

# **ZONING ORDINANCE**

**FOR**

# **NEWPORT TENNESSEE**

**DATE OF ORIGINAL ADOPTION**

January 13, 1994

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**MUNICIPAL ZONING ORDINANCE**  
**OF**  
**NEWPORT, TENNESSEE**

Prepared For

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Johnson City, Tennessee

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# Zoning Ordinance Newport, Tennessee

## CHAPTER 1

### MUNICIPAL PLANNING COMMISSION

#### SECTION

- 101. Creation and Membership**
- 102. Organization, Powers, Duties, etc.**
- 103. Additional Powers**

- 101. Creation and Membership.** Pursuant to the provisions of section 13-4-101 of the Tennessee Code Annotated there is hereby created a municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the mayor or the mayor's designee and another member of the governing body, selected by the governing body; the other five (5) members shall be appointed by the mayor. Two (2) of the members appointed by the mayor shall be residents within the Newport Planning Region as required by section 13-3-102 of the Tennessee Code Annotated for municipal planning commissions designated to serve as the regional planning commission. Except for the initial appointments, the terms of the five (5) members appointed by the mayor shall be for four (4) years each. The members appointed by the mayor shall be in staggered terms so at least one member's term expires each year. The term of the mayor and the member selected by the governing body shall run concurrently with their terms of office. Any vacancy in the appointive membership shall be filled for the unexpired term by the mayor. (Ordinance #2018-11, July 2018)
- 102. Organization, Powers, Duties, etc.** The planning commission shall be organized and shall carry out its powers, functions and duties in accordance with Title 13 of the Tennessee Code Annotated.
- 103. Additional Powers.** Having been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted by, and shall otherwise be governed by the provisions of the state law relating to regional planning commissions.

## CHAPTER 2

### THE ZONING ORDINANCE OF THE CITY OF NEWPORT, TENNESSEE

#### SECTION

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

201. **Authority.** An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-210 and Section 13-7-401, 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 City Council of the City of Newport.

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

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

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

1. **Access.** The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.



2. Accessory Structure. A structure that is customarily designed and used as an accessory use. The following are excluded: single-wide mobile homes, tractor trailers, car trailers, recreational vehicles, storage containers designed to transport goods, etc. that are not customarily designed accessory structures.
3. Advertising. Includes any writing, printing, graphics, painting, display, emblem, drawing, sign, or other device designed, used or intended for advertising, whether placed on the ground, rocks, trees, or other natural features or on buildings, structures, milestones, sign boards, billboards, wall board, roof board, frames, supports, fences or other man-made structure.
4. Alley. A vehicular travel way which affords a secondary means of access to the back or side of properties otherwise abutting a street.
5. Antenna. A metallic/graphic/fiberglass apparatus (aerial) for sending and receiving electromagnetic waves.
6. Boarding or Rooming House, Tourist Home, or Bed and Breakfast Inn. A building containing a single dwelling unit and not more than five (5) guest rooms where lodging is provided with or without meals for compensation.
7. Buffer Strip. A strip of land not less than ten (10) feet in width and on which plant material is planted that has such growth characteristics as will provide an obscuring screen not less than six (6) feet in height within two (2) years of planting.
8. Buildable Area of a Lot. That portion of a lot bounded by the required rear yard, side yards and the building setback line (See Appendix A, Illustration A).
9. Building. Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or chattel.
  - a. Building or Use, Accessory. A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such building or use.
  - b. Building, Modular. A unit of construction which is totally or in part constructed off-site and transported for on-site erection, placement, assembly or similar terms.
  - c. Building, Prefabricated. A building constructed on-site from components which have been prefabricated, panelized, or constructed in sections off-site.
  - d. Building, Principal. A building in which is conducted the main or principal use of the lot on which said building is located.
10. Building Height. The vertical distance measured from the finished grade at any building line to the highest point of the roof; provided that where land is subject to required minimum flood elevations, the building height shall be measured from such required elevation.

11. *Building Setback Line.* A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided. These setbacks shall be measured from the property line to the nearest point of exposed foundation, building/porch support, or farthest extending protrusion of the building/structure (See Appendix A, Illustration B).
12. *Business Services.* Establishments engaged primarily in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment service; management and consulting services; protective services; and office equipment rental.
13. *Carport.* A structure used for the storage of vehicles and having no enclosure other than its roof and such necessary support as will present the minimum obstruction to light, air, and view.
14. *Club.* Buildings and facilities owned or operated by an association or persons for a social or recreational purpose, but not operated primarily for profit or to render a service which is customarily carried on as business.
15. *Condominium.* A building, or group of buildings, in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.
16. *Day Care Center.* An establishment which receives for care and supervision six (6) or more children or adults for less than twenty-four (24) hours per day unattended by parent or legal guardian, and shall include day nurseries, child or senior adult day care services, nursery and play schools, and non-public kindergartens.
17. *Development.* Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.
18. *Dwelling Unit.* One (1) or more rooms designed as a unit for occupancy as living quarters for sleeping and cooking purposes.
  - a. *Dwelling, Multi-Family.* A building designed, constructed or reconstructed and used for more than two (2) dwelling units, with each dwelling unit having a common structural wall with any other dwelling on the same floor.
  - b. *Dwelling, Single Family.* A building designed, constructed and used for one (1) dwelling unit.
  - c. *Dwelling, Two Family or Duplex.* A building designed, constructed, or reconstructed and used for two (2) dwelling units that are connected by a common structural wall.
19. *Family.* One (1) or more persons occupying a premise and living together as a single housekeeping unit.

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

29. Mobile Home. A detached residential dwelling unit built on a single chassis and designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like, and which meets all standards of the Southern Standard Building Code.
30. Mobile Home Park. A parcel or tract of land under single ownership which has been planned and improved for the placement of mobile homes for dwelling purposes under the planned unit development regulations.
31. Modular Building. See Building, Modular.
32. Nonconforming Use. Any structure or land lawfully occupied by a use that does not conform to the use regulations of the district in which it is situated.
33. Noxious Matter. Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms, chemical reactions, or detrimental effects upon the social, economic, or physiological well-being of individuals.
34. Personal Services. Establishments primarily engaged in providing services involving the care of a person or his or her apparel, such as beauty and barber shops, shoe repair, tailor and seamstress, and weight control and exercise salons.
35. Planned Unit Development. An integrated design for development of residential, commercial, or industrial uses or combination of uses which is professionally designed to allow flexibility and initiative in site and building design and location, in accordance with a plan approved by the planning commission.
36. Principal Use. The specific primary purpose for which land or a building is used.
37. Professional Office. The office of a physician, dentist, attorney, architect, engineer, urban planner, accountant, or related professions.
38. Retail Trade and Services. Establishments engaged in selling goods and/or offering services to the general public for personal, small business, or household use or consumption.
39. Satellite Dish Antenna. An earth station antenna, parabolic or spherical design, for the reception or transmission for the satellite or terrestrial communication services.
40. Shopping Center. For the purpose of this ordinance, a shopping center shall be considered as an enterprise located on a single parcel of property which is internally separated or segregated into individual shops or separate, distinct businesses or functions. Individual ownership is not a factor. These centers shall be considered as planned unit developments.
41. Street, Public. Any vehicular way, except alleys, which is owned and maintained by the city, state, or federal governments.

42. Structure. Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground, including signs and fences.
43. Townhouse. A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common fire resistant walls.
44. Travel Trailer. Any vehicle used, or so constructed as to permit its being used as conveyance upon the public streets or highways duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons, and designed, for short-term occupancy, for frequent and/or extensive travel, and for recreational and vacation use, including camper trucks and self-propelled campers, etc.
45. Travel Trailer Parks. Any plot of land approved as a planned unit development upon which two (2) or more travel trailers are located and used as temporary living or sleeping quarters for periods of thirty days (30), or less.
46. Wholesale Trade. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
47. Yard. An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance (See Appendix A, Illustration A).
  - a. Yard, front. The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building including covered porches.
  - b. Yard, rear. The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including covered porches.
  - c. Yard, side. A yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building, including covered porches.

## CHAPTER 3

### GENERAL PROVISIONS

#### SECTION

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

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

1. 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 a building which were manifestly arranged or designed for such use prior to the time of enactment of this ordinance.
2. When the following conditions have existed for a period of six (6) months, it shall be evidence of an intent to abandon a nonconforming use; and no use of land or structures shall be undertaken thereafter unless it be in conformity with the provisions of the district within which such property is located.
  - a. *Nonresidential Uses.* No employees, customers, or clients are present on site who are there to actively conduct business, give or receive professional services, participate in activities, or use equipment that is considered to be essential to the character and operation of the nonconforming use, and, no serious attempts are being made to market the property for sale for its former use.
  - b. *Residential Uses.* No residents, whether they be owners or tenants, are present, and no serious attempts are being made to market the property for sale for its former use.
3. Any nonconforming building which has been damaged by fire or other causes, may be reconstructed and used as before unless the building official determines that the

building is damaged to the extent of more than fifty (50) percent of its appraised value for tax purposes in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance.

When a structure has been burned, damaged, or destroyed, it shall be deemed as a “nonconforming structure” and as such shall be repaired or demolished (abated). After 90 days, a burned, damaged or destroyed structure shall be considered a public nuisance.

When any structure has been damaged or destroyed, repair or demolition shall be commenced at the earliest opportunity and at a maximum allotted time not exceeding 90 days. Extenuating circumstances will be considered, such as:

- a. Not yet released by the State Fire Marshall’s Office, pertaining to arson investigations.
  - b. Specific investigations by the property owner’s insurance company being not complete.
  - c. Local fire inspector, building inspector or police investigator requiring further investigations, or
  - d. Approval by the NRPC or BZA for extensions of time.
4. Nonconforming mobile homes located on single lots may be replaced with newer and/or more structurally sound mobile homes for protection of the health, welfare, and safety of the mobile home resident and surrounding property owners.

**302. Off-Street Automobile Parking.**

1. With the exception of uses within the C-1, Central Business District, the number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below. For uses not specifically mentioned herein, off-street parking requirements shall be determined by the Board of Zoning Appeals. Each space shall conform to off-street parking lot design requirements as established in Section 304.
  - a. Automobile repair shop and/or truck repair: One (1) space for each employee plus one (1) space for each two hundred and fifty (250) square feet of floor space used for repair work.
  - b. Bed & Breakfast/Tourist Homes: One (1) space for each room to be rented in addition to the two (2) spaces for the home.
  - c. Boarding houses and rooming houses: Not less than one (1) space for each room to be rented.
  - d. Bowling Alley: Not less than five (5) spaces for each bowling lane.
  - e. Churches: One (1) space for each four (4) seats.

- f. Clubs and lodges: One (1) space for each three hundred (300) square feet of floor space.
- g. Dwelling, single-family: Not less than two (2) spaces per dwelling unit.
- h. Dwelling, multiple-family: Not less than two (2) spaces per dwelling unit.
- i. Funeral parlors: One (1) space for each four (4) seats in the chapel.
- j. Gasoline service stations and similar establishments: Four (4) spaces for each bay or similar facility plus one (1) space for each employee.
- k. Hospitals and convalescent/nursing homes: One (1) space for each four (4) patient beds, plus one (1) space for each two (2) employees including staff doctors and nurses.
- l. Hotels, motels, and other tourist accommodations: Not less than one (1) space for each room to be rented plus one (1) additional space per three (3) employees.
- m. Manufacturing or other industrial use: Not less than one (1) space for each three (3) persons employed or intended to be employed, with a minimum of five (5) spaces for any establishment.
- n. Mini-Warehouse/Self Storage: One (1) space per storage room rented out.
- o. Mobile home parks: Two (2) spaces for each mobile home.
- p. Movie Cinema: Not less than one (1) space for each four (4) seats.
- q. Offices:
  - i. Medical - one (1) space for each three hundred (300) square feet of floor space.
  - ii. Other professional - one (1) space for each four hundred (400) square feet of floor space.
  - iii. General - one (1) space for each four hundred (400) square feet of floor space.
- r. Places of public assembly: one (1) space for each five (5) seats in the principal assembly room or area.
- s. Restaurants: One (1) space per two (2) customers computed on a maximum seating capacity. Restaurants that also serve take-out orders shall provide six (6) additional spaces. Drive-thru restaurants with no indoor seating shall provide fourteen (14) spaces per 1,000 gross square feet of restaurant area.
- t. Retail business, shopping centers and similar uses: Four (4) spaces for each one thousand (1,000) square feet of gross leasable area.



