersecting street.
509. Building Area. On any lot, within an R-1 Residential District, the area occupied by all buildings including accessory buildings, shall not exceed thirty (30) percent of the total area of such lot. In R-2 Residential Districts, lot area occupied by all buildings including accessory buildings, shall not exceed thirty-five (35) percent of the total area of such lot.
510. Height and Density. No building or structure shall hereafter be erected or altered so as to exceed the height limit, to accommodate or house a greater number of families, to have narrower or smaller front yards or side yards than are required or specified in the regulations herein for the district in which it is located.
511. Annexations. All territory which may hereafter be annexed to the Town of Surgoinsville, Tennessee shall be considered to be in the R-1 Low Density Residential District until otherwise classified.

ARTICLE VI. GENERAL PROVISIONS

601. Continuance of Nonconforming Uses. Any lawful use of any building 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 although such use does not conform with the provisions of this ordinance with the following limitations:
- 601.1. No building or land containing a nonconforming use 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 building which were manifestly arranged or designed for such use prior to the time of enactment of this ordinance.
 - 601.2. Any nonconforming building which has been damaged by fire or other causes, may be reconstructed and used as before unless the building inspector determines that the building is damaged to the extent of more than seventy-five (75) 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.
 - 601.3. When a nonconforming use of any building or land has ceased for a period of one year, it shall not be re-established or changed to any use not in conformity with the provisions of this ordinance.
 - 601.4. Nonconforming Mobile Home: A mobile home deemed to be a legal nonconforming structure or use at the time of the adoption of this ordinance, or any amendment thereto may not, after its removal from the lot upon which it is situated, be re-established or replaced by another or the same mobile home, if said structure is not established within 30 days of its removal.
602. Obstruction of Vision at Street Intersections Prohibited. On a corner lot in all districts, no fence, wall, shrubbery, or other obstruction to vision between the height of three (3) feet and ten (10) feet above the street grade shall be permitted within twenty (20) feet of the intersection of the right-of-way of streets or of streets and railroads.
603. 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 in the B-3 (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 have at least two hundred (200) 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.
- 603.1. Automobile repair garages: One space for each regular employee plus one space for each two hundred and fifty (250) square feet of floor space used for repair work.
 - 603.2. Churches: One space for each four (4) seats.
 - 603.3. Clubs and lodges: One space for each three hundred (300) square feet of floor space over one thousand (1,000) square feet.

- 603.4. Dwellings: One space for each dwelling unit.
- 603.5. Funeral parlors: One space for each four (4) seats in the chapel.
- 603.6. Gasoline service stations and similar establishments: Two (2) spaces for each bay or similar facility plus one space for each employee.
- 603.7 Hospitals and nursing homes: One space for each two (2) staff or visiting doctors plus one space for each two (2) employees and one space for each four (4) beds, computed on the largest number of employees on duty at any period of time.
- 603.8. Hotel: One space for each four (4) employees plus one space for each two (2) guest rooms.
- 603.9 Industry: One space for each three (3) employees, computed on the largest number of persons employed at any period during day or night.
- 603.10. Motels and tourist courts: One space for each four (4) employees plus one space for each accommodation.
- 603.11. Offices:
- 603.11.1. Medical: One space for each three hundred (300) square feet of floor space.
- 603.11.2. Other Professional: One space for each four hundred (400) square feet of floor space.
- 603.11.3. General : One space for each four hundred (400) square feet of floor space.
- 603.12. Open-air Market: One space for every two hundred fifty (250) square feet of sales area.
- 603.11.1. Places of public assembly: One space for each four (4) seats in the principal assembly room or area.
- 603.13. Recreation and amusement areas without seating capacity: One space for each five (5) customers, computed on maximum service capacity.
- 603.14. Restaurants: One space for each four (4) employees plus one space for each one hundred (100) square feet of floor space devoted to patron use.
- 603.15. Retail businesses and similar uses: One space for each two hundred (200) square feet of gross floor space.
- 603.16. Schools: One space for each faculty member, plus one space for each four (4) pupils except in elementary and junior high schools.
- 603.17. Mobile Home Parks: Shall meet the requirements of the Surgoinsville Mobile Home Park Ordinance.
- 603.18. Wholesale Business: One space for each three (3) employees based on maximum seasonal employment.
- 603.19. If off-street parking space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the board of zoning appeals may permit such space to be provided on other off street property provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle parking 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.

603.20. 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:

- 603.20.1. The parking space adjoins a commercial or industrial district;
- 603.20.2 Has its only exit to or from upon the same street as the property in the commercial or industrial district from which it provides the required parking space; and
- 603.20.3 Is separated from abutting properties in the residential district by a plant or fence buffer strip as determined by the building inspector.

