

Hamblen County Zoning Resolution



Adopted: September 2, 1990

Amended Through: January 24, 2023

Prepared for
THE HAMBLLEN COUNTY REGIONAL PLANNING COMMISSION

John Hofer, Chairman
Charles Anderson, Vice Chairman
Kyle Hale, Secretary
Bill Hicks
Thomas Doty
Edgar Gray
Rodney Long

Prepared by
Hamblen County Planning Commission
511 West 2nd North Street
Morristown, TN. 37814

**ZONING RESOLUTION
HAMBLLEN COUNTY, TENNESSEE**

A resolution pursuant to the authority granted by Section 13-7-301 of the Tennessee Code annotated to adopt the Zoning Resolution of Hamblen County, Tennessee, for the convenience, order, prosperity and general welfare; to provide for the establishment of districts within the boundaries of Hamblen County, Tennessee outside the corporate limits of any municipality; 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 space, the density of population, and the uses of land, buildings and structures; to provide for regulating land subject to seasonal or periodic flooding; providing for amendments and variances; and to prescribe penalties for the violation thereof.

Whereas, the Hamblen County Board of Commissioners, in accordance with Chapter Seven, Title 13, Part 1, Sections 13-7-101 through (13-7-119) may adopt a Hamblen County Zoning Resolution and Zoning Map; and

Whereas, the Hamblen County Planning Commission has forwarded its certification of the Hamblen County Zoning Resolution text and map; and

Whereas, the necessary public hearing was called for and held;

Now, therefore, be it resolved by the Hamblen County Board of Commissioners that the Hamblen County Zoning Resolution and Map be adopted as follows:

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ARTICLE 1

Title: This resolution shall be known as the Zoning Resolution of Hamblen County, Tennessee, and the zoning map shall be referred to as the Zoning Map of Hamblen County, Tennessee.

ARTICLE 2

Purpose: The purpose of this zoning code is to protect the health and safety of the county's residents and their properties by providing a tool to insure safe and orderly growth.

ARTICLE 3

Authority: The authority to adopt zoning is provided by Tennessee Code Annotated Sections 13-7-101 through 13-7-115-119. The Hamblen County Private Act relating to planning and zoning also provides authority.

ARTICLE 4

Non-Conforming Uses: After the adoption of this Zoning Resolution and map, any new construction must be in conformance with this code. Existing structures will be allowed to remain as non-conforming with this code. Existing structures will be allowed to remain as non-conforming uses, subject to the limitations set out in Article 6, except any new extensions or expansions to non-conforming properties must be done in accordance with the Zoning Resolution.

ARTICLE 5

Definitions: Words and other terms used in this Zoning Resolution shall be interpreted with their commonly known definitions, EXCEPT for the following:

Accessory Building to Residential Dwellings: A detached building or structure the use of which is customarily incidental and subordinate to the property's use for residential purposes by the occupants of the principal dwelling and is situated on the same lot or premises as the residential dwelling. For regulations and restrictions relating to accessory buildings see Article 6, Sections 6.11 and 6.12. (Jan. 21, 2010)

Cemetery: Any land that is dedicated to, or used for, the internment of human, or animal remains including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof. A cemetery may contain any necessarily related office and maintenance buildings but, it shall not include a cremation facility. (July 24, 2014)

Columbarium: A place for public storage of cremated remains in funeral urns. A columbarium can be either free standing units or a part of a mausoleum or another building. (July 24, 2014)

Cremation: Act of reducing a human corpse, or a dead animal, by a thermal and/or mechanical process that reduces the remains to bone fragments. Cremation includes the processing and usually includes the pulverization of the bone fragments. (July 24, 2014)

Crematory: A building or structure, or a room within a building or structure, containing properly installed, certified apparatus, intended for use in the act of cremation of the remains of deceased human bodies or parts thereof. A crematory facility shall be located on a tract or parcel of land that contains at least two (2) acres, whether it is a stand-alone cremation facility or part of a funeral home establishment, the smokestack shall be located no less than one hundred (100) feet from the nearest property line, and the outside perimeter of the property shall have an approved evergreen buffer. (July 24, 2014)

Custom Butchering Operations: A building used for the butchering and wrapping, but not for the sale of meat. Slaughter of animals on the site is prohibited. Such facility shall be limited to no more than 1,000 square feet of floor space and shall be located on a parcel of property of not less than five (5) acres.

Flea Market: The building or grounds where the sale, trade, or auction of predominantly used goods, wares, clothing, or general items is conducted.

Funeral Home Establishments: A building or structure, or part thereof, engaged in preparing the human dead for burial. Such place may contain space and facilities for: (a) embalming and performance of other related services in preparation of the dead for burial; (b) storage of caskets, funeral urns and other related funeral supplies; (c) display of deceased persons and rituals connected thereto and; (d) the storage of funeral vehicles. Facilities for cremation may be allowed if the zoning district permits (See Article 7, Section 7.7 for applicable standards). (July 24, 2014)

Inoperable Motor Vehicle-Any vehicle, car, truck, van, bus, recreational vehicle, motorcycle, or parts thereof, which does not have an engine or drive train in operating condition, inflated tires on all wheels, an operative battery, or valid state license plate and registration issued to a person in possession of the property on which the vehicle is located, or which, for any reason, is not operable and capable of being legally driven upon the roads and highways of the County and the State of Tennessee under its own power.

Junkyard: Shall mean an establishment, a place of business and/or a parcel of real estate which is maintained, operated or used to storing, keeping, buying or selling junk, or salvage, or for the maintenance or operation of an automobile wrecking yard. "Junkyard" includes scrap metal processors, car crushing sites, used auto parts yards, yards providing temporary storage of automobile bodies or parts awaiting disposal as a normal part of the business operation, when the business will continually have like materials located on the premises, garbage dumps and sanitary landfills. For the purpose of this resolution, a "recycling center" shall not be a "junkyard." (December 22, 2005)

- a) “Junk” or “Salvage” shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or inoperable automobiles or parts thereof, salvage, iron, steel and other old or scrap ferrous or non-ferrous metals. (December 22, 2005)
- b) “Automobile Wrecking Yard” shall mean any lot or place which is exposed to the weather and upon which more than five (5) inoperable motor vehicles of any kind, or parts thereof, or which it would not be economically practical to make operative, are placed, located or found. For purposes of the definition, any landowner owning more than one adjoining lots or parcels shall be considered the owner of one (1) tract of land. “Automobile wrecking yard” shall not be construed to mean an establishment having facilities for processing iron, steel, or nonferrous scarp for sale or re-melting purposed only; nor shall such definition include a body shop or towing service licensed to conduct business in Hamblen County. (December 22,2005)

Landfill: Any lot or tract, which collects salvage, scrap, or any type of discarded materials. Any lot or tract, which permits the dumping of salvage materials on the property or disposes of such materials by disposal into sink-holes or trenches, shall be deemed a landfill.