- u. Schools: One (1) space for each faculty member and five (5) additional spaces for visitor parking, plus one (1) space for each four (4) pupils except in elementary and junior high schools.
  - v. Wholesale business: One (1) space for each three (3) employees based on maximum employment.
2. Combination of required parking space. The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to one (1) use may not be assigned to another use; except that, the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sunday.
  3. Remote Parking Space. If the off-street parking space required herein cannot reasonably be provided on the same lot on which the principal use is located, the Board of Zoning Appeals may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use, provided that such land is in the same ownership as the principal use, provided it is not on the opposite side of a major street or stream, provided a sidewalk is constructed connecting the two parcels if none exists; and provided that such remote parking spaces are located within a zoning district which permits the same or similar uses to that of the use for which the parking is intended. Such land shall be used for no other purpose so long as no other adequate provision for parking space, meeting the requirements herein specified, has been made for the principal use.
- 303. Off-Street Loading and Unloading Space.** With the exception of uses within the C-1, Central Business District, every building or structure hereafter constructed and used for industry, wholesale, business, or trade shall provide space for the loading and unloading of vehicles off the public street or alley. Each space shall measure at a minimum of 12 x 30 feet and shall not be considered as part of the space requirements for off-street automobile storage.
- 304. Off-Street Parking Lot Design Requirements.** To protect and enhance community appearance and to provide orderly, safe, and systematic circulation within parking areas, the following regulations shall apply:
1. All areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street or alley to obtain egress.
  2. All parking lots shall be set back a minimum of five (5) feet from all public right-of-ways.
  3. Each parking space shall be a minimum of nine (9) feet by nineteen (19) feet with minimum parking aisle and width dimensions shown as follows:

<u>Parking Angle</u>	<u>Stall Length</u>	<u>Stall Width</u>	<u>Aisle Width</u>
30 deg.	19.0	9.0	12.0
45 deg.	19.0	9.0	13.0
60 deg.	19.0	9.0	18.0
70 deg.	19.0	9.0	24.0
90 deg.	19.0	9.0	24.0

4. Handicapped parking shall be provided as regulated in the Southern Standard Building Code. Each establishment shall have a minimum of one (1) handicapped parking space and be a minimum of twelve (12) feet and six (6) inches by nineteen (19) feet.
5. All parking aisles shall be arranged so as to channel traffic and minimize vehicular/pedestrian conflicts.
6. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 306 of this ordinance.
7. The parking lot shall be adequately drained to eliminate surface water without contributing to drainage problems on adjoining property or rights-of-way.
8. With the exception of single-family dwellings, all required off-street parking shall be paved with a minimum of asphaltic concrete and have an adequate base to prevent premature break-up.
9. All fixed objects within parking lots (utility poles, signs, fire hydrants, etc.) shall be located within islands to which access by vehicles is physically limited. These islands shall be landscaped with grass, shrubs, trees, or other appropriate plant material which shall not obstruct visibility from vehicles.
10. Traffic safety signs, signals, and markings shall be in conformance with the Tennessee Manual on Uniform Traffic Control Devices. Where needed, size reduction of devices shall be approved, however, shape and color shall meet requirements of the manual.
11. Parking rows and interior dividers shall be terminated with terminal islands not less than five (5) feet in width, constructed with raised curbs, and landscaped with appropriate cover.
12. Landscaping shall be required as established in Section 310.2.d or 311.2.d.
13. Maintenance of all islands, parking spaces and ways, landscaping, and traffic control devices within the parking facility is the responsibility of the property owner. All elements shown on the site plan are to be maintained on a regular schedule. All structures or plant materials that are damaged must be replaced to original standards within ninety (90) days. The planning director or his designated representative shall

regularly inspect parking lots required to meet these regulations. The planning director or his representative shall notify the property owner and/or manager upon finding deficiencies in structural or landscaped areas.

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

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

1. General Provisions. In no case shall any curbs on city streets or rights-of-way be cut or altered without first obtaining a driveway permit from the planning department. Minimum paving requirements for such driveways shall be determined by the planning director at the time of application. In all cases, the driveway extension over the right-of-way shall be paved to protect public streets.
2. Driveway Alignment. Single driveways shall be positioned at right angles to the roadway. Where two (2) driveways are used on one (1) frontage, and they are to be used for access to and from both directions of travel on the highway, each roadway shall be at right angles with the center line of the roadway. The driveway angle may be between forty-five (45) degrees (min.) and sixty (60) degrees (max.) when the driveway is to be used by vehicles in only one direction of highway travel (right turns only) on a divided highway.
3. Driveway Entrance Regulations. All driveway entrances shall be located subject to the following controls:
  - a. On all streets classified as Level A on the official zoning map (See Appendix B), no driveway entrances shall be constructed within one hundred (100) feet of an intersecting street right-of-way line.
  - b. On all streets classified as Level B and C on the official zoning map (See Appendix B), no driveway entrances shall be constructed within sixty (60) feet of an intersecting street right-of-way line.
  - c. On all streets classified as Level D on the official zoning map (See Appendix B), no driveway entrances shall be constructed within twenty-five (25) feet of an intersecting street right-of-way line.
  - d. On all streets classified as Level A on the official zoning map, no driveway entrances shall be constructed within forty (40) feet of the side property line.
  - e. On all streets classified as Level B and C on the official zoning map, no driveway entrances shall be constructed within twenty (20) feet of the side property line.
  - f. If neighboring property owners wish to share a driveway, the shared side property line setback requirements shall be waived. If a driveway is shared,

this one (1) driveway will count as two (2), or as one (1) driveway per lot and all other access control requirements shall be met.

- g. If a lot of record cannot meet the above access control requirements, a driveway cut will not be denied; but the spirit and intent of this section shall be adhered to as closely as possible.

4. Number of Driveway Entrances Allowed. In order to promote the safety of the motorist and to minimize traffic congestion and property damage by reducing the points of conflict, the following regulations shall apply:

- a. Lots with less than one hundred fifty (150) feet frontage may have one (1) driveway entrance.
- b. Lots with one hundred fifty (150) feet to eight hundred (800) feet of frontage may have two (2) driveway entrances.
- c. Lots with over eight hundred (800) feet frontage may have one (1) additional driveway entrance for each additional four hundred (400) feet.

5. Driveway Entrance Widths. The width of all curb cuts shall be within the following limits.

- a. Residential uses shall be limited to driveway widths between ten (10) and twenty-five (25) feet.
- b. Uses serving twenty-five (25) or more large trucks per week shall have driveway widths between twenty (20) and forty (40) feet.
- c. All other uses shall be limited to driveway widths between fifteen (15) and thirty (30) feet.

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

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

1. Applicability of PUD Regulations. A PUD may be developed in any district provided that the uses permitted and density requirements of the district allow the development and the PUD plan elements are approved by the planning commission. Residential, commercial, public, semi-public, or industrial uses, or combinations of these uses where district or special regulations permit, may be developed under the

PUD concept. Cluster type subdivisions and condominiums, townhouses, multi-dwelling units, rental developments, multi-use parks, travel trailer parks, and multi-use or ownership developments shall be considered as PUD's for the purpose of this ordinance.

2. Relationships of PUD Regulations to District and Site Plan Regulations. Unless specifically altered by any provision of this section, the use and development regulations of Sections 601 through 609, Sections 310 and 311, or any other applicable provision of this ordinance shall apply to the development of a PUD.
3. General Requirements. All PUD developments shall comply with the following requirements.
  - a. Minimum Site. No PUD shall have an area less than that required by the planning commission as adequate for the proposed project; however, the minimum site shall not be less than the minimum lot size required in the district in which the proposed project is to be located.
  - b. Structures and Open Space. The planning commission shall require structures and open space to be arranged on the site in such a way that adjacent uses will not be adversely affected.
    - i. Where feasible, the highest height and intensity of uses shall be toward the interior of the projects.
    - ii. No freestanding building shall be located closer than twenty (20) feet to any other freestanding building.
    - iii. Minimum setback requirements for lots as established in Chapters 6 and 7 may be altered upon approval of the planning commission; except that, in no case shall the setbacks from any exterior project site side or rear property line be less than twenty-five (25) feet.
    - iv. Landscaping/buffering requirements, as contained in Sections 310 and 311 and Chapter 6, shall be applied to PUD developments; except that, the planning commission may require additional landscape materials or structures where it is deemed to be in the public interest to do so.
4. Open Space Requirements. Preservation, maintenance, and ownership of open space areas and facilities shall be accomplished by one or more of the following methods and shall be established in an appropriate legal manner.
  - a. Dedication to and acceptance by the public as part of a governmentally administered park and open space system.
  - b. A property owners association.
  - c. The developer or management authority of the PUD.
5. Parking and Access Control Requirements. The provisions of this ordinance relating to vehicular access and parking (Sections 302 through 307) shall be adhered

to; except that, the planning commission may alter these requirements in instances in which a superior design alternative is presented which will not be detrimental to the public interest or in conflict with the intent of this ordinance.

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

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

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

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

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

**309. Signs.** The purpose of this article is to regulate all exterior signs, so as to protect property values, the visual character, and the public health, safety and welfare of Newport. Signs are deemed to be an accessory and incidental use to the land or building in which they identify or advertise for a use thereon, and is intended that such signs will be appropriate and adequate, but not excessive, in performing their identification or advertising function. All new signs erected, constructed, or placed upon any property or building within the city shall conform to the provisions of this section. In addition, this article enables the fair and consistent enforcement of these sign regulations under the zoning authority of the City of Newport.

1. Definitions: For the purposes of the chapter, the following definitions shall apply:

- a. Abandoned Sign. Means a permitted sign that was erected on the property in conjunction with a particular use, that use having been subsequently discontinued for a period of 30 (thirty) days or more, or a permitted temporary sign for which the permit has expired.
- b. Animated Sign. Means any sign or permanent structure that uses movement, projection, or change of lighting or other electrical impulses to depict action or create a special effect. Variable display signs, beacons, and moving message boards are considered to be animated signs under this chapter.
- c. Banners, Pennants, Festoons and Balloons. Means any sign of fabric or other flexible material that is permanently mounted to a pole, enclosed in a frame, or otherwise mounted to allow movement caused by wind. Flags shall not be considered as banners under this chapter.
- d. Canopy Sign. (see Wall Sign)



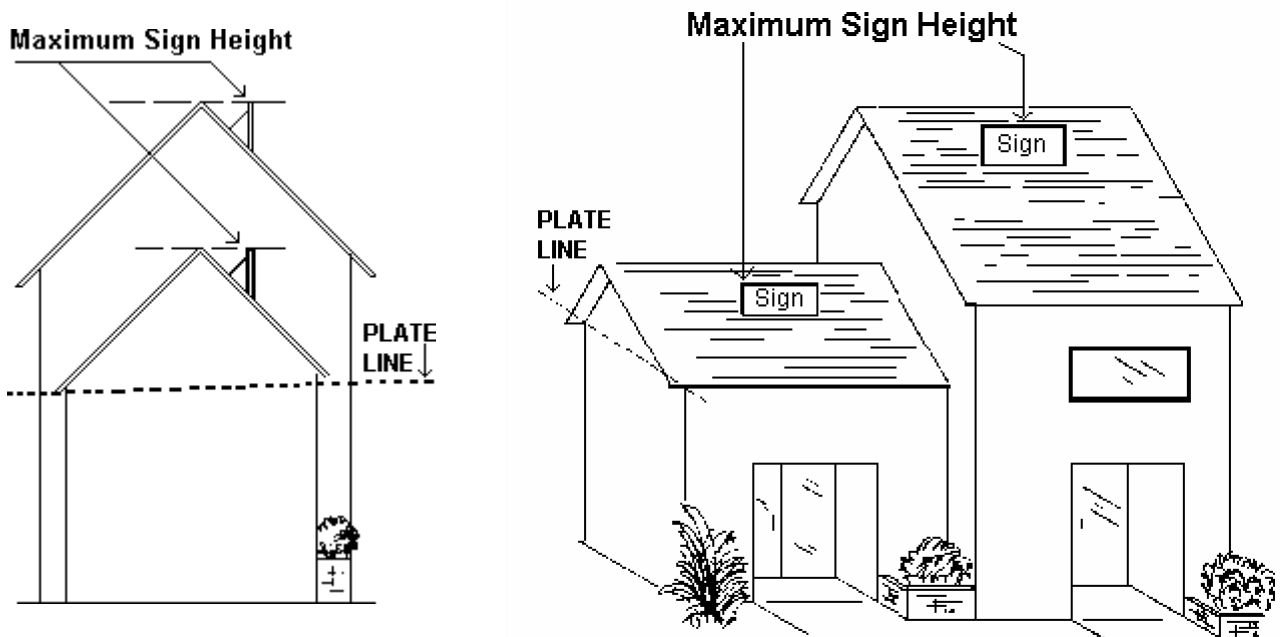
- e. Commercial Message. Means any sign wording, logo, or other representation that directly or indirectly names, advertises, or calls attention to a business, product, service, or other commercial activity.
- f. Construction Sign. Means any sign, whose message is limited to the name and use of the building being constructed, which may include the names of the architects, engineers, contractors, and other persons involved with the construction project.
- g. Dilapidated Sign. Means any sign that is structurally unsound, has defective parts, or is in need of painting or other maintenance.
- h. Directional Sign. Means a permanent sign erected for or by a public entity for purposes of identification, direction, or public safety.
- i. Existing Sign. Means any sign that was erected, mounted, or displayed prior to the adoption of this chapter.
- j. Franchise Sign. Means a company, corporation, or franchise that has specific or standard signage for national logos or signs. Franchise signs must also comply with sign regulations.
- k. Freestanding Sign. Means any sign supported by structures or supports that are anchored in the ground and that are independent of any building or other structure.
- l. Height Clearance. Means the perpendicular distance from the graded ground surface to the bottom edge of any freestanding sign that is not classified as a ground or monument sign.
- m. Height of Sign. Means the vertical distance from normal grade to the highest point of the sign. Any berming, filling, or excavating solely for the purpose of locating the sign shall be included as part of the sign height.
- n. Illegal Sign. Means any sign that does not have a valid permit from the city, is not a lawful non-conforming sign, and is not exempt from the permit requirement established within this chapter.
- o. Incidental Sign. Means any sign, generally informational, that has a purpose secondary to the use on the lot on which it is located, such as “no parking”, “entrance”, “loading only”, etc. No sign with a commercial message, symbol, or service shall be considered incidental.
- p. Ingress/Egress Sign. Means a sign displaying the direction of ingress or egress on a given site, such as “in”, “out”, “one way” etc.
- q. Marquee. Means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather. A marquee is characteristically used to mark the entrance to a theater or cinema.