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

- 604.1. Retail business: One space of at least 12 x 25 feet for each three thousand (3,000) square feet of floor area or part thereof.
- 604.2 Wholesale and industrial: One space of at least 12 x 50 feet for each ten thousand (10,000) square feet of floor area or part thereof.
- 604.3. Terminals: Sufficient space to accommodate the maximum number of vehicles that will be stored and loading and unloading at the terminal at any one time.

605. Mobile Homes. The use of a single wide mobile home other than as a residential dwelling in a licensed and approved mobile home park is prohibited. A mobile home may be used as a residential dwelling in a mobile home park provided that:

- 605.1. The mobile home is made a permanent or semi-permanent structure, which shall include, but not be limited to, proper underpinning and storm and wind-proofing of the structure.
- 605.2. The provisions of the building code, plumbing code and electrical code and all other town codes and ordinances are complied with.

606. Group Housing and Planned Unit Development. A group housing project is defined as any group of two (2) or more buildings (apartments) to be constructed on one parcel of land. A planned unit development is one defined as a comprehensive residential or commercial development where project design does not include standard street, lot, and subdivision arrangements, and where shares, property, or units are to be sold (condominiums). Group housing and / or planned unit development projects may be allowed upon review and approval by the Surgoinsville Planning Commission provided that the following are met:

- 606.1. A site plan showing the location of proposed buildings, roads, drives, parking, utilities, drainage, and any other information necessary for review must be presented to the planning commission.
- 606.2. In no case shall the planning commission approve a use prohibited, a greater density, a greater height, or larger lot coverage than permitted in the district where the project is located. However, internal setbacks, road frontage requirements and minimum lot sizes may be waived by the planning commission so long as the intent of these regulations to provide for a more efficient utilization

of land by the provision of open spaces and the protection environmentally sensitive lands are met.

- 606.3. A one-acre minimum lot size is required where two (2) or more principal buildings are to be constructed on one lot.
- 606.4. Public and private roads in all developments in which property is to be subdivided must be constructed to standards set forth in the Surgoinsville Subdivision Regulations but reduced right of ways and paving widths for roads may be approved. All common driveways and parking areas for group housing developments and planned unit developments must be paved with hot asphalt or concrete pavement prior to final approval.
- 606.5. A plat for the conversion of rental units to condominiums must be approved by the Surgoinsville Planning Commission, and a homeowner's association must be set up to provide for all maintenance, administration, etc..
- 606.6. Preliminary or design approval and final or recording approval shall be required for all condominium developments approved by the planning commission before any units can be sold. For condominium projects to be developed in stages or phases, preliminary or design approval shall be required on the entire project with final or recording approval required at the completion of each stage of construction before any units can be sold.

607. Mobile Home Park Regulations. In any district that permits mobile home parks, the following regulations shall apply:

607.1. General plan. The owner or lessee of the land parcel proposed for a mobile home park shall submit a plan for development to the Surgoinsville Planning Commission for approval. The plan shall show:

- 607.1.1. The park plan drawn to scale.
- 607.1.2. The area and dimensions of the proposed park.
- 607.1.3. The location and width of all roadways and walkways.
- 607.1.4. The location and dimensions of any proposed service buildings and structures.
- 607.1.5. The location of all water and sewer lines. If public sewer is not available a certificate signed by the health officer shall be affixed to the plans.
- 607.1.6. The location of all equipment and facilities for refuse disposal and other park improvements.
- 607.1.7. A plan for drainage of the park.
- 607.1.8. A certificate of accuracy signed by the surveyor or engineer that the engineering work is correct.
- 607.1.9. Any other information deemed pertinent by the planning commission.

607.2. Minimum standards.

- 607.2.1. The site shall be located on a well drained and flood free site with proper drainage.
- 607.2.2. The site shall not be exposed to objectionable smoke, noise, odors, insect or rodent harborage or other adverse influences.
- 607.2.3. The site shall be located with direct access to an open public street.
- 607.2.4. The planning commission may require buffer strips along the side, rear and front lot lines of the park.
- 607.2.5. The mobile home park shall contain not more than six (6) individual mobile homes spaces per gross acre.