Mausoleum: A building used for the entombment of human remains above ground. (July 24, 2014)

Methadone Treatment Clinic or Facility: A privately owned physician’s practice or medical offices or an investor-owned clinic that is operated for the primary purpose of dispensing methadone. (September 2011)

Mobile Home: A structure that can be a single-wide or double-wide structure designed for long term residential occupancy and containing a flush toilet, a tub or shower bath, and kitchen facilities with water supply, electrical supply and sewage disposal connected to outside systems. A mobile home for the purpose of this resolution does not include a mobile unit to be used in conjunction with a commercial or industrial activity.

Pet: Means a common household domestic animal that is kept primarily for a person's company or protection, as opposed to working animals, sport animals, livestock and laboratory animals, which are kept for performance, agriculture, or research. Examples of common household domestic animals primarily include: dogs and cats (all domestic breeds); but may also include a rabbit, ferret, gerbil, hamster, parrot, parakeet, cockatoo, fish, or a turtle, which are all traditionally kept in, or around, the home for pleasure rather than for commercial purposes. A common household domestic animal does not include reptiles (except turtles). (July 24, 2014)

Pet Crematory: A building or structure, or a room within a building or structure containing properly installed, certified apparatus, intended for use in the act of cremation of the remains of deceased household domestic animals. A pet crematory facility shall be located on a tract or parcel of land that contains at least two (2) acres; the smokestack shall be located no less than one hundred (100) feet from the nearest property line and the outside perimeter of the property shall have an approved evergreen buffer. (July 24, 2014)

Pain Management Clinic or Pain Clinic: A privately owned physician's practice or medial offices or an investor-owned clinic which a physician provides pain management services for which a majority of patients of the pain management clinic are issued a prescription for, or are dispensed, opioids, benzodiazepines, barbiturates, or carisoprodol, but not including suboxone, and treats a patient for more than ninety (90) days in a twelve-month period with these medications. (September 2011)

Recycling Center: A place of business, facility or building which is maintained, operated or used for the storing, keeping, buying or selling of newspaper, paper products or glass or plastic used for food or beverage containers for the purpose of converting such items into a usable product.

Single Family Residential Dwelling: A detached building or structure containing one (1) dwelling unit and designed for occupancy by one (1) family only and containing a flush toilet, a tub or shower bath and kitchen facilities with water supply, electrical supply and sewage disposal connected to outside systems. This definition includes a double-wide mobile home, but not a single-wide mobile home.

Single-Wide Mobile Home: A factory manufactured mobile home structured as a single self-contained unit and mounted on a single chassis and containing a flush toilet, a tub or shower bath and kitchen facilities with water supply, electrical supply and sewage disposal connected to outside systems.

ARTICLE 6 GENERAL PROVISIONS

6.1 Zoning Affects Every Building & Use: After this code is adopted, all new construction shall conform to the requirements in this code. This shall include new buildings or any additions to existing buildings.

6.2 Non-conforming/Continuance of Non-conforming Uses: Any lawful use of any building or land existing at the time of the enactment of this Resolution or whenever a district is changed by an amendment thereafter may be continued although such use does not conform with the provisions of this Resolution, with the following limitations:

- A.** No building or land containing a non-conforming use shall hereafter be expanded or extended unless such expansions or extensions shall conform to the provisions of this Resolution for the district in which it is located, except as specifically set out in this Article 6.2.
- B.** Any non-conforming building, which has been damaged by fire or other causes, may be repaired and used as before, unless it is determined by the building commissioner that the building is damaged to the extent of more than seventy percent (70%) of the fair market cash value of the structure, in which case any repair or reconstruction shall meet all the requirements of the zone in which it is located.
- C.** When a non-conforming use of any building, structure or land has ceased for a period of twelve (12) months, it shall not be re-established or changed to any use not in conformity with the provisions of this Resolution.
- D.** Any building containing a non-conforming use shall not be changed to another non-conforming use unless it is determined by the Board of Zoning Appeals that such use is similar or less noxious than the previous use.
- E.** All lots and property previously subdivided prior to September 2, 1990's adoption of the Hamblen County Zoning Resolution will be allowed to be utilized for construction if the lot is less than the requirements of this Resolution, unless setback lines and road frontage requirements cannot be met.
- F.** Non-conforming Mobile Home – A mobile home deemed to be a legal non-conforming use at the time of the adoption of this Resolution and located on a single lot may be replaced under the following conditions:
 - 1. Provided that it is replaced within twelve (12) months of the removal or partial destruction (less than 70%) of the previous mobile home:

2. Provided that the replacement mobile home is of structural quality equal to or exceeding that of the previous mobile home in the opinion of the building commissioner.
 3. Provided that it meets the front, side and rear yard setback requirements of the district in which it is located: and
 4. Lots which have more than one (1) mobile home at the time of the adoption of zoning are not permitted to replace each mobile home unless each mobile home meets the minimum square footage required for single family residential dwelling or unless the mobile homes are located in a non-conforming mobile home park of records, which has not ceased to operate for more than twelve (12) months.
- G.** Except as hereinafter set out, a non-conforming commercial or industrial use may be expanded or extended, provided that said expansion or extension is approved by the Hamblen County Planning Commission. Before any expansion or extension is begun, however, a Site Plan as set out in Article 6.6 showing existing development and the proposed expansion or extension shall be presented to the Planning Commission for review and approval along with any other documentation or information required under the terms of this Zoning Resolution. A non-conforming use, by its nature, is not in character with its surrounding neighborhood, and therefore, any effort shall be made to maintain the aesthetic characteristics of the neighborhood in order to protect the safety and welfare of citizens and to protect property values. No expansions or extensions shall be approved unless the Planning Commission determines the result of the proposed expansion or extension has a positive net effect on the surrounding neighborhood. Since noise, visual pollution and traffic congestion are the primary sources of incompatibility of land uses, efforts should be made to minimize their effect.