- r. Master Identification Sign. Means a wall sign identifying all of the businesses within a single building or structure.
- s. Menu Board. Means a structure primarily designed for the display of a menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through service.
- t. Monument Sign. Means a freestanding sign attached to the ground, which incorporates a design and materials complimentary to the architectural theme of the building on the same property.
- u. Mural Sign. Is a scene or form of artwork without wording that is painted or affixed onto a structure. The Newport Regional Planning Commission must approve this type of sign.
- v. Nonconforming (Sign or Sign Structure). Means any existing permanent sign or sign structure which does not conform to the provisions of this chapter, but was erected pursuant to a valid permit from the city and complied with the sign regulations in effect at the time it was erected.
- w. Off-Premise Sign. Means a sign that directs attention to a business, commodity, or service offered at a location other than the premises on which the sign is erected. Any sign that is not an on-premise sign as defined herein shall be considered an off-premise sign.
- x. On-Premise Sign. Means a sign that directs attention to a business, commodity, or service offered located on the premises on which the sign is erected. For the purpose of this chapter, common access easements, common reserved areas, or common open space shall be considered as any of the served lots.
- y. Painted Wall Sign. Means any sign or display without wording painted directly on any exterior surface, exclusive of window or door glass areas.
- z. Pole (or Pylon) Sign. Shall mean any freestanding sign more than (4) four feet in height that does not meet the definition of a monument, ground, or portable sign. These signs are composed of the sign cabinet or base and the sign pole or pylon by which it connects to the ground.
- aa. Political Preference Sign. Means any temporary sign supporting a political candidate, stating a position regarding a political issue or similar purpose. Any political preference sign shall have a name (person, business, or organization) and address on to the sign.
- bb. Portable Sign. Means any sign designed or intended to be readily relocated, and not permanently affixed to the ground or to a structure. Portable signs include such signs as sidewalk signs, A-frame sign or any sign attached to or painted on a vehicle or trailer parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. For the purpose of this chapter, portable signs shall not be considered permanent signs.

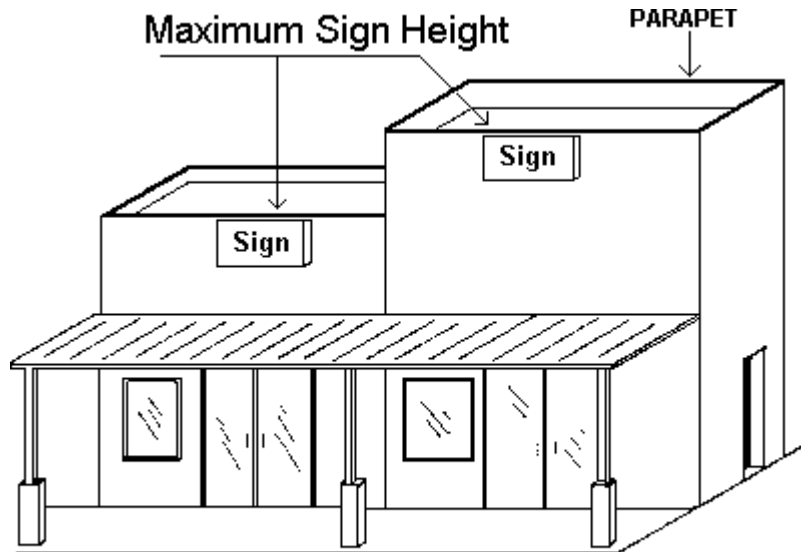
Real estate signs and other temporary signs that are otherwise provided for in this chapter shall not be considered portable signs for the purpose of this chapter.

- cc. Product Sales Sign. Means a sign that advertises a product or item that is being sold on the premises. Product sales sign shall only display the product name and sale price.
- dd. Projecting Sign. Means any sign, other than a wall sign, whose leading edge extends beyond the building or wall to which it is affixed, forming an angle with said building or wall.
- ee. Public Right-of-Way/Public Way. Means a strip of ground dedicated for public use, usually for Public Street, public infrastructure, and/or waterway. For the purpose of this chapter, such right-of-way shall be considered to extend a minimum of ten (10) feet from the edge of pavement, or to the dedicated right-of-way boundary, whichever is further.
- ff. Real Estate Sign. Means a temporary sign erected by the owner, or agent, advertising the real property upon which the sign is located for rent, lease, or sale.
- gg. Roof Line. Means the highest horizontal point of the wall visible to the public, excluding any architectural feature that extends above such apparent horizontal roofline if such feature is fully enclosed and considered an integral part of the occupied space, such as an atrium or high ceiling.
- hh. Roof Sign. An attached or wall sign extending above the plate line or on the parapet of a building or structure is allowed; any sign or part of sign beyond the highest point or edge of the roof is prohibited. See example A. below.

#### Example A. - ROOF SIGN



## ROOF SIGN (Cont.)



- ii. Shopping Center. Is defined as two (2) or more tenants occupying one (1) or more structures on a single parcel of land or a group of adjoining parcels, that is designated to integrate the building fronts, and parking areas, signs and ingress/egress to operate as one (1) unit. Shopping Centers not designed to be operated as an integrated single unit will be determined by the Board of Zoning Appeals.
  
- jj. Sign. Means any display of any letter, numeral, figure, emblem, picture, outline, character, spectacle, announcement, or anything in part or in combination by any means whereby the same are made visible to the eye and for the purpose of attracting attention outdoors to make anything known, whether such display be made on, attached to, or as part of a structure erected for the purpose, or on, attached to, or as a part of any other structure, surface, or thing, including but not limited to the ground or any rock, tree or other natural object, which display is visible beyond the boundaries of the lot or parcel of property on or over which the same is made.
  
- kk. Sign Area. Means the square foot enclosed by the perimeter of the sign face. With the respect to signs that are composed of individual symbols, letters, numbers, figures, illustrations, messages, forms, or panels, sign area shall be considered to include all such components together with their background, surrounding frame, and any “cutouts” or extensions. The sign area shall not include any support structure bracing.

- ll. Sign Content. Means the sign shall be limited to identifying or advertising the property, and individual enterprises, the products or services, the entertainment available on the same property where the sign is located, or public service information.
- mm. Sign Face. Means the entire area of a sign upon, against, or through which copy is placed.
- nn. Sign Structure. Means any structure that supports, has supported, or is capable of supporting a sign, including any decorative cover for the sign structure. This definition shall not include a building, fence, wall, or earthen berm.
- oo. Snipe Sign. Means any sign that is affixed by any means to trees, utility poles, fences, or other objects, where the message appearing thereon is not applicable to the present use of the premises upon which the sign is located.
- pp. Special Event Sign. Means any sign, including a banner, which carries a message regarding a special community event or function associated with a recognized charitable or civic organization.
- qq. Subdivision Sign. Means any sign located at the entrance to subdivision, whether it is residential, commercial, or industrial, as defined in this chapter.
- rr. Temporary Sign. Means any sign that is intended for temporary and a limited time period, as permitted by this chapter.
- ss. Two-Sided Sign, Two Sign Faces. Means any sign constructed on a single set of supports, with messages visible on either side, or a “V” type sign with a common support in the center of the “V”.
- tt. Wall Sign. Means any sign, other than a projecting sign, that is attached to or painted on any wall of any building, awning, or canopy.
- uu. Window Sign. Means any sign, graphic or interior design element placed inside the window pane, used to advertise, announce, or identify a person or entity, or to communicate information of any kind, or to draw visual attention to the business or use, and which is visible from the public right-of-way. For purposes of this chapter, window signs may be permanent or temporary and subject to the applicable provisions herein.
- vv. Electronic Reader Board: A sign with a fixed or changing message composed of a series of lights that may be changed manually or electronically, the message changing at intervals of not less than one (1) second, the message being limited to *alphanumeric characters, graphics or illustrations* and advertising for a product and/or price located on-premise. For the purpose of this sign ordinance, an electronic reader board sign shall not flash, or change physical position by any movement or rotation of parts. The visual impression of movement of any alphanumeric characters, graphics of illustration may be achieved through the LED source provided that all motion must be within allowed digital sign face area. (Ordinance #2012-04, June 2012)

2. Applicability; effect. A sign may be established or maintained in the city only in conformance with the provisions of these regulations. The effect of this article, as more specifically set forth herein, is to:
- a. Establish a permit system to allow a variety of sign types in commercial zones, and a limited variety of signs in other zones, subject to the standards and permit procedures of this article.
  - b. Allow certain small, unobtrusive signs incidental to the principal use of a site without a permit when in compliance with the requirements of this article.
  - c. Provide for temporary signs in limited circumstances.
  - d. Prohibit all signs not expressly permitted by this article.
  - e. Provide for enforcement of the provisions of this article.

3. General Provisions.

- a. Plans Required. The planning director shall be provided with plans and specifications identifying the location, type, and design of any sign, which requires a permit under the provisions of this section.
- b. Permit Required.
  - 1) Unless specifically exempted by this section, it shall be unlawful to erect, substantially modify or relocate any sign without first obtaining a sign permit. When a sign permit has been issued, it shall be unlawful to substantially modify the sign without prior approval from the Building Inspections Department. A written record of such approval shall be entered upon the original permit application and maintained in the permit record.
  - 2) A sign permit will not be required for the placement of one (1) temporary commercial freestanding sign, if a temporary building permit has been issued. The temporary sign shall be placed upon the premise's address by the building permit and removed when the temporary building permit expires. No more than one (1) temporary sign will be allowed.
- c. Prohibited Signs.
  - 1) Signs which include action, motion, moving materials, or which have any moving parts; or contain flashing or rotating lights or bulbs; or are intermittently lighted; or interfere with the view of traffic or that could be confused with any authorized traffic control sign, signal, or device, with the exception of signs that display time and temperature and public service announcements without advertising matter. (Ordinance #2012-04, June 2012)
  - 2) Portable signs.

- 3) Signs that are not securely affixed to the ground, or otherwise affixed in a permanent manner to an approved supporting structure, unless otherwise permitted in this chapter. (Ordinance #2012-04, June 2012)
- 4) Any sign which by reason of its location, position, size, shape, or color may obstruct, impair, or otherwise interfere with the view of, or be confused with any traffic control sign or signal erected by a public authority. To these ends, no sign shall use the words “slow”, “stop”, “caution”, “yield”, “danger”, “warning”, or “go” in a manner that misleads, confuses, or distracts a vehicle driver.
- 5) Signs on public property including utility poles, except those erected by an authorized public entity.
- 6) Signs and landscaping around signs that create a sight visibility problem for public safety and health.
- 7) No more than one (1) freestanding sign per property where the business is being conducted, unless the property fronts more than one (1) primary or secondary parallel or intersecting roads, which would allow an additional freestanding sign per primary or secondary road frontage. No more than one (1) freestanding sign per road frontage. Enter and exit signs shall not be included in the total number of signs allowed.
- 8) Product Sales signs that are not affixed onto the building where the product is being sold. Product Sales signs shall be temporarily fixed to the building in a proper and neat fashion as determined by the codes official. Product advertisement signs shall be temporary and shall not be displayed for more than two (2) weeks and cannot cover more than twenty five percent (25%) per wall. (Ordinance #2012-04, June 2012)

All product sale signs must be displayed in the window of the business. One sign is allowed per window that shall not cover more than fifty percent (50%) of the window. Unframed product sales signs shall not be permanently or temporarily affixed to the outside of the structure. Campaign-style product sales signs are prohibited. (Ordinance #2020-05, August 2020)

- 9) All signs which are not expressly permitted by this ordinance or any other ordinance of the city.

d. Non-conforming Signs.

- 1) The utilization of a nonconforming sign and/or sign structure, as defined herein, may continue subject to the conditions and requirements noted below. When the use of a property changes (including but not limited to the redevelopment of the site or a change in the use or name of the business(es), the sign on that property must be brought into compliance with the provisions of this chapter.
- 2) No alterations to a nonconforming sign/sign structure shall be permitted

except minor repairs and maintenance. Any structural or other substantial maintenance or improvement to a nonconforming sign (except for painting or refinishing the surface of the existing sign face or sign structure so as to maintain the appearance) shall be deemed an abandonment of the nonconforming status, shall render any prior permit void and result in the reclassification of such sign as an illegal sign.

3) In the event that a non-conforming sign is reconstructed as the result of damage from any cause, or to correct deterioration and dilapidation to the extent of (50%) fifty percent of its fair market value, said signs shall be permitted to exist in nonconforming locations only to the extent that the surface area for message display be reconstructed in conformity with the provisions of this chapter.

e. Signs Permitted in all Zoning Districts. The following types of signs are permitted in all districts, subject to the conditions set out below and other applicable provisions of this ordinance. Such signs do not require a permit.