- 607.2.6. Service buildings shall be of permanent construction and built in conformity to all city codes and ordinances.
- 607.2.7. Municipal water supply shall be provided to each mobile home space. The property must be approved for subsurface sewage disposal by the Tennessee Department of Environment and Conservation.
- 607.2.8. Each mobile home park shall provide a common area for playgrounds. The minimum size shall be five hundred (500) square feet or one hundred (100) feet for each mobile home, which is greater, exclusive of roadways, mobile home spaces and parking spaces.
- 607.2.9. The roadways, walks, and parking areas shall be paved with hard surface material that shall be not less than two (2) inches of hot asphalt.
- 607.2.10. Roadways shall be minimum of twenty (20) feet in width.
- 607.2.11. Entrances and exits to the mobile home park shall be designed for safe and convenient movement of traffic into and out of the park, and shall be located and designed as prescribed by the planning commission.
- 607.2.12. Any part of the park area not used for buildings or other structures, parking, or access ways shall be landscaped with grass, trees, shrubs, and pedestrian walks.
- 607.2.13. The park shall be adequately lighted.
- 607.2.14. Each mobile home shall be set back a minimum of thirty (30) feet from any public street and all property lines. There shall be a front yard setback of twenty (20) feet from all access roads within the mobile home park, and each mobile home shall have a minimum setback of not less than twenty five (25) feet from any other mobile home.
- 607.2.15. Each mobile home park shall provide at least two (2) off-street parking spaces for each mobile home unit. The parking spaces shall be located for convenient access to mobile home units.

607.3 Operating procedures.

- 607.3.1. No space shall be rented for residential use of a mobile home in any such park except for periods of thirty (30) days or more.
- 607.3.2. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.
- 607.3.3. All mobile homes shall be neatly underpinned with attractive and suitable materials.
- 607.3.4. Mobile homes shall not be used for commercial, industrial, or other non-residential uses within the mobile home park, except that one mobile home in the park may be used to house a rental office.
- 607.3.5. All mobile homes placed in a mobile home park must meet the definition of mobile homes as defined in Article III.

608. Minimum Livable Square Footage No single-family dwelling, two-family dwelling (duplex), or multi-family dwelling unit shall be constructed or placed within the corporate limits of the Town of Surgoinsville with a livable floor area of less than eight hundred (800) square feet.

- 608.1. Livable floor area shall mean the total heated and finished floor area within the outside walls of a dwelling unit, exclusive of garages (attached or detached), carports, open or unenclosed porches or patios, unfinished basements, and unfinished attics.

- 608.2. Finished means interior space intended for occupancy, with walls, ceiling, floor, insulation (where required), lighting and ventilation, similar to other occupied rooms in the house.
- 608.3. Heated means space served by the dwelling's principal heating system for occupancy and not solely storage or mechanical space.

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, to promote and encourage an environment for family life and to prohibit all business 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 Surgoinsville, Tennessee, the following uses are permitted:

701.1. Single family dwellings.

701.2. Two family dwellings.

701.3. Customary general farming.

701.3.1. Customary home occupation provided that. There is no external evidence of the occupation except an announcement sign not more than two (2) square feet in area; that only one person, not a resident of the dwelling is employed; and not more than twenty-five (25%) percent of the total floor area of the dwelling is used.

701.4. Public owned buildings and uses, public and private schools offering general education, and churches provided that:

701.4.1. The location of these uses shall first be reviewed by the Surgoinsville Planning Commission

701.4.2. They meet any safeguards set forth in the review by the planning commission.

701.5. Small day care centers and adult care centers may be approved by the Board of Zoning Appeals (BZA) as a special exception if they find the use in harmony with the character of the district, and the proposed day care center meets the following conditions:

701.5.1. They shall be limited to fifteen (15) children or persons, and be licensed by the State.

701.5.2. Sites on arterial and collector streets will have to be evaluated on the basis of traffic volume, speed, and sight distance.

701.5.3. Off street drop off and pick up areas and parking facilities are required.

701.5.4. Site plans must show the drop off and pick up areas, parking facilities, outdoor activity areas, and setbacks from adjoining property.

701.5.5. Planted buffers may be required depending on the topography, setbacks, etc.

701.5. Accessory Dwelling Unit: One accessory dwelling unit (ADU) may be approved by the BOZA as a special exception if it finds the use to be in harmony with the character of the district, and the proposed ADU meets the following conditions:

701.5.1. ADUs may be in the principal building or be in a detached building, but the ADU is limited to eight hundred (800) square feet

701.5.2. The owner must reside on the premise or be in a detached building of the ADU, and the principal building must be at least one year old.

701.5.3. The ADU residents will be limited to a family of three or less persons.

702. R-1A (Medium Density) Residential District. It is the intent of this district to establish a single family residential area in locations served by the public sewer system. The requirements for the district are designed to protect essential characteristics of the district, to promote and encourage an environment for family life and to prohibit all business activities. In order to achieve the intent of the R-1A (Medium Density) Residential District as shown on the Zoning Map of the Town of Surgoinsville, Tennessee, the following uses are permitted:

702.1. One single family dwelling per individual lot.

702.2. Customary home occupation provided that : There is no external evidence of the occupation except an announcement sign not more than two (2) square feet in area; that only one person, not a resident of the dwelling is employed; and not more than twenty-five (25%) percent of the total floor area of the dwelling is used.