6.3 One Principal Building on any lot: Only one (1) structure shall be permitted per lot. The principal structure is considered the main or primary purpose for which the land is used. Accessory uses are permitted on the same lot, the use of which is incidental and supportive of the primary use of the principal building. For purposes of this zoning code, a lot is considered to be 11,000 square feet if located on public sewer, 22,000 square feet if located on public water with no public sewer, and 43,560 square feet if there is no public sewer or water. A lot, for the purpose of this code, will also include anything referred to as a tract, parcel, plat or lot. For determination of compliance with one (1) principal building per lot, the Hamblen County Tax Map or any subsequent survey produced by the owner will be used to determine the lot, tract, plat or parcel and the number of building located therein.

6.4 Modified Site Plans Required. When specifically required by Section 6.6 of this Article, or as directed by other articles, sections, or subsections of this Resolution, the owner/agent of any proposed industrial, commercial and certain residential uses to be constructed, modified or otherwise created shall be required to submit a site plan to the Planning Commission for approval. The required site plan elements are fully set forth in Section 6.6. In some instances however, a modified type of site plan may be allowed. When allowed, a modified site plan shall consist of the following minimum requirements: (examples)

- A. Be drawn at a scale of 1"=20' for small tracts, and 1"=50' for large tracts.
- B. Identify areas subject to flooding and show existing drainage ways and devices.
- C. Indicate, dimensions of all property lines, scale, north point, acreage or square footage, and include a vicinity map.
- D. Locate and give dimensions of all existing and proposed structures showing their relation to property lines and street rights-of-way.
- E. Provide any other relevant information concerning the site, such as: septic system location, utilities, easements, signs, parking areas, driveways, etc., as may be required or requested. (Jan. 21, 2010)

6.5 Public Road Frontage Required: No construction may be permitted on a lot or tract, which does not abut a public road for a minimum of fifty (50) feet. In the event that a tract or parcel of land has been subdivided pursuant to Article III C.1 of the Hamblen County Subdivision Regulations which under certain circumstances will permit the creation of two (2) lots out of one (1) parcel, each with a minimum of forty (40) feet frontage on a public street or road, maintaining this width from street or road continually upon reaching the building setback line, and is therefore incapable of being further subdivided under Article III C.1 of the Hamblen County Subdivision Regulations, then and in that event, construction may be permitted on such lots having a minimum of forty (40) feet frontage on such public road or street. Subdivided property must meet the requirements of the Hamblen County Subdivision Regulations. (Feb. 21, 2002)

6.6 Site Plan Requirements: For all commercial or industrial uses, or changes thereto, which may be allowed in agricultural, commercial or industrial zoning districts or for certain mobile home placements and residential dwelling structures consisting of three (3) or more units, a site plan for the proposed use shall be required and must be approved by the Hamblen County Planning Commission before a building permit can be issued. The site plan shall include the following: (Jan. 21, 2010)

- A. A site plan map;
- B. A site plan, drawn to scale at least 1" equals 30 feet;
- C. Size and dimensions of the proposed building(s) and a drawing of all setbacks;
- D. Location of loading zones, if any;
- E. Ingress and size or dimensions of the driveways;
- F. Parking area design including number of spaces and design of those spaces. Parking lots must be paved.
- G. Location and size of proposed water and sewer lines, fire hydrants and any attendant facilities such as pumping stations, transmission lines, storm sewers;
- H. Location of any signs and the dimensions of location and height of such signs;
- I. Additional information such as traffic flow, average daily sewer or water usage and other environmental factors may be required by the Planning Commission;
- J. In the case of a shopping center, a master plan for the entire shopping center may be reviewed and approved at one time. However, if any additional development is proposed to be constructed after the approval of the shopping center plans, the additional development will be required to submit a Site Plan for review and approval.
- K. A Soil Erosion Control Plan must be submitted, reviewed and approved by the Planning Commission prior to soil disturbance.
 - 1. No grading shall commence until a Soil Erosion Control Plan has been processed in conformance with these provisions.
 - 2. All Soil Erosion Control Plans must include the following:
 - a. **Scale and Boundaries** – The Erosion Control Plan shall be drawn at a scale of one inch equals 100 feet or less, indicating the following:

- (i) The site boundaries, with bearings and dimensions, as well as the adjacent properties: and
- (ii) Identification of any structure or natural features on the land adjacent of the site and within 250 feet, which has a significant impact on drainage or siltation controls.
- b. **Topography** – Existing and proposed topography at contour intervals not exceeding five (5) feet.
- c. **Features** – Location and identification of all site features, either manmade or natural, which have a significant impact on drainage or siltation controls.
- d. **Proposed Structures** – Location and identification of any proposed additional structures or development on the site.
- e. **Soil Survey** – A soil survey or a description of the main soil types (available from the County Soil Conservation District) and the anticipated time of exposure of each are required prior to the completion of affected erosion and sediment control measures.
- f. **Grading** – Elevation, dimension, location, extent and the slope of all proposed grading.
- g. **Conditions** – In approving any soil erosion control plan, the Planning Commission may attach conditions to minimize erosion during and after construction. Among other conditions, these may include:
 - (i) Temporary cover during the grading and development period;
 - (ii) Permanent grass and vegetative cover for the area;
 - (iii) Stabilization by means of mulching (non-vegetative measures);
 - (iv) Sodding the area subject to erosion;
 - (v) Use of low-growing plants, vines, shrubs or other ground covers to stabilize sediment producing areas;
 - (vi) Constructing diversionary channels and terraces across the slope;
 - (vii) Construction of structures that will stabilize the grade of water channels;
 - (viii) Construction of sediment basins shall be so that failure of the structure would not result in loss of life or interruption of use of service of public utilities;