1) Political Campaign Signs. Political Signs may not be put up prior to ninety (90) days before Election Day. Signs in residential areas shall not exceed four (4) square feet. Signs in commercial areas shall not exceed sixteen (16) square feet. Signs must be placed a minimum of seven (7) feet from the street and shall not be located in such a manner as to obstruct clear or free vision, or cause hazards for pedestrians or vehicular traffic. No poles or stakes shall be driven into the ground at any intersection containing a traffic light. Candidates shall be held liable for any damage to underground circuits. No signs shall be placed upon or attached to any city owned property, except on Election Day near polling locations. All signs must be removed within seven (7) days after the election. Prohibited signs may be removed at any time by an authorized employee of the City of Newport. (Ordinance #2018-10, July 2018)

2) Temporary Special Event Signs. Signs not exceeding thirty-two (32) square feet that announce a special event sponsored by a civic, philanthropic, educational, or religious organization may be erected on private property no more than thirty (30) days prior to the event. The property owner shall remove all special event signs within seven (7) days of the conclusion of an event. A downtown streaming banner identifying a special event being held in Cocke County must be approved by the Newport Regional Planning Commission with the continuance of approval from the property owners that are being affected. The streaming banner location is located at 145 E. Broadway.

a. Banners. A temporary banner, not affixed to the building, may be displayed under the following conditions:

1. A permit shall be obtained from the building official. There shall be 30 days between the issuance of the first and second permit.
2. The banner may have a maximum height of 30 inches and a maximum length of 10 feet.
3. The banner shall only permitted twice a calendar year for the length of 30 days per permit.



4. The banner shall be maintained and in good condition.
  5. The banner shall be located on private property.
  6. The banner shall not create a safety hazard or impair vision of traffic or pedestrians.
  7. There shall be a 50-foot minimum separation between banners, as determined by the building official, if another banner is present on the property. (Ordinance #2012-04, June 2012)
- 3) Real Estate Sale/Lease Signs. Maximum signage up to nine (9) square feet in residential zones or thirty-two (32) square feet in commercial and industrial zones, advertising the sale, rental, or lease of the premises or part of the premises on which the signs are displayed are permitted. Such signs shall be removed within fourteen (14) days of the sale, rental, or lease.
  - 4) Residential Name/Address Signs. For each single family dwelling unit, one (1) nameplate indicating name, address, house number, home occupation, or an announcement of space for boarders or roomers if applicable, limited to two (2) square feet in area, is permitted.

f. Signs Requiring a Permit.

1) Residential Districts.

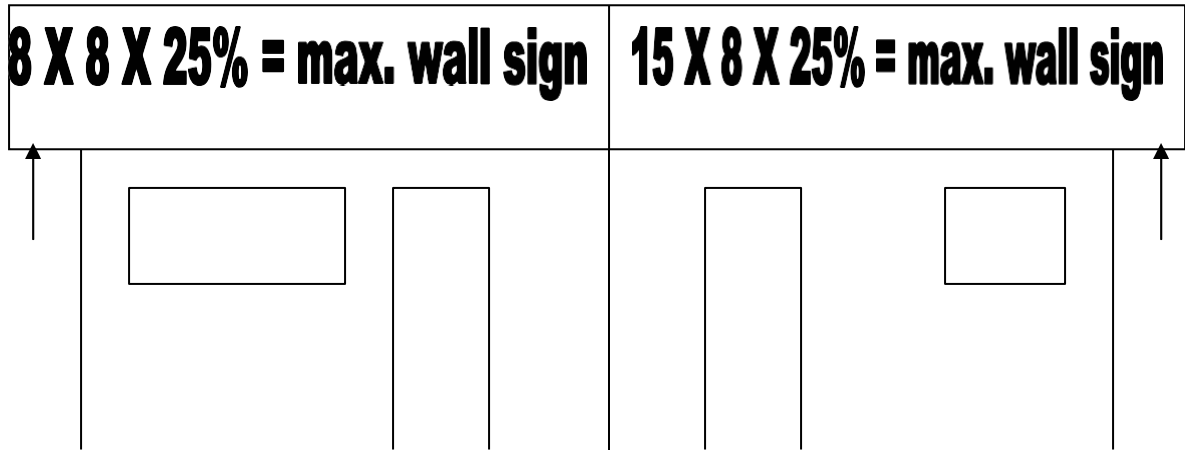
- i. For subdivisions, and PUD's (including multi-family developments and mobile home parks) and all non-residential uses, total signage shall not exceed one hundred (100) square feet in area and twelve (12) feet in height, is permitted. Individual buildings within a PUD total signage shall not exceed forty (40) square feet in area.
- ii. While under development, a subdivision or PUD may have one (1) temporary sign that shall not exceed forty (40) square feet in area and twelve (12) feet in height. Such sign is permitted in addition to any permanent identification sign but shall be removed after two (2) years or when ninety (90%) percent of the project is sold, whichever occurs first.

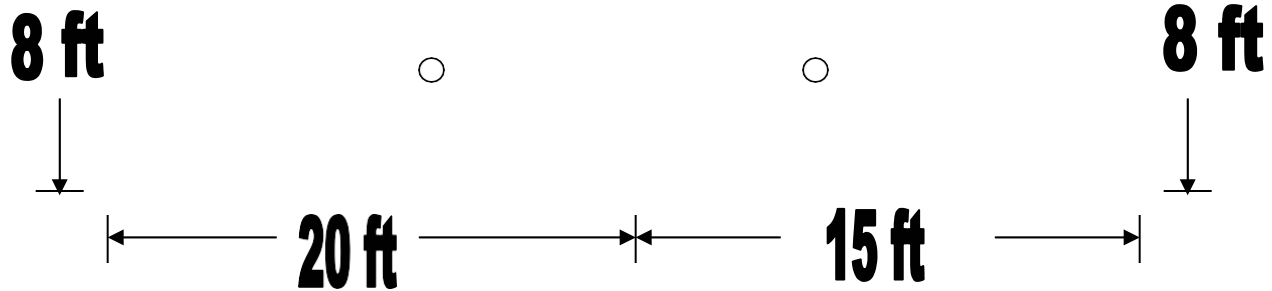
2) Commercial Districts.

- i. Wall signage for a Single Commercial Occupant not located in a Shopping Center, Mall, or commercial PUD's shall not exceed one hundred (100) square feet in area, except for occupants building that is larger than twenty-five thousand (25,000) square feet, which would be allowed two hundred-fifty (250) square feet of wall signage. Freestanding sign shall not exceed one hundred-fifty (150) square feet in area. Sign height shall not exceed thirty (30) feet. Enter and exit signs not exceeding three (3) square feet, height not exceeding three (3) feet, and does not obstruct clear visibility to vehicles exiting the premises.

- ii. Shopping Centers, malls, and commercial PUD's wall signage for each occupant or business shall not exceed or cover over twenty-five (25%) percent of the wall facing. Wall facing calculations are estimated by multiplying a standard ceiling height of eight (8) feet by sidewall-to-sidewall width. See example B. below. Maximum wall signage shall not exceed three hundred (300) square feet. Total square feet allowed for a freestanding sign shall not exceed three hundred-fifty (350) square feet and the sign height shall not exceed thirty (30) feet in height. A commercial PUD may have one (1) additional freestanding sign with two hundred (200) square feet, if there is at least 1000 feet of road frontage on an arterial road with the distance between the first and second freestanding sign determined by the Board of Zoning Appeals. The Board of Zoning Appeals will determine if the property qualifies and the location of the freestanding signs. Enter and exit signs shall not exceed three (3) square feet and shall not obstruct clear visibility for vehicles exiting the premises and exceed in three (3) feet in height. Shopping Centers not designed to be operated as an integrated single unit will be allowed additional freestanding signs. The Board of Zoning Appeals will determine if the commercial center is designed to operate as a single unit and will determine the location and number of freestanding signs. Ordinance #2012-04, June 2012)

**Example B.**





- iii. In the C-3 Interstate Highway Business District each business shall be allowed in addition to the normal business signs, one (1) high-rise freestanding interstate sign not to exceed one hundred (100) feet in height nor three hundred-fifty (350) square feet in sign area.
- iv. Electronic or Electronic Signs: A plan with the sign location, manufacturer details of the sign, and sign specifications are required to be submitted for approval prior to a permit being issued, and shall comply with the following:
  - a. All electronic message boards must have automatic dimmers.
  - b. The message display time for all electronic message boards shall remain static for a minimum of eight (8) seconds with a maximum change time of two (2) seconds.
  - c. No electronic message board shall require exceed thirty-six (36) square feet in area. Anything larger than this shall require Planning Commission approval.
  - d. Electronic message board shall be allowed in the C-2 and C-3 District only.
  - e. Electronic time/temperature displays are allowed but shall have a minimum eight (8) second delay and shall not display moving light messages. (Ordinance #2020-09, November 2020)
  - f. Sixty (60) percent of the total sign area must be permanent lettering or marking that meets the definition of an open-premise sign for the entity being promoted by the on-premises sign. Meaning no more than forty (40) percent of the total sign area can be electronic. (Ordinance #2023-11, July 2023)

### 3) Industrial Districts.

- i. Maximum identification sign area permitted for separate establishments on individual lots located outside a PUD, shall be one hundred and seventy-five (175) square feet per separate industrial use; except that no ground sign or wall sign shall be greater than one hundred-fifty (150) square feet in area.
- ii. In industrial PUD's or buildings housing more than one (1) establishment, each establishment may have one (1) ground sign per establishment not to exceed one hundred (100) square feet and a wall or other type signs so long as the total sign area for each establishment does not exceed one hundred-fifty (150) square feet. Enter and exit signs not exceeding three (3) square feet and height not exceeding three (3) feet and does not obstruct clear visibility to vehicles exiting the premises.

- iii. Industrial park entrance signs shall be limited to one (1) major directory sign not to exceed two hundred (200) square feet.

4. Administration. The following shall apply in the administration of these sign provisions:

a. Fees and inspections:

Fees may be charged for sign permits and for annual inspection. Permits for signs shall become null and void if the sign is not installed within (6) six months.

b. Removal or repair of signs:

Any sign which is erected not in conformance with this chapter, or any sign which by reason of improper maintenance, abandoned, or disrepair becomes nonconforming or unsafe, shall be removed or repaired pursuant to the provisions of all building codes as enforced by the building inspections department, and all amendments thereto, as incorporated by reference in the code of ordinances of the City of Newport, Tennessee.

**310. Site Plan Regulations for Commercial, Multi-Family, Public, and Semi-Public Uses.**

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

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

Shopping centers, mobile home parks, travel trailer parks, apartments, condominiums, and other similar types of projects shall be developed under the provisions of the Planned Unit Development (PUD) Regulations as set out in Section 308; except that, unless specifically altered by the provisions of Section 308 or the use and development regulations contained in Sections 601 - 609 or any other applicable provision of this ordinance, all provisions relating to plan preparation and site development contained in this section shall also apply to the plan preparation and site development of all PUDs.

In accordance with the provisions of 13-4-104, Tennessee Code Annotated, site plans for any public use including, but not limited to, schools, parks, streets and highways, public buildings, and utilities, shall be submitted to the planning commission for review, and shall be prepared in accordance with the provisions of Sections 308, 601 - 609, and this section, as may be applicable.

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

1. General Provisions

a. All site plans shall be prepared and certified by a licensed engineer, landscape

architect, architect, and/or surveyor, as may be appropriate, and in accordance with state law regarding the practice of these professions. Drawings shall be at a scale of not less than 1" = 20' for small tracts and 1" = 50' for large tracts.

- b. All site plans shall show:
  - i. Topography of existing and finished grades.
  - ii. Location of all land subject to flooding.
  - iii. Dimensions and calls of all property lines.
  - iv. North point, scale, acreage of site, and location map.
  - v. Location of all existing and proposed structures (including signs), street rights-of-way, sidewalks, and easements.
  - vi. Dimensions of all existing and proposed structures.
  - vii. Plans for vehicular and pedestrian circulation, utilities, solid waste disposal, landscaping and open space, signs, off-street parking, and storm water drainage.
2. Open Space and Landscaping Plan. To obtain sufficient space between uses and buildings for adequate light, air, privacy, and amenities, the following requirements for open space and landscaping are established:
  - a. Landscaping shall mean planting of grass, trees, shrubs, or other comparable surface cover or decorative plazas and/or pools. Where existing landscape features exist on site which can meet the purpose of this section, all or part of such features may be used to meet the requirements of this section upon the approval of the planning commission.
  - b. All developments shall meet the minimum yard (open space) requirements established in Chapters 6 and 7.
  - c. The setback space between a public street and parking areas shall be landscaped with berms and/or appropriate landscape plants which shall be maintained in a healthy, growing condition through a permanent maintenance program.
3. Signs. Sign size and placement shall be governed by the provisions of Section 309.
4. Off-Street Parking. The off-street parking and loading/unloading areas, points of ingress/egress, and driveways shall be developed in accordance with the provisions of Sections 302 through 306.
5. Waste Disposal. All waste disposal facilities shall be screened by fencing, walls, or evergreen plant materials in such a way that they are not visible from any public street or adjoining properties.
6. Stormwater Drainage. A certified plan for stormwater drainage shall be included with the site plan which identifies all easements, drainage structures including sizes/capacities, and other pertinent information concerning the assumptions upon

which the plan is based. The estimated stormwater runoff based on a ten (10) year storm shall be calculated for pre-development and post-development. The amount of runoff shall not be increased and shall be accommodated on site.