702.3. Accessory Dwelling Unit: One accessory dwelling unit (ADU) may be approved by the BOZA as a special exception if it finds the use to be harmony with the character of the district, and the proposed ADU meets the following conditions:

702.3.1. ADUs may be in the principal building or be in a detached building, but the ADU is limited to eight hundred (800) square feet

702.3.2. The owner must reside on the premise or be in a detached building of the ADU, and the principal building must be at least one year old.

702.3.3. The ADU residents will be limited to a family of three or less persons.

703. R-2 (High Density) Residential District. It is the intent of this district to provide an area for single and multi family dwellings, to encourage development and continued use of land for residential purposes; to prohibit land use for business and/or industrial activities and other land uses which would interfere with the residential character of the district. In order to achieve the intent of the R-2 (High Density) Residential District, as shown on the Zoning Map of the Town of Surgoinsville, Tennessee, the following uses are permitted:

703.1. Any use permitted in the R-1 Residential District, provided that the floor area used for the taking of boarders and tourists or the leasing of rooms by the family resident on the premises may not exceed sixty (60%) percent of the total floor area of any dwelling.

703.2. Multiple family dwellings.

703.3. Mobile home parks provided that they meet requirements Section 607 Mobile Home Park Regulations.

704. B-1 (Neighborhood) Business District. It is the intent of this district to establish business areas to serve the surrounding residential districts. The neighborhood business district is intended to discourage strip business development and to encourage the grouping of uses in which parking and traffic congestion is reduced to a minimum. In order to achieve the intent of the B-1 (Neighborhood) Business District, as shown

on the Zoning Map of the Town of Surgoinsville, Tennessee, the following uses are permitted:

- 704.1. Any use permitted in the R-2 Residential District, except for mobile home parks.
- 704.2. Shopping Centers.
- 704.3. Grocery stores, drug stores, hardware stores, shoe repair shops, barber and beauty shops, Laundromats, and laundry pick-up stations, restaurants, and similar uses.
- 704.4. Business signs provided that all signs, except one detached sign, shall be erected flat against the front side of a building or within twenty-four (24) inches thereof. All signs shall not project above buildings nor have flashing intermittent or moving illumination.
- 704.5. Gasoline service stations provided that all structures, including underground storage tanks, 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.
- 704.6. Open-air markets provided that:
 - 704.6.1. The location and site layout plan showing the location of buildings, parking, lighting, landscaping, drainage, bathroom facilities, retail areas, trash receptacles, and any temporary tables, tents, or other structures, must be approved by the Planning Commission for suitability. The Planning Commission may consider factors such as traffic safety, impact on neighboring uses, health and security of prospective customers and vendors, and aesthetic contribution to the Town.
 - 704.6.2. An operating plan must be submitted with the site plan, and must include, at a minimum, number, size, and type of retail stalls, days and hours of operation, and operator's intent to comply with all applicable provisions of the Tennessee Code Annotated, including but not limited to §47-25-1601 et seq., §67-4-710 et seq., and §67-6-220 et seq.
 - 704.6.3. Bathrooms must be provided for the public, with a minimum of two stalls, and an additional stall per two-hundred and fifty (250) feet of retail space.
 - 704.6.4. Off-street parking, complying with Section 603 of this Ordinance, must be clearly designated, and must be on a graveled or paved surface.
 - 704.6.5. At least one trash receptacle shall be provided for every one thousand (1,000) square feet of retail space. Trash receptacles shall be emptied regularly and shall not be permitted to overflow, and litter and debris shall not be permitted to accumulate.
- 704.7. Prohibited Uses: Cryptocurrency or AI data mining centers.

705. B-2 Arterial Business District. It is the intent of this district to establish business areas that encourages grouping of compatible business activities, reduce traffic congestion to a minimum and enhance the aesthetic atmosphere of the Town of Surgoinsville. In order to achieve the intent of the B-2 (Arterial) Business District, as shown on the Zoning Map of the Town of Surgoinsville, Tennessee, the following uses are permitted:

- 705.1. Any use permitted within a B-1 Neighborhood Business District.
- 705.2. Hotels and motels.
- 705.3. Restaurants.
- 705.4. Offices.
- 705.6. Funeral homes.

- 707.7. Public and semi-public buildings and uses.
- 707.8. Auto and mobile home sales.
- 707.9. Places of amusement and assembly.
- 707.10. Travel trailer parks.
- 707.11. Lodges and clubs.
- 705.12. Mini-warehouses.
- 705.13. Hospitals and nursing homes.
- 705.14. Prohibited uses: Cryptocurrency or AI data mining centers.