- (ix) Use of grassed waterways for the safe disposal of runoff water;
 - (x) Staging development to avoid having large areas in an erosive condition at one time;
 - (xi) Utilization of existing topography in planning development to minimize erosion, such as planning roadways parallel to contours; and
 - (xii) Leaving critical areas in an undisturbed condition or correction of critical areas which cause erosion hazard.
- L.** Drainage – Plans and specifications for all drainage provisions, retaining walls, cribbing, planting, anti-erosion devices or other protective devices (both temporary and permanent) to be constructed in connection with or as a part of the proposed work, together with a map showing the drainage area of land tributary to the site and statement explaining the amount of estimated run-off used to determine the design characteristics of any drainage device. Upstream drainage must be re-contouring or other final disposition of sediment basins or other structural improvements or devices shall be included in the plan. If a sedimentation basin is required, it shall be designed by registered engineers in accordance with proper guidelines.
- M.** A landscaping plan shall be submitted. Ten percent (10%) of the total area of the project shall be landscaped. Locations of trees, shrubs, or other foliage shall be noted on the plan.
- N.** Prior to any construction activity taking place, a surety or bond in the amount of one hundred fifty percent (150%) of the estimated cost of the required improvements must be submitted and approved by the Planning Commission. The surety or bond shall cover the cost of installation of any required drainage facilities, landscaping or any other required improvements as deemed necessary by the Planning Commission. The surety or bond shall be made out to the Hamblen County Planning Commission, all bonds must be within 50 miles of Morristown, and shall be held and utilized, if needed, to complete the required improvements after twelve (12) months of its posting if the improvements have not been made or do not remain properly stabilized. Prior to the end of the twelve (12) month period the developer may request release of the surety or bond if all installed improvements have been properly completed, adequately stabilized, and approved. Upon posting the surety or bond, the developer must give the Planning Commission a notarized statement granting permission for the required improvements to be installed on the property in case of default. (November 19, 2015)
- O.** Outside parameters, if adjacent to residential uses, shall be buffered in evergreens.

6.7 Commercial/Industrial Access - No business or industrial use may have access through a residential area or utilize subdivision streets or private easements. All business or industrial uses must have direct access to a public thoroughfare road.

6.8 Access Permits – Upon issuance of a Building Permit, an Access Permit form will be issued for review by the Hamblen County Highway Department to determine the need of any culvert and/or any potential drainage into the public roadway or surrounding properties. Access Permits will be filed at the Hamblen County Highway Department upon completion of their review.

6.9 Alcoholic Beverages – The retail sale of beverages having an alcoholic content of less than five percent (5%) by weight and the retail sale of beverages having an alcoholic content of more than five percent (5%) by weight and requiring for their sale a license issued by the Tennessee Alcoholic Beverage Commission shall be permitted only in an A-1 or C-1 zoning district. No such sale, however, shall be permitted until all State laws have been complied with and the approval has been received from the Hamblen County Beer Board or other such board as designated by the Hamblen County Board of Commissioners. No such sale shall be permitted within 300 feet of a residential dwelling measured from building to building, provided the owner of the residential dwelling appears in person before the County Beer Board and objects to the issuance of such permit or license.

6.10 Private Permanent Easement-Replaced by the Uniform Street Naming and Addressing Policy-Adopted May 21, 2015 under Subdivision Regulations

6.11 Accessory Building Regulations/Restrictions (July 20, 2017)

- A. All accessory buildings shall be located in the rear or side of the tract/lot unless the tract/lot is over three acres in which case the accessory building can be located anywhere on the lot. No accessory building on tracts/lots less than three acres shall be greater than 25 percent (25%) of the rear yard measured ten (10) feet from rear of existing structure, ten (10) feet from both sides and rear lot lines. For properties that have no structure, the accessory building shall be deemed the principle structure and shall meet all setback requirements of the principle structure. Location of utility lines and/or septic field and duplicate lines shall be the responsibility of the owner and submitted with the application for a building permit. No accessory buildings shall be placed over utility or field lines. A site plan shall be submitted for all accessory buildings; however, a site plan for an accessory building on a lot over three (3) acres shall be submitted to the planning commission for review and approval. No variances will be permitted on any accessory buildings regarding size of building, location or setbacks. (Resolution 17-15)

- B.** An accessory building is not intended for, nor may it be used for, permanent human habitation. However, detached living quarters may be allowed in an accessory building (i.e., garage apartment) located on the same premises as a dwelling for the exclusive use of the owner, or temporary guests of the owner, provided that such building: (1) complies with all locally adopted building code requirements and it has an adequate fire separation from any vehicle storage area, as required; (2) has no kitchen or kitchen facilities; (3) is not rented or otherwise used as a separate dwelling; and (4) is established on a lot or parcel of land having not less than one and one-half times the required minimum land area.

C. Medical Hardship (July 20, 2017)

The purpose of granting a medical hardship is to provide an individual with quality care that would otherwise require a long term nursing home stay or hospice. The medical hardship must be life threatening or require constant remedial care after surgery or other serious health issues. The following conditions must be met:

1. The granting of a medical hardship allows a second dwelling to be placed on the property only if the primary residence is legal. The secondary residence must be a single wide mobile home, double wide mobile home or “granny pod” that meets current building codes. All zoning setbacks must be met or the second dwelling shall not be allowed. The second dwelling shall be served by public water and sewer or septic system. If a septic system is to be used, the lot must have an additional evaluation to determine if an additional septic system and duplicate area can be utilized on the property. This second system must be certified by the health department.
2. The second dwelling must be exclusively to house an immediate family member that includes either a: great grandparent, grandparent, parent, sibling or adult child.
3. A family member must be needed to assist with the constant and reoccurring physical care. The family member must live either in the primary residence or the secondary structure.
4. The medical hardship must be life threatening such as: cancer, end stage renal failure, stroke, heart condition, ALS, Muscular Dystrophy or any similar disease. The applicant must have a letter from the attending physician (s) on official letter head stating the medical issue and the length of time needed for the care. The letter must be submitted annually to the Board of Zoning Appeals.
5. The Board of Zoning Appeals shall hear the application for medical hardship from each applicant once a year. The medical hardship approval may be continued on a yearly basis as long as all of the conditions described in this paragraph continue to exist. Once the conditions authorized no longer exist or no annual paperwork and proof of medical hardship supporting the continuation has been submitted for the required annual hearing, the permit shall be deemed expired and the secondary structure must be removed within sixty (60) days. If the structure is not removed and legal action is required, the County will seek the recouping of all legal fees including court costs and attorney fees. (Resolution 17-16)

- D. Cargo trailers, inoperative motor vehicles, and other such similar type of objects or devices shall not be allowed to be used as an accessory building to a residential dwelling. Personal on-demand (POD) storage units and other types of large waste/material holding containers may be placed on a property and used temporarily (no longer than six months) without the need for a building permit otherwise, a permit must be obtained for its placement or the unit must be immediately removed from the property.