7. Site Improvements Bond. Prior to the issuance of a certificate of occupancy, the planning director shall make a determination regarding whether or not all site improvements, as set out in this ordinance and the approved site plan, have been properly made or installed. If not, prior to issuing a certificate of occupancy, the planning director and city manager shall determine the amount, form, and term of surety that must be established and must secure such guarantee for the purpose of ensuring the timely completion of the required site improvements.
  8. Issuance of Building Permits. No building permit shall be issued until the planning director receives a site plan which bears the signed certificates of site plan approval and of application and agreement (See Appendix D).
  9. Expiration of Approved Site Plans. Approval of a site plan shall expire six (6) months after the date of its approval unless a building permit has been issued and substantial progress has been made toward completion of the project.
- 311. Site Plan Regulations for Industrial Uses.** It is the intent of this section to require site plans for all new industrial uses as well as any non-industrial uses which are permitted in the industrial districts of the town and shall apply to the expansion or redevelopment of any existing uses within the town's industrial districts. The purpose of these regulations is to protect the public health, safety, and welfare of the citizens of Newport through a lessening of traffic congestion, the securing of adequate light and air, the preservation of aesthetic qualities, and the protection of property. These site plans shall be reviewed and approved by the planning commission as being consistent with the intent of this ordinance and the comprehensive planning program of the city prior to the issuance of any grading or building permit.

Industrial and/or commercial PUDs located in any industrial zoning district shall be developed under the provisions of the Planned Unit Development (PUD) Regulations as set out in Section 308; except that unless specifically altered by the provisions of Sections 308 or the use and development regulations contained in Sections 601 through 609 or any other applicable provision of this ordinance, all provisions relating to plan preparation and site development contained in this section shall also apply to the plan preparation and site development of all PUDs.

In accordance with the provisions of 13-4-104, Tennessee Code Annotated, site plans for any public use including but not limited to schools, parks, streets and highways, public buildings, and utilities, shall be submitted to the planning commission for review and shall be prepared in accordance with the provisions of Sections 308, 601 - 609, and this section, as may be applicable.

1. General Provisions
  - a. All site plans shall be prepared and certified by a licensed engineer, landscape architect, architect, and/or surveyor, as may be appropriate, and in accordance with state law regarding the practice of these professions. Drawings shall be at a scale of not less than 1" = 20' for small tracts and 1" = 50' for large tracts.

- b. All site plans shall show:
  - i. Topography of existing and finished grades.
  - ii. Location of all land subject to flooding.
  - iii. Dimensions and calls of all property lines.
  - iv. North point, scale, acreage of site, and location map.
  - v. Location of all existing and proposed structures (including signs), street rights-of-way, sidewalks, easements, and covenants.
  - vi. Dimensions of all existing and proposed structures.
  - vii. Plans for vehicular and pedestrian circulation, utilities, solid waste disposal, landscaping and open space, signage, off-street parking, and storm water drainage.

2. *Open Space and Landscaping Plan.* To obtain sufficient space between uses and buildings for adequate light, air, privacy, and amenities, the following requirements for open space and landscaping are established:

- a. Landscaping shall mean planting of grass, trees, shrubs, or other comparable surface cover or decorative plazas and/or pools. Where existing landscape features exist on site which can meet the purpose of this section, all or part of such features may be used to meet the requirements of this section upon the approval of the planning commission.
- b. To minimize adverse visual and environmental impacts, no accessory buildings shall be permitted in areas established for open space.
- c. All site plans shall meet the minimum yard requirements (open space) established in Chapter 6 and 7; except that, on sites adjoining residential districts, the following additional development standards shall apply:
  - i. The requirements for the yard (open space) area shall be one hundred (100) feet. Whenever highly combustible, flammable, or explosive materials or any other materials that have inherent characteristics that constitute a hazard to life or property are to be used on such sites, the planning commission may require additional yard area. Development within required yard areas adjacent to residential districts shall be subject to the following requirements:
    - (a) Off-street parking areas shall be setback no less than fifty (50) feet from the district boundary.
    - (b) At least the first fifty (50) feet of required yard area shall be appropriately landscaped by use of berms and grass, trees, shrubs, or other appropriate plants.
    - (c) No solid or liquid waste disposal areas shall be allowed in the required yard area, with the exception of solid waste dumpster



facilities for non-industrial solid waste products.

- d. The setback space between the public street and parking areas shall be landscaped.
  - i. Where possible berming shall be installed to screen parked cars and where berms are not used screening shall be achieved through use of trees and shrubs.
  - ii. All landscaping shall be maintained in a healthy growing condition through a permanent maintenance program.
3. Signs. Sign size and placement shall be governed by the provision of Section 309.
4. Off-Street Parking. The off-street parking and loading/unloading areas, points of ingress/egress, and driveways shall be developed in accordance with the provisions of Sections 302 through 306.
5. Emissions. To provide for the protection of the environment and the citizens of Newport, a plan for emission control shall meet the following requirements:
  - a. No use shall create noise, vibrations, dust odor, or fumes which are in any way harmful to endanger the health, safety, and general welfare of the public.
  - b. Uses creating undue glare shall provide shielding so that glare cannot be seen off the site.
  - c. In the event that emission controls are questionable, the planning commission may require certification of the proposed controls by an environmental engineer or other appropriate expert.
  - d. If the town determines a violation of these emission standards is occurring, it shall be authorized to take whatever action it deems appropriate to safeguard the health, safety, and general welfare of the public. The burden of proof that no such violation is occurring or has been abated shall rest solely with the industrial use involved.
6. Waste Disposal.
  - a. No waste disposal facilities, whether they be for the disposal of industrial or non-industrial solid waste, shall be allowed within any front yard.
  - b. All waste disposal facilities shall be screened by fencing, walls, or evergreen plant materials in such a way that they are not visible from any public street or adjoining properties.
7. Stormwater Drainage. A certified plan for stormwater drainage shall be included with the site plan which identifies all easements, drainage structures including sizes/capacities, and other pertinent information concerning the assumptions upon which the plan is based. The estimated stormwater runoff based on a ten (10) year storm shall be calculated for pre-development and post-development. The amount of runoff shall not be increased and shall be accommodated on site.
8. Site Improvements Bond. Prior to the issuance of a certificate of occupancy, the

planning director shall make a determination regarding whether or not all site improvements, as set out in this ordinance and the approved site plan, have been properly made or installed. If not, prior to issuing a certificate of occupancy, the planning director and city administrator shall determine the amount, form, and term of surety that must be established and must secure such guarantee for the purpose of ensuring the timely completion of the required site improvements.

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

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

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

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

  - a. Mobile homes located in approved mobile home parks.
  - b. Modular buildings for residential or nonresidential use installed on permanent concrete or masonry foundation as a finished building with permanent sewer or water connections. Such units shall be inspected at the point of manufacture and shall bear the insignia of approval of the Tennessee Department of Commerce and Insurance or other approved inspection agency, as provided for in Title 58, Chapter 36, Part 3, Tennessee Code Annotated. Double-wide mobile homes, that have the same general appearance as site-built homes, may not be used for commercial purposes in the C-1, Central Business District.
  - c. Temporary office and storage buildings located on approved construction sites provided they are removed upon completion of construction.
  - d. Customary accessory storage buildings in approved residential locations. Temporary storage pods may be placed for ninety (90) days in a location approved by the Director of Planning.
  - e. Tents used by a person, firm, corporation, or group as an assembly occupancy for the purpose of a religious meeting, festival, fair, circus, or carnival for a limited time not to exceed thirty (30) days with proper permit procedure followed; additional permits may be granted for up to ninety (90) days in one (1) calendar year.

- f. Tents or temporary buildings used to sell fresh produce locally grown in Cocke County during the growing season or Christmas trees during the holiday season.
  - g. A temporary permit not exceeding six (6) months may be issued for occupancy of a mobile home on a lot with another dwelling or building for living purposes where the applicant can show that such occupancy is necessary to provide for the care of a sick or infirm person that cannot safely care for himself. Proof shall include a written statement from the infirm's doctor attesting to inability to care for oneself. A temporary permit can be renewed for periods not exceeding a total of one (1) year. The Board of Zoning Appeals shall be authorized to extend this one (1) year limit due to extenuating circumstances presented before the Board.
2. Replacement of Nonconforming Mobile Home Dwellings. See Section 301.4 of this ordinance.
  3. Establishment of New or Expansion of Existing Mobile Home and Travel Trailer Parks. Mobile home and travel trailer parks shall be considered PUDs and the establishment or expansion of these uses shall be subject to the provisions of Section 308 and other applicable sections of this ordinance.

**313. Customary Home Occupations.** The following uses shall be permitted as home occupations within all residential zoning districts, subject to the applicable provisions of the zoning districts and the limitations and requirements set out in Subsection 2 below. The home must be the primary residence of the property owner to qualify as a customary home occupation.

1. Permitted Home Occupations.
  - a. Arts and crafts made by the owners of the premises.
  - b. Professional offices for architects, real estate brokers, engineers and other contract workers whose businesses rarely require clients to visit the home.
  - c. Tutorial instruction allowing two (2) pupils per session, except for music instruction which shall be one (1) student per session.
  - d. Beauty/barber shops.
  - e. Antique sales.
  - f. Any other use which the Board of Zoning Appeals finds to be of similar character.
  - g. Tents or temporary or buildings used to sell fireworks or other merchandise not otherwise addressed in this section for a limited time not to exceed 16 days with proper permits as required by the Newport Municipal Code. (Ordinance #2014-01, April 2014)

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

- a. Location on Premises. A home occupation shall be conducted within a dwelling which is the bona fide residence of the principal practitioner or in any building accessory thereto which is normally associated with a residential use.
- b. Exterior Alterations. No alterations to the exterior appearance of the principal residential building or premises shall be made which changes the character thereof as a residence.
- c. Outdoor Display or Storage. No outside display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.
- d. Employees. No persons other than a member of the immediate family occupying such dwelling, and one (1) person not a member of such family, may participate in or be employed by such occupation.
- e. Level of Activity. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and shall under no circumstances change the residential character thereof.
- f. Traffic, Parking. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street.
- g. Equipment and Production Processes. No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in the home associated with a hobby or vocation not conducted for gain or profit, or machinery or equipment which is essential in the conduct of the home occupation; and, no equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises.
- h. Signs. No signs accessory to such home occupation shall be displayed except as permitted or authorized by Section 309.3.e.4.

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

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

## CHAPTER 4

### APPLICATION OF REGULATIONS

#### SECTION

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

401. **Use.** Except as herein provided, no building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located.
402. **Street Frontage.** No building shall be erected on a lot which does not abut on at least one (1) public street for at least forty (40) feet. Residential planned unit developments may be excluded from this provision through the plan approval process for planned unit developments. If an approved public street is inadequate to serve a proposed development, the developer may be required to improve the existing street to approved city standards.
403. **Corner Lots.** The minimum width of a side yard along an intersecting street shall be fifty (50%) percent greater than the minimum side yard requirements of the district in which the lot is located.
404. **One Principal Building on a Lot.** Only one (1) principal building and its customary accessory buildings may hereafter be erected on any lot; except that planned unit developments may be excluded from this provision on the approval of the planning commission.
405. **Reduction of Lot Size.** No lot shall be reduced in area so that yards, lot width, building area, or other provisions of this ordinance shall not be maintained.
406. **Yard and Other Spaces.** No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required under this ordinance for another building.
407. **Conformity to Subdivision Regulations.** No building permit shall be issued for or no building shall be erected on any lot within the municipality, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or opened as a public street prior to that time or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the

Newport Regional Planning Commission and such approval entered in writing on the plat by the secretary of the commission.

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

1. General Provisions.

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

2. Location.

- a. Residential districts. Accessory buildings not exceeding one (1) story or fourteen (14) feet in height and occupying less than twenty (20%) percent of the required rear yard, may be located as close as ten (10) feet to the rear property line, except as may be provided for in Chapter 6. No accessory buildings or uses shall be permitted within any required front or side yard, except for such items as mail boxes, yard ornaments, and light fixtures located so as not to create a nuisance or safety hazard to neighboring property or the public.
  - b. Unenclosed Structures in Residential Districts. Unenclosed accessory buildings and unenclosed additions to principal buildings may occupy a portion of the front, side or rear yards, but may not be closer than five (5) feet to a front lot line or closer than four (4) feet to a side or rear lot line, except as may be provided for in Chapter 6.
  - c. General Farming Uses in Residential Districts. Accessory general farming structures shall not exceed thirty-five (35) feet in height and shall meet all yard setback requirements of a principal structure.
  - d. Business and Industrial Districts. The location of accessory uses and structures shall be in accordance with the provisions of Sections 310 and 311 of this ordinance.
3. Off-Street Parking and Loading Facilities. These facilities shall be located in accordance with the provisions of Sections 302 through 304.
4. Signs. The size, type, and location of signs shall be governed by Section 309 and other applicable sections of the ordinance.