706. B-3 (Central) Business District. It is the intent of this district to establish an area for concentrated general business development that the general public requires. The requirements are designed to protect the essential characteristics of the district by promotion of business and public uses which serve the general public and to discourage industrial and wholesale development which does not lend themselves to pedestrian traffic. In order to achieve the intent of the B-3 (Central) Business District as shown on the zoning map for Surgoinsville, Tennessee, the following uses are permitted;

- 706.1. Any use permitted in R-2 Residential District except mobile home parks.
- 706.2. Stores and shops conducting retail business.
- 706.3. Personal, business, and professional services.
- 706.4. Public and semi-public buildings and uses provided that public and semi-public buildings and uses shall first be reviewed by the Surgoinsville Planning Commission.
- 706.5. Business signs, parking lots and garages, and advertising signs.
- 706.6. Lodges and clubs, hotels and motels, and restaurants.
- 706.7. Auto Sales
- 706.8. Use allowed as a special exception: Reserved.
- 706.9. Prohibited Uses: Cryptocurrency or AI data mining centers.

707. B-4 (Intermediate) Business District. It is the intent of this district to establish an area adjacent to the B-3 (Central) Business District which will support those uses and to encourage commercial development to concentrate to the mutual advantage of consumers as well as to provide for transactions of the district, thereby strengthening the economic base and protecting public convenience. In order to achieve the intent of the B-4 (Intermediate) Business District, as shown on the Zoning Map for the Town of Surgoinsville, Tennessee, the following uses are permitted:

- 707.1. Any use permitted in B-3 Central Business District except advertising, signs, business signs are permitted provided that all signs, except on a detached sign, shall be erected flat against the side of the building or within 2 feet (24) inches thereof. All signs shall not project above buildings nor have flashing or intermittent or moving illumination.
- 707.2. Hospitals and nursing homes.
- 707.3. Auto and mobile home sales.
- 707.4. Places of amusement and assembly,
- 707.5. Travel trailer parks.
- 707.6. Lodges and clubs.

707.7. Mini-warehouse.

707.8. Prohibited Uses: Cryptocurrency or AI data mining centers.

708. H-1 (Historic) District. It is the intent of this district to preserve historic buildings and sites in the Town of Surgoinsville. The requirements of the district are designed to protect and preserve historic buildings and sites; and ensure that buildings and landscaping on non-historic sites blend with and do not overpower historic buildings. In order to achieve the intent of the H-1 (Historic) District, as shown on the Zoning Map of Surgoinsville, Tennessee the following regulations shall apply:

708.1. Any use permitted in the underlying zoning district except single-wide mobile homes and/or single-wide modular office buildings.

708.2. A twenty five (25) foot planted buffer along side and rear property lines and a fifteen (15) foot planted buffer along the front property line will be required for properties adjoining lots with buildings on the National Registry of Historic Structures. The planted buffer strip may be waived by the planning commission with the reason documented in the minutes. Earth mounds shaped and seeded for a natural appearance or planted buffer strips may be used. The Surgoinsville Planning Commission will review and approve earth mounds and planted buffers individually because of varying topographical conditions, soil types, and types of screening vegetation. Buffer plans must be drawn by a person trained in horticulture or equivalent experience and/or training. All plants and vegetation used in buffer strips must be maintained, and dead plants replaced with reasonably sized plants in relation to existing vegetation. A two (2) year maintenance bond or letter of credit will be required to ensure proper maintenance for the first two (2) years. The planning commission may approve placing the buffer strip on the adjoining historic property if the adjoining historic property owners agree.

708.3. Application for a building permit shall be made to the Building Inspector prior to the commencement of any construction, alteration, repair, moving, or demolition to be carried on within the district. No permit shall be issued by the Building Inspector within the H-1 (Historic) District until it is submitted to and receives approval in writing by the Historic Zoning Commission. The Historic Zoning Commission may, however, prepare a listing of prior approvals permitted in the Historical District.

708.4. Prohibited Uses: Cryptocurrency or AI data mining centers.

709. M-1 Light Industrial District. It is the intent of this district to establish industrial areas along with open areas that will likely develop in a similar manner. It is the intent that permitted uses are conducted so that noise, odor, dust, and glare of each operation are kept to a minimum. The industrial district is established to provide areas in which the principal use of land is for manufacturing and assembly plants, processing, storage, warehousing, wholesaling and distribution. In order to maintain and enhance the unique historic and aesthetic characteristics of the community and achieve the intent of the Light Industrial District (M-1), site plans shall be required for all new construction.