6.12 Habitation of Storage Buildings Prohibited. A storage building or structure, whether its use or character is that of an accessory building or as a primary miscellaneous structure, shall not be used as a place of human habitation. Storage facilities by their nature shall be constructed, equipped, and maintained so as not to constitute a fire or life safety hazard and, are designed to house inanimate objects and equipment only. (Jan. 21, 2010)

ARTICLE 7
SUPPLEMENTARY PROVISIONS

7.1 Customary Home Occupations (Jan. 21, 2010)– A gainful occupation conducted inside a single family dwelling that may be allowed, in both agricultural and residential zoning districts, provided a home occupation permit is obtained from the Planning Commission office. Permission granted under this Article 7.1 shall not be interpreted or construed as permission to conduct a customary home occupation otherwise prohibited under applicable subdivision restrictive covenants. When and where allowed, customary home occupations shall comply with the following conditions: (January 21, 2010)

- A. At least one (1) worker must permanently reside in the dwelling and the maximum number of workers, including volunteers, shall not exceed three (3) including the resident.
- B. There shall be no obvious changes or alterations made to the outside appearance of the residence or premises, except that one (1) non-illuminated sign no larger than two (2) square feet may be attached to the residence.
- C. No more than twenty-five percent (25%) of the gross floor area of the dwelling or 500 square feet, whichever is less, shall be used in the conduct of the home occupation, including the storage of materials or products related to the occupation.
- D. There shall only be one (1) home-based occupation allowed per dwelling.
- E. No traffic shall be generated in a greater volume than would normally be expected in a residential neighborhood, including pickup or deliveries, and any needed parking spaces generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- F. The occupation shall not involve any on-site retail sales other than the sale of mail-order commodities, approved professional services or sales of products produced on the premises.
- G. No equipment or process shall be used in such home occupation that increases or produces objectionable noise, smoke, dust, glare, vibration, fumes, odors, electrical interference, or other effects detectable to the normal senses beyond the property lines of the lot on which the occupation is situated.
- H. There shall be no exterior storage of raw materials, stock in trade, inventory or display of goods on the premises. The outside storage of anything connected with the home occupation other than one (1) commercial type vehicle is prohibited.

I. Examples of permitted customary home occupations include:

Artist, sculptor or craftsperson	Barber/beauty shop (2 stations only)
Childcare/baby sitting	Computer or telephone services
Cooking and preserving	Dressmaker, seamstress or tailor
Professional service office	Teaching (one pupil/teacher)

Any other use which the planning commission office deems to be a similar use as those listed above.

J. Examples of uses prohibited as customary home occupations include:

Adult entertainment	Ambulance service
Animal training	Automobile repair
Automobile painting	Automobile body work
Body piercing or tattoos	Medical or dental practice
Funeral home or chapel	Machine shop
Massage therapist	Restaurant
Retail sales	Towing service
Veterinary service	Welding shop

Any other use which disrupts and/or is inconsistent with the agricultural or residential character of the neighborhood is prohibited.

7.1.1. In addition to the above outlined conditions, and in an agricultural zoning district only, a customary home occupation that is clearly incidental and subordinate to residential purposes may be conducted in an accessory building, not exceeding one thousand (1,000) square feet, provided that it is located on the same property and the following standards are met.

- A.** A home occupation permit must first be obtained from the BZA and the applicant shall demonstrate that the location of the accessory building is on the same property as their principal domicile.
- B.** Products or materials shall not be visible on the premises from any public roadway adjacent to the property on which the home occupation is situated.
- C.** There shall be no significant increase in traffic, utility usage or any other required public services that would indicate the use of the property is other than for agricultural or residential purposes.
- D.** No activity related to the home occupation shall be conducted outdoors on the property.

- E.** No commercial vehicles, earth moving equipment, heavy construction or hauling equipment or building materials shall be allowed to be stored within public view on the premises.
- F.** One non-illuminated free standing or portable sign may be placed at the access point of the property where the home occupation is located provided it shall not exceed four (4) square feet nor be placed nearer than ten (10) feet to the road right of way on which the property fronts. (January 21, 2010)
- 7.1.2.** The Planning Commission office or BZA may render additional requirements specific to a particular occupation as it deems necessary to protect the intent and purpose of maintaining the character of the neighborhood in which the occupation is being sought. (January 21, 2010)
- 7.1.3.** Home occupation permits are not transferable. A new home owner, property owner, descendent, heir or individual other than to whom the Planning Commission office or BZA issues a home occupation permit shall be required to apply for a new home occupation permit. (January 21, 2010)
- 7.1.4.** An applicant for a home occupation permit shall sign a notarized affidavit stating their agreement to comply with all conditions and standards set forth herein. (January 21, 2010)
- 7.1.5.** Should the holder of a home occupancy permit fail to continuously comply with all conditions and standards of its issuance the permit shall be revoked as provided below: (January 21, 2010)

 - A.** The permit holder shall be notified in writing that the conditions of its issuance are not being met.
 - B.** The permit holder shall be given fourteen (14) calendar days from the postmark of written notification of non-compliance to contact the County and to make arrangements to resolve the issue of non-compliance.
 - C.** Should the non-compliance issue not be resolved in a timely manner, the permit holder shall be notified that the home occupancy permit has been revoked and all business activities shall terminate immediately upon receipt of the notice. Any appeals of the revocation of a home occupation permit by the owner shall be made in writing to the BZA within seven (7) calendar days of the receipt of the revocation notice. A timely filed appeal shall result in the revocation action being held in abeyance pending the hearing by the BZA. (January 21, 2010)

72 Signs and Billboards (August 22, 2002) –Sign Application

A. Definitions:

Animated Signs: Any sign, temporary or permanent, that uses movement, projection, change of lighting or other electrical impulses to depict action or create a special effect. Animated signs, or any part of such sign, shall not be permitted within two hundred (200) feet of a residential district or a residential structure.