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

CHAPTER 5

ESTABLISHMENT OF DISTRICTS

SECTION

- 501. Classification of Districts
- 502. Zoning District Boundaries

501. **Classification of Districts.** For the purpose of this ordinance, the City of Newport, Tennessee, is hereby divided into eleven (11) classes of districts as follows:

Residential	R-1	Low Density Residential
	R-2	Medium Density Residential
Medical/Residential	M-R	Medical/Residential
Professional/Residential	P-1	Professional/Residential
Commercial	C-1	Central Business
	C-2	General Business
	C-3	Interstate Highway Business
Industrial	M-1	Light Industrial
	M-2	Heavy Industrial
Agriculture	A-1	Agriculture

502. **Zoning District Boundaries.** The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map of The City of Newport, Tennessee," dated April 30, 2007, and all amendments thereof, which is a part of this ordinance and which is on file in the office of the Director of Planning. Unless otherwise specifically indicated on the map, the boundaries of districts are lot lines or the center lines of streets or alleys or such lines extended, the corporate limit lines, or a line midway between the main track of a railroad or the center lines of streams or other water bodies. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.



## CHAPTER 6

### PROVISIONS GOVERNING USE DISTRICTS

#### SECTION

601.	R-1	Low Density Residential District
602.	R-2	Medium Density Residential District
603.	M-R	Medical/Residential District
604.	P-1	Residential/Professional District
605.	C-1	Central Business District
606.	C-2	General Business District
607.	C-3	Interstate Highway Business District
608.	M-1	Light Industrial District
609.	M-2	Heavy Industrial District
610.	A-1	Agriculture District

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

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

1. Single-family residences, except mobile homes.
2. Single-family and two-family (duplex) PUD's except mobile homes.
3. Customary home occupations as regulated in Section 313.
4. Publicly owned buildings and uses, following approval by the planning commission as required in Tennessee Code Annotated, 13-4-104; schools offering general education; churches; and tennis clubs, country clubs, and other similar uses which are characteristically associated with ample open space areas and recreation or leisure activities, and are used for social purposes which restrict participation to members and guests only, provided that:
  - a. A site plan prepared as regulated in Section 310 is reviewed and approved by the planning commission;
  - b. The buildings are placed not less than forty (40) feet from side and rear property lines;
  - c. There are planted buffer strips with a minimum of ten (10) feet in height along rear and side property lines;

- d. That access be restricted to streets classified as Level A, B, or C (See Appendix B) on the official zoning map; and
  - e. Any outside lighting of courts, parking lots, or other facilities shall be designed and constructed in such a manner as to not cause inconvenience to other uses in the immediate area.
5. Signs as regulated in Section 309.
  6. Customary accessory buildings as regulated in Sections 408 and 803.
  7. Access and parking as regulated in Sections 302 through 307.
  8. Setback and height requirements as regulated in Chapter 7.
  9. Uses allowed as special exceptions by approval of the Board of Zoning Appeals
    - a. Offices for professional counseling for mental or physical health shall be allowed in single family residences. The intent of this special exception is to allow low impact health counseling services to occupy and stimulate reinvestment, rehabilitation, and maintenance of existing housing under the following conditions:
      - a. Only existing single-family homes qualify for this use exception, no new construction shall be considered by the BZA for a special exception permit.
      - b. There shall be a minimum of five (5) existing single-family dwellings (parcels) between approved special exceptions within the R-1 Low Density Residential District.
      - c. All required federal, state or local licenses must be current before application and during operation.
      - d. Office hours are restricted to between 8:00 AM and 6:00 PM.
      - e. Clients are restricted to no more than two (2) per hour.
      - f. Employees are restricted to three (3).
      - g. Off street parking shall be required designed for one defined space for each employee and two (2) client spaces.
      - h. On street parking shall not be permitted, violation may result in the revocation of the special exception permit.
      - i. A site plan showing the location of street access and parking shall be required.
      - j. The permit is valid for twelve (12) months and may be renewed after review and approval by the BZA. (Ordinance #2018-06, April 2018)

**602. R-2 Medium Density Residential District.** It is the purpose and intent of this district to provide areas for higher density residential development plus open areas where similar development is likely to occur. When proposed uses are not allowed in the R-1 Low Density Residential District, but are adjacent to the R-1 Low Density Residential District, a buffer strip shall be planted and maintained.

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

1. Any use and regulations in the R-1 Residential District.
2. Residential planned unit developments, including mobile home parks as regulated in Sections 308 and 312.
3. Bed and breakfast inns.

4. Funeral homes; fraternal organizations; clubs not operated for profit; day care centers providing care and supervision for children, handicapped persons, or elderly for periods of less than twenty-four (24) hours; and similar uses as determined by the Newport Board of Zoning Appeals, provided:
  - a. A site plan prepared as regulated in Section 310 is reviewed and approved by the planning commission;
  - b. The buildings are placed not less than forty (40) feet from side and rear property lines;
  - c. There are planted buffer strips with a minimum of ten (10) feet in height along rear and side property lines;
  - d. Any outside lighting of parking lots or other facilities shall be designed and constructed in such a manner as to not cause inconvenience to other uses in the immediate area.
  - e. That access be restricted to streets classified as Level A, B, or C (See Appendix B) on the official zoning map; and
  - f. Existing buildings may be utilized provided that the provisions of this ordinance are met as closely as possible.
7. Signs as regulated in Section 309.
8. Customary accessory buildings as regulated in Sections 408 and 803.
9. Access and parking as regulated in Sections 302 through 307.
10. Setback and height requirements as regulated in Chapter 7.

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

In order to achieve the purpose and intent of the M-R Medical/Residential District, as shown on the Zoning Map of the City of Newport, Tennessee, the following regulations apply and uses are permitted:

1. Any use allowed in the R-1 Residential District.
2. Residential planned unit developments except mobile home parks.
3. Bed and breakfast inns.
4. Medical uses including hospitals for human care, professional offices for doctors, professional offices for nursing services; day care centers providing care and

supervision for children, handicapped persons, or elderly for periods of less than twenty-four (24) hours; professional offices for dentists; and similar uses, provided:

- a. A site plan prepared as regulated in Section 310 is reviewed and approved by the planning commission;
  - b. The buildings are placed not less than forty (40) feet from side and rear property lines;
  - c. There are planted buffer strips with a minimum of ten (10) feet in height along rear and side property lines;
  - d. Any outside lighting of parking lots or other facilities shall be designed and constructed in such a manner as to not cause inconvenience to other uses in the immediate area.
  - e. That access be restricted to streets classified as Level A, B, or C (See Appendix B) on the official zoning map; and
  - f. Existing buildings may be utilized provided that the provisions of this ordinance are met as closely as possible.
5. Signs as regulated in Section 309.
  6. Customary accessory buildings as regulated in Sections 408 and 803.
  7. Access and parking as regulated in Sections 302 through 307.
  8. Setback and height requirements as regulated in Chapter 7.

**604. P-1 Residential/Professional District.** It is the purpose and intent of this district to provide areas for medium density residential and professional uses where the character of the existing neighborhood has taken a direction toward professional service activities. Professional services are permitted in the district provided they meet applicable standards, are limited so as not to encourage general business activity, and are located on major arterial or collector streets as noted on the zoning map. In addition, this district should promote the historic and aesthetic value of older homes where possible to maintain the unique nature of the established residential neighborhoods.

In order to achieve the purpose and intent of the P-1 Professional/Residential District, as shown on the Zoning Map of the City of Newport, Tennessee, the following regulations apply and uses are permitted:

1. Any use and regulations in the R-2 Residential District except mobile home parks.
2. Professional offices for doctors, lawyers, dentists, architects, real estate agencies, insurance agencies, and similar uses as determined by the Newport Board of Zoning Appeals, provided:
  - a. A site plan prepared as regulated in Section 310 is reviewed and approved by the planning commission;
  - b. New buildings are placed not less than forty (40) feet from side and rear property lines;

- c. Existing buildings shall have no parking in front yards and shall meet the requirements of this section as closely as possible;
  - d. There are planted buffer strips with a minimum of ten (10) feet in height along rear and side property lines;
  - e. Any outside lighting of parking lots or other facilities shall be designed and constructed in such a manner as to not cause inconvenience to other uses in the immediate area.
  - f. That access be restricted to streets classified as Level A (See Appendix B) on the official zoning map; and
3. Signs as regulated in Section 309.
  4. Customary accessory buildings as regulated in Sections 408 and 803.
  5. Access and parking as regulated in Sections 302 through 307.
  6. Setback and height requirements as regulated in Chapter 7.

**605. C-1 Central Business District.** It is the purpose and intent of this district to secure the commercial core of the City and to encourage concentrated development of office and shopping facilities. The requirements of the district are designed to protect and improve this area as the principal shopping and office district of Newport. Prior to the issuance of building permits for all new construction, site plans as required by Section 310, shall be reviewed and approved by the planning commission to determine if the projects meet all requirements and are in keeping with the comprehensive planning program of the City of Newport, Tennessee. When proposed uses are adjacent to a residential district, a buffer strip shall be planted and maintained.

In order to achieve the purpose and intent of the C-1 Central Business District, as shown on the zoning map of the City of Newport, Tennessee, the following regulations apply and uses are permitted:

1. Retail trade and services, excluding all types requiring outdoor display or storage.
2. Business, professional, and personal services excluding repair garages, junk yards, and storage yards.
3. Cultural activities.
4. Churches, clubs, and lodges.
5. Dwelling units for the purpose of permanent occupancy located above street level.
6. Townhouses, condominiums, and similar types of housing may be established as separate uses as a PUD under the applicable provisions of Section 308 of this ordinance when the following development criteria are met:
  - a. There shall be no minimum lot size required for this type of development.
  - b. The density of such developments shall not exceed fifteen (15) units per gross

acre.

7. Public buildings and lands, except schools, provided a site plan is submitted as required in 13-4-104 of the Tennessee Code Annotated.
8. Signs as regulated in Section 309.
9. Customary accessory uses and structures as regulated in Section 408.
10. No off-street parking is required, however, any off-street parking provided shall meet the applicable provisions in Sections 302 - 307.
11. Setback and height requirements as regulated in Chapter 7.

**606. C-2 General Business District.** It is the purpose and intent of this district to provide for general commercial areas at convenient locations within the city. The regulations are designed to encourage concentrations of commercial activities and to preserve the traffic carrying capacity of the major collectors and arterials upon which such uses are located. The regulations are also designed to encourage groupings of compatible commercial activities in which parking and traffic congestion can be reduced to a minimum. Therefore, prior to issuance of building permits for all new construction, site plans, as required by Section 310, shall be reviewed and approved by the planning commission to determine if the projects meet all requirements and are in keeping with the comprehensive planning program of the City of Newport, Tennessee. When proposed uses are adjacent to a residential district, a buffer strip shall be planted and maintained.

In order to achieve the purpose and intent of the C-2 General Business District, as shown on the zoning map of the City of Newport, Tennessee, the following regulations apply and uses are permitted.

1. Any use and regulations in the R-2 (Residential District) except mobile home parks.
2. Personal, business, and professional services and offices, excluding junkyards and other similar uses.
3. Storage yards provided a buffer strip is planted.
4. Retail businesses, including automobile and mobile home sales.
5. Lodges, clubs, hotels, motels, restaurants, and other similar services.
6. Funeral homes.
7. Churches and places of worship.
8. Gasoline service stations as regulated in Section 314.
9. Wholesale business and warehousing.
10. Places of amusements, recreation, entertainment, or assembly.
11. Shopping centers developed as planned unit developments as regulated in Section 308.

12. Commercial and travel trailer parks developed as planned unit developments as regulated in Section 308.
13. Publicly owned buildings and uses, following approval by the planning commission as required in Tennessee Code Annotated, 13-4-104; and schools and colleges offering general education.
14. Signs as regulated in Section 309.
15. Access and parking as regulated in Sections 302 through 307.
16. Customary accessory uses and structures as regulated in Section 408.
17. Setback and height requirements as regulated in Chapter 7.

**607. C-3 Interstate Highway Business District.** It is the purpose and intent of this district to provide for interstate highway oriented commercial areas adjacent to interstate highway interchanges. The regulations are designed to encourage concentrations of commercial activities associated with interstate highway traffic while also encouraging groupings of compatible commercial activities in which parking and traffic congestion can be reduced to a minimum. Therefore, prior to issuance of building permits for all new construction, site plans, as required by Section 11-310, shall be reviewed and approved by the planning commission to determine if the projects meet all requirements and are in keeping with the comprehensive planning program of the City of Newport, Tennessee. When proposed uses are adjacent to residential districts, a buffer strip shall be planted and maintained.

In order to achieve the purpose and intent of the C-3 Interstate Highway Business District, as shown on the zoning map of the Newport, Tennessee, the following regulations apply and uses are permitted.

1. Retail businesses, including automobile and mobile home sales.
2. Lodges, clubs, hotels, motels, restaurants, and other similar services.
3. Gasoline service stations as regulated in Section 11-314.
4. Planned Commercial developments as regulated in Section 11-308.
5. Personal, business, and professional services and offices, excluding junkyards and other similar uses.
6. Publicly owned buildings and uses, following approval by the planning commission as required in Tennessee Code Annotated, 13-4-104; and schools and colleges offering general education.
7. Signs as regulated in Section 309.
8. Access and parking as regulated in Sections 11-302 through 11-307.
9. Customary accessory uses and structures as regulated in Section 11-408.
10. Setback and height requirements as regulated in Chapter 7.