These site plans shall include: the proposed location of all structures, off-street parking provisions, location of all ingress and egress points, location and size of proposed utilities, landscaping features, and any other plans deemed pertinent. Prior to the issuance of the building permit, the site plans shall be reviewed and approved by the Planning Commission to determine if they are in keeping with the comprehensive planning program of the Town

of Surgoinsville, Tennessee. Within the M-1 (Light) Industrial District, as shown on the zoning map of Surgoinsville, Tennessee, the following uses are permitted:

- 709.1. Any use permitted in the B-1 or B-2 Districts, except for residential uses.
- 709.2. Any industry which does not cause injurious or obnoxious noise, vibrations, smoke, gas fumes, odors, dust, fire hazard or other objectionable conditions.
- 709.3. Terminals.
- 709.4. Wholesale business, warehouses, storage yards, and buildings.
- 709.5. Bottling and packaging operations.
- 709.6. Bakeries.
- 709.7. Uses Permitted Upon Review

709.7.1 Methadone Treatment Clinic or Facility, Substance Abuse Treatment Facilities

- 709.7.1.1 The consideration for approval by the Planning Commission of a methadone treatment clinic or facility and substance abuse treatment facility shall be contingent upon the receipt of the appropriate license and certificate of need by the State of Tennessee.
- 709.7.1.2 Maps showing existing land use and zoning within one-quarter (1/4) mile of the proposed site should be submitted with an application for Use of Review approval along with the license of the applicant, certificate of need, site plan, survey, or other information deemed reasonable by the Planning Commission for use in making a thorough evaluation of the proposal.
- 709.7.1.3. The clinic or facility shall be located on and have access to a Principal Arterial Street.
- 709.7.1.4. Measurement shall be made in a straight line on the Surgoinsville Zoning Map from the nearest property line of the lot on which the methadone treatment clinic or facility and substance abuse treatment facility is situated to the nearest property line of the following uses:
 - 709.7.1.4.1 The clinic or facility shall not be located within one thousand (1,000) feet of a school, day care facility, park, church, synagogue, mosque, mortuary or hospital.
 - 709.7.1.4.2. 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.
 - 709.7.1.4.3. The clinic or facility shall not be located within one thousand (1,000) feet of any area devoted to public recreation activity.
 - 709.7.1.4.4. The clinic or facility shall not be located within one thousand (1,000) feet of any amusement catering to family entertainment.
 - 709.7.1.4.5. The site shall not be less than one thousand (1,000) feet of any residential dwelling at the time of approval.

709.7.1.4.6. The site shall not be less than one-half (1/2) mile from any other methadone treatment clinic or facility and substance abuse treatment facility.

709.7.2 Cryptocurrency or AI data mining centers.

709.7.2.1. Cannot be within one thousand (1000) feet from any residential area.

ARTICLE VIII. AREA, YARD, AND HEIGHT REQUIREMENTS.

District	Minimum Lot Area in Square Feet	Minimum Lot Width at Building Line	Minimum Yard Requirements From Property Lines			Maximum Height of Structures	Building Area
			Front	Side (Each Side)	Rear		
R-1	15,000	80 ft.	30 ft.	10 ft.	30 ft.	35 ft.	30%
R-1A	9,000 w/public sewer* 6,500w/public sewer	60 ft.**	25 ft.	8 ft.	15 ft.	35 ft.	-
R-2	15,000 plus 3,750 per each additional family over two	60 ft.	25 ft.	8 ft.	25 ft.	35 ft.	35%
B-1			30 ft.	10 ft.	25 ft.	35 ft.	
B-2			35 ft.	10 ft.	25 ft.	35 ft.	
B-3						35 ft.	
B-4			25 ft.	10 ft.	25 ft.	35 ft.	
H-1			30 ft.	25 ft.	25 ft.	35 ft.	
M-1			40 ft.	20 ft.	25 ft.	75 ft.	

- Minimum required lot area for lots abutting the R-1 Zoning District is 9,000 square feet. The minimum required lot area for any lots abutting the R-1 District may be reduced by the Board of Zoning Appeals to no less than 6,500 square feet based on the evaluation of the compatibility with adjacent land uses. In approving a reduction in lot area, the Board of Zoning Appeals may require a buffer to provide for visual separation between zoning districts.

Those lots not abutting the R-1 District may be a minimum of 6,500 square feet.

** The 60 foot lot width minimum at the building line is dependent on topography of the site. Lots with slopes greater than 10% will require a lot width greater than 60 feet.