Exempt Signs: Signs exempt from the Permit and Site Plan requirements are as follows:

1. An official sign or notice issued by any court, public agency or public office.
2. Traffic – Directional, Warning, or Information Sign authorized by any public agency, whether permanent or temporary.
3. A Private Street or Road Name sign located at an intersection that does not advertise any commercial name, message or logo.
4. Incidental Signs such as signs proclaiming “No trespassing” or “No hunting”, “No Parking”, “Phone”, “ATM”, shall be considered incidental signs and such signs shall not contain commercial messages, symbols, logos or names.
5. Political Preference Signs
6. Real Estate listing signs, Auction signs, For Sale signs, Yard Sale signs, Garage Sale signs.

Freestanding Signs: Any sign supported by structure or supports that are anchored in the ground and that are independent of any building or other structure.

Monument Signs: A freestanding sign attached to the ground, which incorporates a design and materials complementary to the theme of the property use on the same property. The maximum height of a monument sign is six (6) feet.

Non-Conforming Sign (or sign structure): Any existing permanent sign or sign structure which does not conform to the provisions of this article, but was erected pursuant to a valid permit from the County and complied with any sign regulations in effect at the time it was erected.

Off Premise Sign: 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. This definition shall include billboards.

On Premise Sign: A sign that directs attention to a business, commodity, or service offered, located on the premises on which the sign is erected.

Sign: Any display of any letter, numeral, figure, emblem, picture, outline, character, spectacle, announcement, or anything, in part or in combination, 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 of, or on, attached to, or as 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.

Sign Face: The entire area of a sign, upon, against or through which sign copy is placed.

Sign Structure: Any surface 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.

Subdivision Sign: Any sign located at the entrance to a subdivision, whether it is residential, commercial or industrial.

B. General Provisions: No signs (permanent or temporary) shall be permitted in the right-of-ways on State, City or County property. All signs shall be designed, constructed, and maintained in accordance with the following standards:

1. **Codes** – All signs shall comply with the applicable provisions of the adopted building codes and the state electrical code.
2. **Sight Distance Triangle** – Any and all signs proposed to be located near the corners of an intersection, whether it is a street intersection or a driveway street corner of an intersection, shall be measured at a distance of twenty-five (25) feet running parallel along each street right-of-way and/or the driveway surface and connecting them to form a triangular area. This area shall be free of any sign(s) that may inhibit a clear sight visible for motorists.
3. **Setbacks** – If outside of a sight distance triangle, then the closest side of any sign(s) shall be set back at least five (5) feet from any street right-of-way, property line, or pedestrian path/sidewalk, whichever distance is greater. No sign shall be placed within any public or private utility easement (generally ten (10) feet unless otherwise noted on a site plan or subdivision plat.)

4. **Lighting** – Sign illumination shall only be achieved through the following standards:
 - a. A white, steady stationary light of reasonable intensity that is directed solely at the sign. The light source shall be shielded from adjacent buildings and streets, and shall not be of sufficient brightness to cause glare or other nuisances to adjacent land uses or transportation routes.
 - b. Internal illumination shall provide steady, stationary lighting through translucent materials.
 - c. If the sign or sign structure is internally illuminated or back lit by any means, the entire lighted area shall be included within the allowable signage calculation for the site. This standard shall also apply to signs affixed to any portion of a building as an architectural feature, such as, but not limited to, awnings, canopies, or roof lines.
 - d. All electrical service to any freestanding sign shall be placed underground. Electrical service to other signs shall be concealed from public view and adhere to the electrical code.
5. **On-Premise Signs:** Are considered as commercial uses, permitted only in Agricultural, Commercial, and Industrial districts, upon approval of a Site Plan as hereinafter required. A Site Plan for on-premises signs shall, at a minimum, include accurate location and dimensions of any such proposed signs with accurate distances from property lot lines, utility easements and right-of-ways and/or easements for ingress and egress. Following approval of a Site Plan, the Building Permit, Construction Cost Fees, and Inspection Schedules are required to be obtained prior to any construction activity. The height of such sign shall not exceed fifty (50) feet. The size of such sign shall not exceed three hundred and fifty (350) square feet.
6. **Subdivision Signs:** One subdivision sign shall be allowed at each primary entrance(s) to the subdivision and must be shown on the final subdivision plat. The sign(s) shall be located on private property or within the common open space as approved by the Planning Commission. Such sign shall be maintained by an established property owner’s association, or some other private owner or entity. The maximum height of the sign is six (6) feet. The total sign area allowed is forty (40) square feet for each sign face, with a maximum of two (2) sign faces. Such signs require Building Permits, Construction Cost Fees, and Inspection Schedules prior to construction activity.

C. Off Premise Signs and Billboards:

1. Within Hamblen County, but outside the City of Morristown's Urban Growth Area, off premise signs and billboards are considered commercial uses, permitted only in Agricultural, Commercial, and Industrial districts, upon approval of a Site Plan as hereinafter required. A Site Plan for signs and billboards shall, at a minimum, include accurate location and dimensions of any such proposed signs or billboards with accurate distances from property lot lines, utility easements and right-of-ways and/or easements for ingress and egress. State permits, lease site agreements, and liability insurance are required to be submitted for signs and billboard placement at the time of Site Plan review. Following approval of a Site Plan, the Building Permit, Construction Cost Fees, and Inspection Schedules are required to be obtained prior to any construction activity. The size of such sign shall not exceed three hundred and fifty (350) square feet. The distance between any two (2) off-premise signs or billboards shall be at least one thousand (1,000) feet apart in any direction.

2. Within the City of Morristown's Urban Growth Area:
 - a. Effective August 22, 2002, there shall be a ban on the issuance of permit for new construction of off-premise signs (including billboard) at new locations, within any zoning district, within the City of Morristown's Urban Growth Area.
 - (i) The only exception to this rule is that the Morristown Regional Planning Commission may approve a trade-off, to eliminate an existing off-premise sign to allow a new off-premise sign to be located adjacent to any arterial street except: (1) Davy Crockett Parkway (US Highway 25E), (2) Highway 160, and (3) the proposed route 66/I-81 Exit 4 connector (also to be named within the City of Morristown Martin Luther King, Jr. Parkway.) The approval of the trade-off must occur before the existing off-premise sign is taken down. The provisions listed below in subsection 2 shall apply.

3. Off-Premise signs that currently exist, the following provisions shall apply:
 - a. Lawfully existing off-premise signs, including billboards, shall be non-conforming uses, as regulated in this article.