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

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

1. Personal, business, and professional services and offices.
2. Wholesale trade.
3. Warehouses.
4. Trucking terminals of moderate vehicle size and/or activities.
5. Contractor offices and equipment storage.
6. Building supplies.
7. Enclosed manufacturing uses as established below:
  - a. printing and publishing, limited to newspapers, books, periodicals, miscellaneous printing and publishing, and similar allied industries;
  - b. optical;
  - c. food and dairy products, meat packing except odorous cooking and preserving and slaughterhouse operations;
  - d. small article products including jewelry, musical instruments, toys, pens, pencils, and similar uses;
  - e. weaving and moderate textiles, apparel and other finished products made from fabrics and similar materials;
  - f. professional, scientific, and controlling products; and
  - g. lumber and wood products, furniture, and other products, except sawmills and paper mills.
8. Other uses of the same general character as the above uses, excluding jails.
9. Signs as regulated in Section 309.
10. Access and parking as regulated in Section 302 through 307.



11. Customary accessory uses and structures as regulated in Section 408.
12. Setback and height requirements as regulated in Chapter 7.

**609. M-2 Heavy Industrial District.** It is the purpose and intent of this district to establish areas for heavy industrial activities. The regulations are designed to protect essential community characteristics and promote the economy by encouraging industrial development in an orderly planned manner. Therefore, prior to the issuance of building permits for all new construction, site plans, as required by Section 311, shall be reviewed and approved by the planning commission for compliance with this ordinance and the comprehensive planning program of the City of Newport, Tennessee.

In order to achieve the purpose and intent of the M-2 Heavy Industrial District, as shown on the Zoning Map of the City of Newport, Tennessee, the following regulations apply and uses are permitted:

1. Any use permitted in the M-1 Light Industrial District.
2. Service terminals for waterways, trucks, railroads, and related facilities.
3. Any industry which does not cause injurious or obnoxious noise, odors, fire hazards, or other objectionable conditions as determined by the planning director. Slaughterhouses, sawmill uses, and jails shall automatically be considered as non-allowed uses.
4. Access and parking as regulated in Sections 302 through 307.
5. Signs as regulated in Section 309.
6. Customary accessory uses and structures as regulated in Section 408.

**610. Agriculture District.** It is the purpose and intent of this district to establish areas for agriculture and forestry activities while minimizing their conflicts with non-farm activities. The regulations are designed to protect essential community characteristics and promote the economy by encouraging continued agricultural and forestry where those activities are still viable. Therefore, prior to the issuance of building permits for all new construction, site plans, as required by Section 311, shall be reviewed and approved by the planning commission for compliance with this ordinance and the comprehensive planning program of the City of Newport, Tennessee.

1. Agriculture uses, agricultural processing excluding manufactured products, animal husbandry including veterinarian services and animal hospital services, and other similar uses as determined by the Newport Board of Zoning Appeals.
2. Forestry activities and related services.
3. Single family and two (2) family (duplex) residences.
4. Churches and places of worship.
5. Signs as regulated in Section 309.

6. Customary accessory buildings as regulated in Sections 408 and 803.
7. Access and parking as regulated in Sections 302 through 307.
8. Setback and height requirements as regulated in Chapter 7.

**CHAPTER 7**

**SECTION 701 - AREA, YARD, AND HEIGHT REQUIREMENTS**

For the purpose of this ordinance, area, yard, and height requirements for the district classifications of the City of Newport, Tennessee, Zoning Ordinance are hereby established as follows:

Minimum Lot Size				Minimum Yard Requirements from Property Lines (feet)			
District	Area in Square Feet	Square Feet Per Additional Family	Lot Width at Bldg. Setback (feet)	Front Yard*	Side Yard*	Rear Yard*	Maximum Height of Structures (feet)
R-1	7,500	7,500	75	30	12**	30	35
R-2	7,500	3,000	75	30	10**	25	35
M-R	7,500	3,000	75	30	12**	25	35
P-1	7,500	3,000	75	30	12**	25	35
C-1				0	0	0	35***
C-2				30	15	25	35***
C-3				30	15	25	35***
M-1				30	20	25	55
M-2				40	25	25	55
A-1	5 acres		150	50	50	50	35

\* Different setback requirements stated in Sections 308, 310, 311, and 601 through 609 shall take precedence over the above stated requirements.

\*\* Structures greater than twenty (20) feet in height shall meet a fifteen (15) foot setback.

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

## CHAPTER 8

### EXCEPTIONS AND MODIFICATIONS

#### SECTION

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

801. **Lot of Record.** Where the owner of a lot consisting of one (1) or more adjacent lots of official record at the time of the adoption of applicable zoning regulations does not own sufficient land to enable him to conform to the yard or other requirements of the zoning regulations, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of the zoning ordinance. Such lot may be used as a building site; provided, however, that the yard and other requirements of the district are complied with as closely, in the opinion of the Board of Zoning Appeals, as is possible.
802. **Adjoining and Substandard Lots of Records.** Where two (2) or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one (1) or more building sites meeting the minimum requirements of the district in which they are located.
803. **Exceptions for Carport or Garage Construction.** For existing housing constructed on lots of record of less than seven thousand - five hundred (7,500) square feet in area and on which no garage or carport currently exists, carports or garages may be constructed in rear and side yards upon the planning director making the following findings:
1. The size or shape of the lot or the location of the principal structure on the lot will not permit the construction of a carport or garage in a manner that will meet the current setback requirements of this ordinance.
  2. That the construction of a carport or garage will not have a detrimental affect on the safety of adjoining properties or damage the aesthetic character of the surrounding neighborhood.
  3. That the current setback requirements of the ordinance be followed as closely as possible, except that, no carport or garage shall be constructed less than five (5) feet from any property line unless a letter of consent first be obtained from the adjacent property owner.
804. **Front Yards.** The front yard setback requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots located within two hundred (200) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum

required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots.

- 805. Exceptions on Height Limits.** The height limitations of this ordinance shall not apply to any structure not intended for human occupancy, including but not limited to church spires, belfries, cupolas, domes, and chimneys attached to residential structures. Such structures including, but not limited to monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts, and aerals shall be reviewed by the planning commission prior to construction.

## CHAPTER 9

### ADMINISTRATION AND ENFORCEMENT

#### SECTION

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

901. **Building Permit Required.** It shall be unlawful to commence the excavation for or the construction of any building including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings until the planning director 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 planning director.
902. **Enforcing Officer.** The provisions of this ordinance shall be administered and enforced by the Planning Director. The planning director shall have the authority to enter upon any land during reasonable hours and make examinations and surveys that do not occasion damage or injury to private property.
903. **Application For/Issuance of Building Permits.** For all multi-family residential, commercial, public, semi-public, or industrial uses, a site plan or PUD plan, whichever may be applicable, prepared in accordance with the provisions of Sections 310, 311, or 308, shall be submitted with an application for a building permit. Building permit applications for all other uses not requiring a site plan or PUD plan shall be accompanied by a dimensioned sketch or scale plan indicating the size and shape of the lot and the location and use of any existing or proposed buildings or structures on the site. No building permit for earth moving or construction shall be issued unless all the applicable provisions of this ordinance have been met. If the request for issuance of a building permit is refused, the planning director shall state the reason for his refusal in writing.
904. **Expiration/Extension of Building Permit Approvals.**
1. *Expiration of Building Permits.* Unless provided for otherwise in this ordinance, building permits, along with any sketch or site plans upon which such permit was issued, shall be null and void six (6) months from the date of issuance and/or approval if substantial progress has not been made toward completion of the development activity as it was approved. Planned Unit Developments (PUD's) shall be null and void twelve (12) months from the date of approval if substantial progress has not been made toward completion of the development activity as it was approved.

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

2. Abandonment of Permitted Projects. Any project for which a building permit has been issued and where an accessory or principal building has only been partially constructed at the end of one (1) year and for which an application for extension has not been submitted, may be subject to being considered as an unsafe and illegal building and may be subject to the provisions of Section 102.4 of the Southern Standard Building Code and any other applicable provisions of this or any other ordinance of the city.
  
905. **Final Site Inspection/Issuance of Certificate of Occupancy.** In order to ensure that a building, structure, or addition has been constructed in accordance with the approved sketch, site, or PUD plan and will be occupied by a use lawful within the zoning district in which it is located, the Planning Director shall make a final inspection upon notification by the owner or occupant that a premises is ready to be occupied. Within three (3) working days of such application, the planning director shall make a final inspection of the property in question and shall issue a certificate of occupancy if the building or structure is found to conform to the provisions of this ordinance and the statements made in the application for the building permit. If such a certificate is refused, the planning director shall state such refusal in writing with the cause. No land or building hereafter erected or altered in its use shall be used until such a certificate of occupancy has been granted.
  
906. **Violations.** Any person whether owner, lessee, principal, agent, employee, or otherwise who violates any provision of this ordinance, permits any such violation, fails to comply with any of the provisions or requirements hereof, including any conditions, stipulations, or safeguards attached to any permit, variance, special exception, or other such final authorization or approval hereunder, or who erects, constructs or reconstructs any building or structure, or uses any land in violation of any written statement or plan submitted and approved pursuant to this ordinance shall be guilty of a misdemeanor.
  
907. **Penalties.** Any persons violating any provision of the ordinance shall be guilty of a 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.
  
908. **Remedies.** In case any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the planning director or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

## CHAPTER 10

### BOARD OF ZONING APPEALS

#### SECTION

- 1001. Creation and Appointment**
- 1002. Procedure**
- 1003. Appeals**
- 1004. Powers**
- 1005. Action of the Board of Zoning Appeals**

**1001. Creation and Appointment.** A board of zoning appeals is hereby established in accordance with Section 13-7-205, Tennessee Code Annotated. The Newport Municipal/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 Newport Municipal/Regional Planning Commission.

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

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

**1004. Powers.** The board of zoning appeals shall have the following powers:

1. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, or requirement, permit decision, determination or refusal made by the planning director or other administrative official in the carrying out or enforcement of any provision of this ordinance.



2. Special Exceptions. To hear and decide special exceptions to this ordinance as noted in Chapter 8.
3. Variance. To hear and decide applications for variance from the terms of this ordinance, but only where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of adoption of this ordinance was a lot of record; or where by reason of exceptional topographical conditions or other extraordinary or exceptional situations or conditions of a piece of property, the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granting a variance, the board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance. Before any variance is granted it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood.

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

## CHAPTER 11

### AMENDMENTS

#### SECTION

- 1101. Procedure**
- 1102. Approval by Planning Commission**
- 1103. Introduction of Amendment**

- 1101. Procedure.** The city council may amend the regulations, boundaries, or any provision of this ordinance. Any member of the city council may introduce such amendment, or any official, board, or any other person may present a petition to the city council requesting an amendment or amendments to this ordinance.
- 1102. Approval by Planning Commission.** No such amendment shall become effective unless the same be first submitted for approval, disapproval, or suggestions to the planning commission. If the planning commission disapproves after such submission, it shall require the favorable vote of a majority of the entire membership of the city council to become effective.
- 1103. Introduction of Amendment.** Upon the introduction of an amendment of this ordinance or upon the receipt of a petition to amend this ordinance, the city council shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the city council of the request change. Said notice shall be published in some newspaper of general circulation in the City of Newport, Tennessee. Said hearing by the city council shall take place not sooner than fifteen (15) days after the date of publication of such notice.

CHAPTER 12

LEGAL STATUS PROVISIONS

SECTION

- 1201. Conflict with Other Ordinances
- 1202. Validity
- 1203. Effective Date

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

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

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

Certified by Planning Commission \_\_\_\_\_

Passed on First Reading \_\_\_\_\_

Passed on Second Reading \_\_\_\_\_

Approved and Signed in Open Meeting \_\_\_\_\_

Attest:

/S/ \_\_\_\_\_  
City Recorder

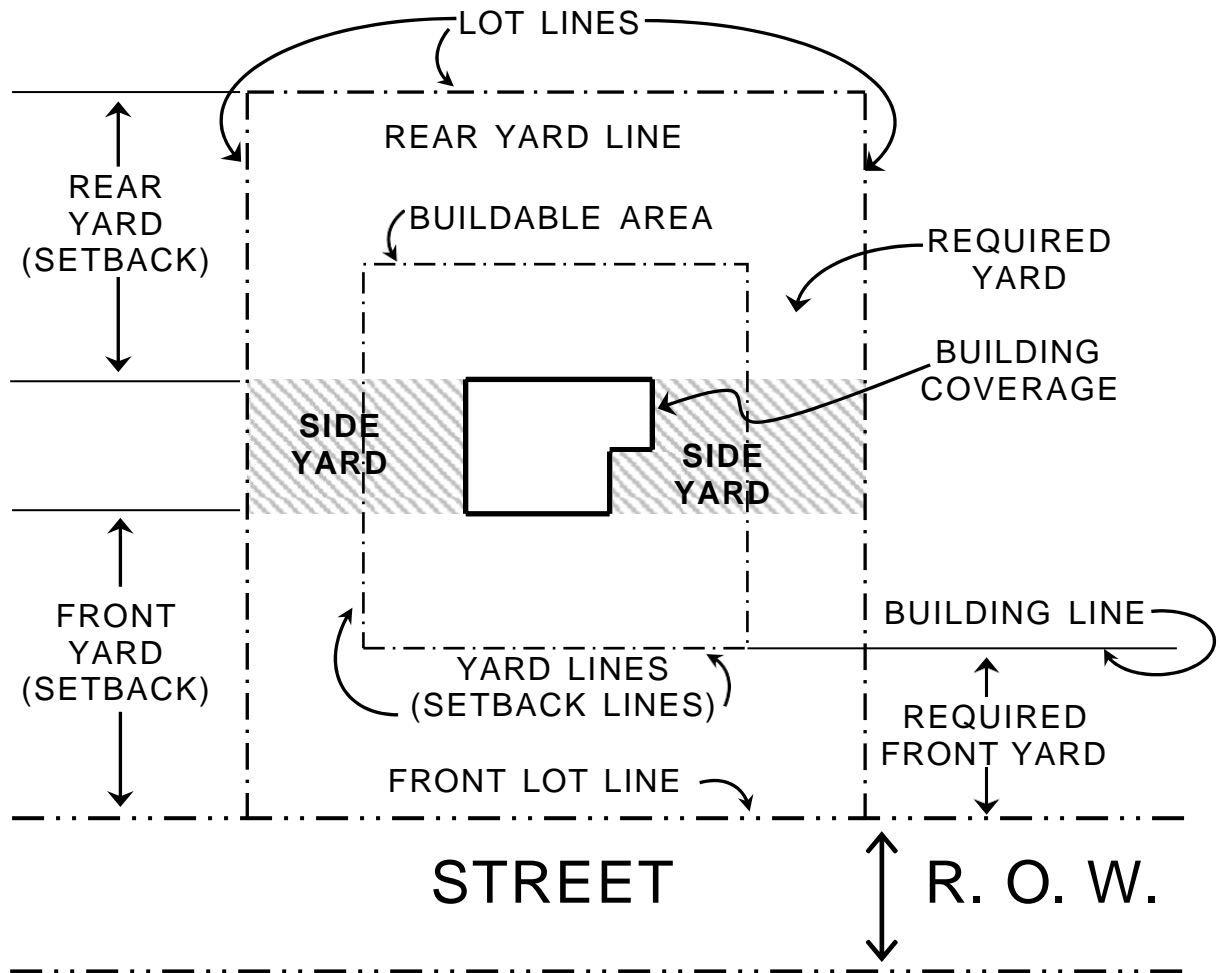
\_\_\_\_\_  
Mayor

## **APPENDICES**

These appendices shall not be considered as a part of the adopted zoning ordinance. Their purpose is to assist city staff, appointed and elected officials, and other users of the zoning ordinance in understanding important administrative procedures essential to efficient enforcement of the city's land use regulation program.

APPENDIX A

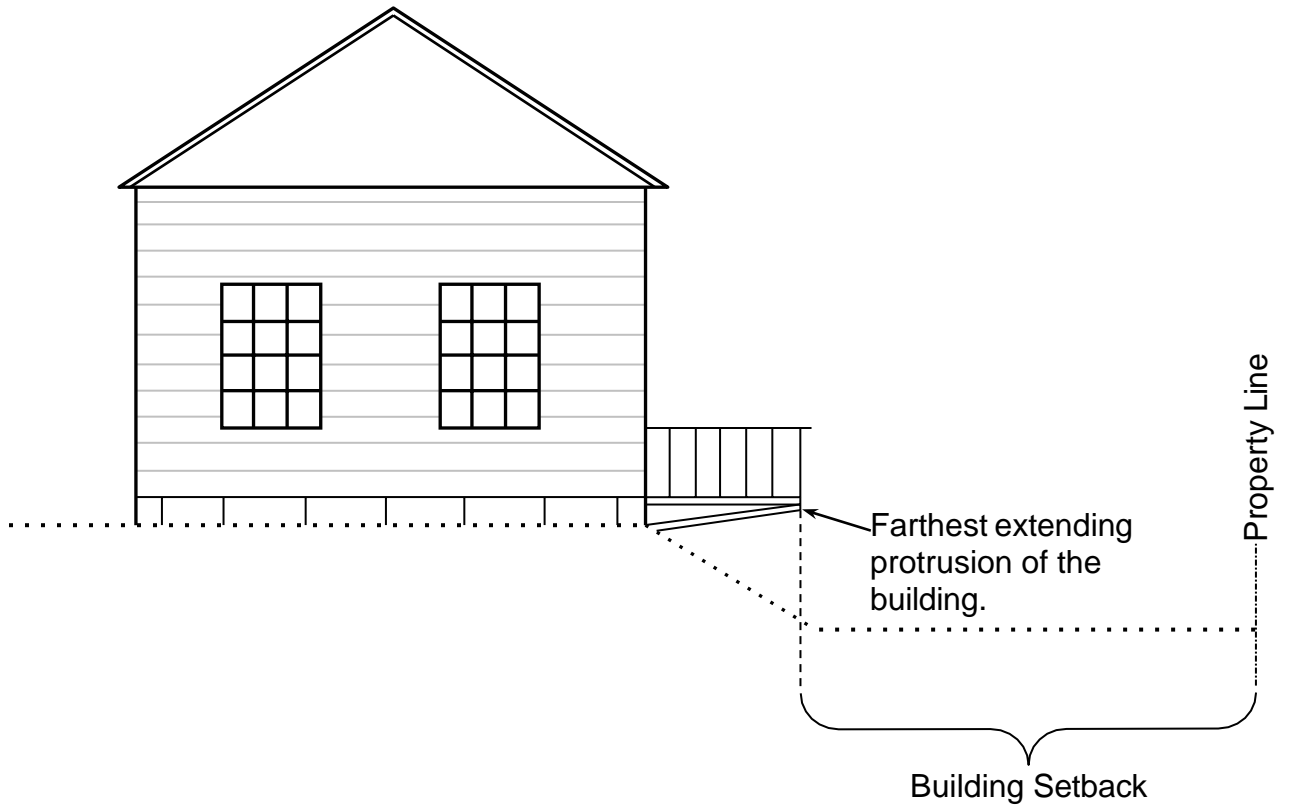
ILLUSTRATION A



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

**APPENDIX A**

**ILLUSTRATION B**



## **APPENDIX B**

### **STREET CLASSIFICATIONS**

The streets and roads in the City of Newport, Tennessee, are classified by the Newport Major Street Plan and are used as street access classifications for the purpose of this ordinance:

Street Classification Level A	Arterial
Broadway Cosby Highway North Street	
Street Classification Level B	Major Collector
Headrick Avenue Heritage Blvd. Lincoln Avenue Morrel Springs Road Rankin Road Smith Street	
Street Classification Level C	Minor Collector
2nd Street 3rd Street Bailey Street College Street	
Street Classification Level D	Local Streets

All other streets in the City of Newport will be classified for access purposes as local streets.

**APPENDIX C**

**CERTIFICATE OF PLANNED UNIT DEVELOPMENT APPROVAL**

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

_____ Date	_____ Chairman Newport Municipal/Regional Planning Commission
_____ Date	_____ Secretary Newport Municipal/Regional Planning Commission

**CERTIFICATE OF PUD APPLICATION AND AGREEMENT**

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

_____ Date	_____ Applicant
	_____ Applicant



**APPENDIX D**

**CERTIFICATE OF SITE PLAN APPROVAL**

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

_____	_____
Date	Chairman Newport Municipal/Regional Planning Commission
_____	_____
Date	Secretary Newport Municipal/Regional Planning Commission

**CERTIFICATE OF SITE PLAN APPLICATION AND AGREEMENT**

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

_____	_____
Date	Applicant
	_____
	Applicant

**APPENDIX E**

**APPLICATION FOR BOARD OF ZONING APPEALS HEARING**

**CITY OF NEWPORT, TENNESSEE**

300 E. Main Street, P. O. Box 370

Newport, Tennessee

(423) 623-2811

Applicant Name: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Property Owner Name: \_\_\_\_\_

Property Owner Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Address of Property in Question:  
\_\_\_\_\_

Tax map, group and parcel number(s) for property: \_\_\_\_\_

\_\_\_\_\_

(Attach a tax map and mark the affected property)

Existing zone and use of property: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Action requested:**

Administrative Review/Zoning Text Interpretation: **D**

Setback Variance: **D**

Height Variance: **D**

Extension of a Non-conforming Use: **D**

Special Exception: **D**

Reason for making the request and why you feel the request is justified:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of the Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by the Board of Zoning Appeals: \_\_\_\_\_

**INSTRUCTIONS FOR THE APPLICANT:**

1. You must obtain the names and addresses of the adjoining property owners, prepare a letter notifying them of your request (a sample letter is attached to this application), place the letters in stamped addressed envelopes and take the letters to the City of Newport Planning Department AT LEAST 10 days prior to the Board of Zoning Appeals meeting. The Planning Department will mail the letters.
2. You or a representative MUST be present at the Board of Zoning Appeals meeting to respond to any questions or concerns the Board may have.
3. A \$50.00 fee to help defray administrative costs is required at the time of application. Please make checks payable to the City of Newport, Tennessee.

**FOR STAFF USE ONLY**

Date received: \_\_\_\_\_  
 Scheduled for the \_\_\_\_\_ Board of Zoning Appeals meeting.  
 Letters to adjoining property owners mailed: \_\_\_\_\_  
 Board of Zoning Appeals Action:        Approved \_\_\_\_\_        Denied \_\_\_\_\_

**SAMPLE LETTER FOR ADJOINING PROPERTY OWNERS**

**BOARD OF ZONING APPEALS ACTION REQUESTED**

Date: \_\_\_\_\_

Adjoiner Name: \_\_\_\_\_

Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Dear \_\_\_\_\_,

This letter is to notify you of my request to the Newport, Tennessee Board of Zoning Appeals for a \_\_\_\_\_. The property that will be discussed is located at \_\_\_\_\_. I am requesting the Newport Board of Zoning Appeals approve my request so that I may \_\_\_\_\_

\_\_\_\_\_. My request is on the \_\_\_\_\_ Newport, Tennessee Board of Zoning Appeals agenda. The Board meets at 3:00 p.m. at the Newport City Hall. All interested persons are invited to attend.

Sincerely,

\_\_\_\_\_  
 Applicant Name

Approved by the Board of Zoning Appeals: \_\_\_\_\_

**APPENDIX F**

**APPLICATION FOR ZONE RECLASSIFICATION**

**CITY OF NEWPORT, TENNESSEE**

300 E. Main Street, P. O. Box 370

Newport, Tennessee

(423) 623-2811

Applicant Name: \_\_\_\_\_

Applicant Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Property Owner Name: \_\_\_\_\_

Property Owner Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Address of Property requested for zone reclassification:

\_\_\_\_\_

Tax map, group and parcel number(s) for property: \_\_\_\_\_

\_\_\_\_\_

(Attach a tax map and mark the affected property)

Existing zone and use of property: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Requested zone and use of property: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of the Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

**INSTRUCTIONS FOR THE APPLICANT:**

1. You must obtain a "rezoning sign" from the City of Newport Planning Department and place the sign on the proposed rezoning site AT LEAST 10 days prior to the Planning Commission meeting.
2. The sign must remain on the site until the Planning Commission has voted on your request.
3. The person requesting the rezoning must submit to the City of Newport Planning Department letters addressed to each property owner and resident that is adjacent to the property in question containing information adequate to notify such owners and residents of the intention to rezone the area for which the application is submitted and when and where the Planning Commission meeting will be held. Such letters should be placed in unsealed, stamped and addressed envelopes ready for mailing by the Planning Department. The return address of the Planning Department must appear on the envelope, and a list of all persons to whom letters are sent must accompany the application.

Approved by the Planning Commission: \_\_\_\_\_

4. You or a representative must be present at the Planning Commission meeting to respond to any questions or concerns the Commission may have.
5. A \$70.00 fee is required at the time of application. Please make checks payable to the City of Newport, Tennessee.

**FOR STAFF USE ONLY**

Date received: \_\_\_\_\_  
 Scheduled for the \_\_\_\_\_ Planning Commission meeting.  
 Letters to adjoining property owners mailed: \_\_\_\_\_  
 Sign posted: Yes \_\_\_\_\_ No \_\_\_\_\_  
 Planning Commission Action: Approved \_\_\_\_\_ Denied \_\_\_\_\_  
 Notice of Public Hearing Printed: \_\_\_\_\_  
 1<sup>st</sup> Reading Date: \_\_\_\_\_ Action: \_\_\_\_\_  
 2<sup>nd</sup> Reading Date: \_\_\_\_\_ Action: \_\_\_\_\_  
 Effective Date of Rezoning: \_\_\_\_\_

**LETTER FOR ADJOINING PROPERTY OWNERS  
 ZONE RECLASSIFICATION (REZONING) REQUEST**

Date: \_\_\_\_\_  
 Adjoiner Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_

Dear \_\_\_\_\_,

This letter is to notify you of my request to the Newport Regional Planning Commission for a zone reclassification (rezoning). The property I am requesting to be rezoned is located at \_\_\_\_\_ and is zoned \_\_\_\_\_. A sign has been placed on the property as required by the Newport Regional Planning Commission. I am requesting the Newport Regional Planning Commission recommend the property be rezoned to \_\_\_\_\_. I request this property be rezoned so that I may \_\_\_\_\_

\_\_\_\_\_. My request is on the \_\_\_\_\_ Newport Regional Planning Commission agenda. The Planning Commission meets at 3:00 p.m. at the Newport City Hall.

If the Newport Regional Planning Commission approves my request, the Board of Mayor and Aldermen will conduct a Public Hearing and two readings before the rezoning becomes effective. A Notice of Public Hearing will be placed in the Newport Plain Talk at least 15 days prior to the Public Hearing.

Sincerely,

\_\_\_\_\_  
 Applicant Name  
 Approved by the Planning Commission \_\_\_\_\_