ARTICLE IX. EXCEPTIONS AND MODIFICATIONS

901. Lot of Record. Where the owner of a lot consisting of one or more adjacent lots of official record at the time does not own sufficient land to enable him to conform to the 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. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the board of zoning appeals. The Board of Zoning Appeals may, pursuant to Tenn. Code Ann. § 13-7-206, hear and decide any question relating to whether or not any parcel of property is a lot of record.
902. Adjoining and Vacant Lots of Record. A plat of land consisting of one or more adjacent lots with continuous frontage in single ownership which individually are less than lot widths required by this ordinance, such groups of lots shall be considered as a single lot or several lots of minimum permitted size and the lot or lots in one ownership 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 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, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, mast and aerials.
905. Special Exception to Street Frontage. The Board of Zoning Appeals may authorize, as a special exception pursuant to *Tenn. Code Ann. §13-3-411(A) and (B)*, the building inspector to issue a building permit when a lot of record fronts upon a permanent easement which conforms to all rules, regulations and specifications of the Planning Commission applicable to a permanent easement; provided that such rules, regulations and specifications shall not take effect until such rules, regulations and specifications are approved by the Board of Mayor and Aldermen by ordinance having a favorable two-thirds (2/3) vote of the Board of Mayor and Aldermen; and the permanent easement has access to an existing highway, street or thoroughfare, or with a street located or accepted by the Board of Mayor and Aldermen after submission to the Planning Commission and in case of the Planning Commission's disapproval, by the favorable vote of the Board of Mayor and Aldermen required by *Tenn. Code Ann. §13-3-406*.
- a. Special Exception Procedures.
 - i. A property owner or legal representative may petition the Board of Zoning Appeals to consider a special exception through administrative review of the building official's denial of a building permit due to the lack of public road frontage
 - ii. An application must be filed with the Town of Surgoinsville by the 4th of each month in which the special exception is to be considered
 - b. In the case of a request for a special exception building permit the following shall apply:
 - i. Pursuant to *Tenn. Code Ann. § 13-7-206 and 207(2)*, the Board of Zoning Appeals shall hear and decide applications for special exception building permits. A special exception building permit shall not be considered an entitlement, and shall be granted by the Board

of Zoning Appeals only after the applicant has demonstrated to the satisfaction of the Board of Zoning Appeals that all of the required standards have been met.

- ii. In granting any special exception building permit, the Board of Zoning Appeals may impose conditions, restrictions or time limits considered necessary to protect surrounding properties and better carry out the general intent of this zoning ordinance.
- iii. A special exception building permit may, consistent with *Tenn. Code Ann. § 13-7-206*, be made to the street access requirements upon a determination that the proposed permanent easement is so designed, located and proposed to be operated such that the public health, safety, and welfare will be protected and the special exception is the minimum necessary deviation from the requirements of this ordinance to accommodate the specific character of the proposed street access.
- iv. An approval of a special exception building permit by the Board of Zoning Appeals shall state the section of this code under which the permit was considered, a copy of the building inspector's denial of a building permit due to lack of public road frontage, and the findings of fact relating to the applicable approval standards. In the case of a denial, the findings shall specifically identify the standards not satisfied and shall be specifically reflected in the minutes of the Board of Zoning Appeals.
- v. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, and;
 1. The permanent easement relied upon must be:
 - a) Accepted by all property owners whom share an interest, responsibility or real property with the permanent easement.
 - b) Shown to exist in a subdivision plat of the properties
 - c) Referenced in the deed of the property requesting the special exception
 - d) Referenced in the deed of all properties that are affected by the permanent easement
 - e) Maintained by the private parties whom the permanent easement affects so as to provide continuous and acceptable traverse to ordinary emergency, utility or municipal vehicles, personnel and/or equipment. Maintenance shall not be the responsibility of the Town of Surgoinsville
 2. All standards specified in other sections of the Zoning Ordinance
 3. The integrity of adjacent properties, such that the street access is so designated, located and proposed to be operated that the public health, safety and welfare of residents and/or property owners will be protected
 4. The design and architectural compatibility of the street access, such that the operational and physical characteristics of the permanent easement shall not adversely affect abutting properties, including those located across street frontages, and have site design and architectural features

which contribute to compatibility, including but not limited to: landscape, drainage, access an circulation or building orientation;

5. Natural site features shall be preserved to the greatest extent possible so as to minimize the intrusion of any permanent easement;
 6. Traffic impact, such that the applicant shall demonstrate how the proposed permanent easement will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the area;
 7. Hazard protection, such that the proposed permanent easement shall reasonably protect persons and property from hazards;
 8. The need for special conditions such that notwithstanding a finding by the Board of Zoning Appeals that an application satisfies the minimum street access standards, the Board of Zoning Appeals may restrict the number of properties served by a permanent easement or require extraordinary features and impose other reasonable conditions necessary to protect the public health, safety and welfare;
 9. The safety of access to the property for ordinary and emergency vehicles
 10. The costs of providing governmental services, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
- vi. Upon consideration of the factors listed above, and the purposes of this ordinance, the Board of Zoning Appeals may attach such conditions to the granting of a special exception as it deems necessary to effectuate the purposes of this section.
- vii. Conditions for Special Exceptions
1. Special exceptions shall be issued upon a determination that the variance is the minimum relief necessary, considering the factors listed herein.
 2. Special exceptions shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the special exception would result in exception hardship; or a determination that the granting of a special exception will not result in additional threats to public safety, extraordinary public expense, create nuisance, or irreconcilably conflict with other parts of the Zoning Ordinance.
 3. The Secretary, or other Staff so designated by the Planning Commission shall maintain the records of all appeal actions and report any special exception to the Board of the Mayor and Aldermen upon request.
- c. A special exception to street frontage requirements may be granted by the Board of Zoning Appeals for the purposes of obtaining a building permit were the circumstances of the land are deemed exceptional by the Board of

Zoning Appeals. These exceptions may include (but are not limited to): a documented permanent easement is noted in the deed(s) associated with the property for the purposes of ingress and egress, the subdivision of land was completed prior to annexation, the parcel is a lot of record. Proof of permanent utility easements may also be required.