 - b. Off-premise advertising signs are principal uses of the property and will not be allowed where an existing principal use presently exist. Off-premise advertising signs advertise products for businesses not connected with the site at which they are located. Off-premise advertising signs shall be permitted in Hamblen County's commercial and industrial districts.

 - c. Within those districts in which they are allowed, billboards shall have a minimum required setback of twenty (20) feet from any property line.

- d. Off-premise advertising signs, face to back, shall be no closer than one hundred (100) linear feet, measured along the roadway to any residence and/or residential district, or one thousand (1,000) feet to any historical district or site listed in the National Register of Historic Sites and Places.
- e. Commercial and industrially zoned property which contains a business, industry, is vacant and does not have a freestanding sign and contains a total road frontage of three hundred (300) linear feet or more may have an off-premise sign. This precludes the establishment of any on-premise freestanding sign for as long as the off-premise sign exists.
- f. The maximum height of such signs shall be thirty-five (35) feet above road level.
- g. The maximum total surface area of any off-premise sign shall be three hundred (300) square feet per sign face, with a maximum of two sign faces. In cases where there is a proposed trade-off (one off-premise sign to be eliminated for a new off-premise sign to be located at a different site) the sign area per sign face shall not exceed the sign area of the off-premise sign to be eliminated, or a maximum of three hundred (300) square feet per sign face, whichever is less.
- h. "V" shaped signs shall have an interior angle not to exceed forty-five (45) degrees. No signs shall be permitted closer than seven hundred and fifty (750) feet to another off-premise advertising sign on the same side of the street.

73 Mobile Home Park Standards – A mobile home park consists of three (3) or more mobile homes as defined herein or mobile homes sites on a parcel or adjacent/contiguous parcels under the same or affiliated ownership and/or established for the purpose of or intent to provide rental housing, and shall include all accessory buildings used or intended to be used as a part of the development. “Affiliated” as used herein shall mean related by a shared or joint intent or scheme to provide such rental housing. The following standards shall apply:

- A.** No mobile home park shall be within five hundred (500) feet of any residence, except a residence owned by the mobile home park operator/owner.
- B.** Mobile home parks within 1,000 feet of any residence, except that of the park owner shall have five (5) feet wide buffering of at least eight (8) feet tall evergreens on all perimeters adjacent to said residences.
- C.** No mobile home park may be constructed in which the only access is by residential streets in a duly recorded subdivision. Mobile home parks must have thirty (30) feet wide access roads connected to a County, State, Federal, or City owned road.
- D.** Internal roads must be built to County owned standards.
- E.** Six (6) inch public waterlines must be provided to all sites. A fire hydrant must be located every five hundred (500) feet.
- F.** Parks having over fifteen (15) lots must be on public water.
- G.** Parks having less than fifteen (15) units must have individual septic systems approved by the State Department of Health and Environment.
- H.** A Site Plan must be approved prior to construction by the Planning Commission. Said Site Plan must include topography, drainage plans, site sizes, number, parking, location of water and sewer lines, septic systems, fire hydrants, buffering, accessory buildings such as an office, Laundromat, parks open space. (See 6.6 Site Plan Requirements)
- I.** A Bond to cover the cost of improvements must be made to the Planning Commission.
- J.** The Planning Commission may deny the Site Plan due to poor site design for traffic patterns, poor visibility at mobile home park entrance, poor drainage plans, inadequate soil percolation of sixty (60) MPI or greater, lack of parking, etc.
- K.** All sites must have parking stalls of 9 x 18 with two (2) off-road stalls per mobile home site. No on-street parking is permitted.

- L. All mobile home parks must provide and show on the Site Plan garbage disposal/dumpster units adequate to handle the refuse and dumped weekly.
- M. Five (5) acres minimum lot area for mobile homes parks.

74 Development Standards for Automobile Wrecking, Junk and Salvage yards and

dumps. – Because of the nature and character of their operations, automobile wrecking and salvage yards, junkyards and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards and may adversely affect property values by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

- A. These uses are only permitted in the I-2, Environmental Industrial District. See Article II, Section 9.7.C and D for set back and other dimensional regulations.
- B. All motor vehicles stored or kept in such yards shall be so kept that they will not catch or hold water in which mosquitoes may breed or so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared or propagated.
- C. Because of the tendency for salvage yards, junkyard or automobile wrecking yards to promote the breeding of vermin, no such operation shall be permitted closer than five hundred (500) feet from any established residence.
- D. All automobile wrecking, junk and salvage yards located on a county road shall be conducted entirely within either an enclosed opaque fence, screen, or wall, except driveway areas, from eight (8) feet to twelve (12) feet in height or a screen or wall composed of white pine, eastern hemlocks, scotch pines or Leland cypress trees, no less than five (5') feet in height at planting, at ten (10') feet intervals between tree trunks along the fence lines, excepting driveways areas. Any fence, screen or wall for screening purposes shall be properly painted or otherwise maintained in good condition. Any material associated with the operations, as defined in Article V. Definitions, pertaining to junkyards shall not exceed a maximum of twelve (12') feet in height.
- E. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety.
- F. Off Road Parking - No vehicles may be parked outside of the fence, screen or wall.

- G. Ingress and Egress – The number of vehicular access driveways permitted on any single street frontage shall be limited to:
1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
 2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet.
- H. Except for grandfathered, non-conforming yards, no automobile wrecking, junk or salvage yards shall be permitted within three hundred (300) feet of any public road in Hamblen County.
- I. Application for Automobile Wrecking, Junk, or Salvage Yard Permit: No person shall own or maintain an automobile wrecking, junk or salvage yard within Hamblen County until he has secured a permit from the Hamblen County Board of Zoning Appeals. An application for said permit shall be filed and shall be accompanied by a detailed Site Plan, a schedule for construction, and any other information herein required.
- J. Dumps – No person shall own or maintain a landfill or waste dump within Hamblen County until a Site Plan has been submitted and approved by the Planning Commission, received approval as a special exception by the Board of Zoning Appeals; and received a permit issued by the Tennessee Department of Health and Environment, Division of Solid Waste. No such landfill or dump shall be permitted within five hundred (500) feet of a residence, school, church, park, or public gathering place. All debris must be covered daily from public view. The dumping of chemicals or toxins is not permitted. Other standards required for junkyards shall also be required for dumps.
- K. Saving Clause- If any of the provisions of this Article 7.4 conflict with the provisions of general law regarding the regulation of junkyards, by being less restrictive than the general law or otherwise, then the general law provisions shall govern the matter at issue.
- L. Expansions-An expansion of these type business/operations shall constitute extending the operation to a separate lot of record that is distinct from the lot of record the operation originally took place upon regardless of the ownership. Any expansion to a new separate/ lot must conform to all the regulations pertaining to these uses. (Amended February 20, 2020)

76 Development Standards for Sanitary Landfills – Because of the nature and character of solid waste landfill operations, the potential for detrimental effects upon the health, safety, and welfare of surrounding residents exists. To prevent and minimize potential problems, proposed solid waste landfills shall be evaluated by using the standards promulgated by the State of Tennessee as set forth in the Rules and Regulations of the Tennessee Department of Environment and Conservation, TDEC Rule Chapter 0400-11-01, “Solid Waste Processing and Disposal”, as same may be amended from time to time.