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 dimensioned sketch or scale plan indicating the shape, size, height, and location of all buildings to be erected, altered or moved, and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the building inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance, the building inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the building inspector shall state such refusal in writing with cause.
1004. Certification 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 (3) 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 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 such refusal in writing, with the cause. No land or building hereafter erected or altered in its use, shall be used until such a certificate of occupancy has been granted.
1005. Penalties. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day, such violation shall continue 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 would be damaged by such violation, in addition to other remedies may institute injunction, mandamus or other appropriate action in proceeding to prevent the occupancy or use of such building.

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. The Surgoinsville Regional 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 Surgoinsville Regional 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. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing in vote, indicating such fact; shall take all evidence necessary to justify or explain its action, and shall keep records of its examinations and of other official action, 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 the 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 public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. A sign, measuring eighteen (18) inches by twenty four (24) inches, must be prominently located on the property from seven (7) days before the Board of Zoning Appeals public hearing, and remain in place until after the Board of Zoning Appeals vote on the variance request. The sign shall be provided by the Town and shall be labeled with the phone number for City Hall.

Upon the 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 requirements, permit, decision, determination or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provisions of this ordinance.
- 1104.2. Special exceptions. To hear and decide special exceptions to this ordinance as set forth in Article IX, Exemptions and Modifications.
- 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 the adoption of this ordinance was a lot of record; or where by reason of exceptional topographical conditions or other extraordinary or exceptional situations or conditions of a piece of property, the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granting a variance

the board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance. Before any variance is granted it shall be shown that special circumstances are attached to the property that 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 and 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, requirements, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which is required to pass under this ordinance, or to authorize any variance from the terms of this ordinance.

ARTICLE XII. AMENDMENT

1201. Procedure. The Board of Mayor and Aldermen may amend the regulations, restrictions, boundaries, or any provision of this ordinance. Any member of the town Board may introduce such amendment, or any official, board or any other person may present a petition to the Board of Mayor and Aldermen requesting an amendment or amendments to this ordinance.
1202. Approval by Planning Commission. No such amendment will become effective unless the same be first submitted for approval, disapproval or suggestions to the Planning Commission. If the Planning Commission within thirty (30) days disapproves, after such submission, it shall require the favorable vote of the majority of the entire membership of the Board of Mayor and Aldermen to become effective. If the Planning Commission neither approves nor disapproves such proposed amendments within forty-five (45) days after such submission, the action on such amendment by Board of Mayor and Aldermen shall be deemed favorable.
1203. Introduction of Amendment. Upon the introduction of an amendment to this ordinance or upon the receipt of a petition to amend this ordinance, the Board of Mayor and Aldermen shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the Board of Mayor and Aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the Town of Surgoinsville, Tennessee. Said hearing by the Board of Mayor and Aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice.

ARTICLE XIII. LEGAL STATUS PROVISIONS

- 1301. Conflict with Other Ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinances of the Town of Surgoinsville, the most restrictive shall in all cases apply.
- 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 be effective and be in force fifteen (15) days from and after its passage the public welfare requiring it.

Certified by Planning Commission: April 19, 2007
Date

First Reading Board of Mayor and Aldermen: May 14, 2007
Date

Second Reading Board of Mayor and Aldermen: June 11, 2007
Date

Public Hearing Board of Mayor and Aldermen: June 11, 2007
Date

Approved and Signed in Open Meeting: _____
Date

Approved as to Form: _____
Town Attorney

Attest: _____
Town Recorder

APPENDIX I

REQUIRED PUBLIC NOTICES AND FEES FOR REZONINGS

Application and Fee: Citizens wishing to have their property rezoned shall file an application according to the regulations of the Town of Surgoinsville. To partially defray the administration cost, the applicant shall pay a filing fee to the Town of Surgoinsville of one hundred (\$100.00) dollars.

Notice to Adjoining Property Owners: The Town of Surgoinsville will notify all property owners adjoining the rezoning request. The notification shall state the current zoning district and the requested zoning district. The date, time and place of the public hearing to be held before the Board of Mayor and Aldermen will be included in the notification. The addresses used for the letters will be the name and address of record in City Hall used to send out property tax bills.

Notice to Other Property Owners: A sign provided by the town must be prominently located on the property from seven (7) days before the Board of Mayor and Aldermen public hearing, and remain in place until after the second reading before the Board of Mayor and Aldermen on the rezoning request.