7.7 Standards for a funeral home establishment with a crematory facility being used in conjunction therewith shall comply with the following provisions:

- A. Any smokestack of a facility for cremation within a funeral home establishment shall be located no less than one hundred (100) feet from the nearest property line and shall have an approved evergreen buffer located along the outside perimeter of the property.
- B. The funeral home establishment shall be limited to one (1) single unit cremator designed to cremate the remains of one (1) deceased person at a time. A cremator may contain two (2) chambers, a primary chamber in which the cremation takes place and a secondary chamber used to control air emissions.
- C. There shall be no more than thirty-three percent (33%) of the floor area of a funeral home establishment devoted to the cremation process. This includes the area for the crematory, cremation observation, crematory access and maintenance areas, and any other additional areas used primarily for services related to cremation. (July 24, 2014)

**ARTICLE 8
EXCEPTIONS AND MODIFICATIONS**

- 81 Absolute Minimum Lot Size** – With public water & sewer, the minimum lot size is 11,000 square feet. With public water and no sewer, the minimum lot size is 22,000 square feet. Where this requirement conflicts with the Hamblen County Subdivision Regulations or the Health Department requirements, the most stringent standard shall apply.
- 82 Lots of Record** – Where lots, platted or deeded prior to the adoption of this Zoning Resolution, exist and do not conform to the minimum lot size requirements, construction may be approved if no adjacent properties can be purchased to meet minimum lot size requirements. After the adoption of this Resolution, no lot may be subdivided which does not meet the minimum lot size requirements.

Subdivision Regulations

C. Lots (page 16)

Residential lots served by public water and sanitary sewer systems shall not be less than seventy-five (75) feet wide at the building setback line nor less than eleven thousand (11,000) square feet in area.

Residential lots not served by sanitary sewer systems shall not be less than one hundred (100) feet wide at the building setback line or less than twenty-two thousand (22,000) square feet in area; provided, however, greater area may be required by the Planning Commission as indicated.

The minimum size of residential lots to be served by a private source of water supply shall be determined by the Planning Commission after investigations of soil conditions, proposed sewer system, and depth of ground water. The assistance of the Hamblen County TDEC and Soil Conservation Service shall be sought in determining the appropriate size. In no case shall the minimum size be less than one (1) acre/or forty-three thousand, five hundred and sixty (43,560) square feet. Minimum frontage shall be no less than fifty (50) feet.

**ARTICLE 9
ZONING DISTRICTS**

9.1 Classification of District – For the purpose of this resolution, the following zoning districts are hereby established in the unincorporated sections of Hamblen County and are shown on the map entitled Zoning Map of Hamblen County, Tennessee.

Agricultural – Forestry District	A-1
Rural Residential District	R-1
High Density Residential District	R-2
Floodway District	F-1
Commercial District	C-1
Industrial District	I-1
Environmental Industrial District	I-2
Planned Business District	PBD (Oct. 19, 2000)

9.2 Agricultural – Forestry District, A-1

- A. Uses Permitted** - Single family residential dwellings, duplexes, agricultural uses and sales including barns, storage sheds, single-wide mobile homes, neighborhood commercial convenience uses including barber/beauty shops, gasoline stations, dry cleaners, doctors and veterinarian offices and clinics, grocery stores, laundromats, car washes, day care centers, drug stores, customary home occupations, airports, and air strips, schools and other government uses, travel trailer parks, campgrounds, marina operation, custom butchering operations, churches. Includes and provides for location of cemeteries. (July 20, 2017-Resolution 17-17)
- B. Uses Prohibited** – Any item not specifically noted above, unless the Hamblen County Board of Zoning Appeals deems a proposed use is of a similar type listed above.
- A pain management clinic or facility and a methadone treatment clinic or facility, as defined herein, shall not be considered as a doctor’s office or clinic as listed above under uses permitted.
- C. Setbacks** – The principal building must be set back ten (10) feet from the side and rear lot lines and thirty (30) feet from the front property lines. Carport & in-ground/above ground pools must be set back five (5) feet from the side and rear property lines. Accessory buildings-(See Accessory Building regulations on pages 11 & 12) Signs must be set back five (5) feet from any lot line.

9.3 Rural Residential District, R-1

- A. **Uses Permitted** – Single family residential dwellings, duplexes, customary home occupations, day care center, schools and churches. Includes and provide for location of cemeteries.
- B. **Uses Prohibited** – Any use not specifically noted above.
- C. **Setbacks** – The principal building must be set back twelve (12) feet from the side and rear lot line and thirty (30) feet from the front yard lot line. Carports & in-ground/above ground pools must be seven (7) feet from the side and rear property lines. Accessory buildings-(See Accessory Building regulations on pages 11 & 12)

9.3.1 High Density Residential District, R-2

- A. **Uses Permitted** – Single family residential dwellings, duplexes, apartments, mobile home parks, dormitories. Includes and provide for location of cemeteries.
- B. **Uses Prohibited** – Any use not specifically noted above.
- C. **Setbacks** – The principal building must be set back twelve (12) feet from each side and rear lot line and thirty (30) feet from the front yard line. Carports & in-ground/above ground pools must be seven (7) feet from the side and rear property lines. Accessory buildings-(See Accessory Building regulations on pages 11 &12)

9.4 Floodway District, F-1 (see attached pages 68-91)

9.5 Commercial District, C-1

- A. **Uses Permitted** - Shopping centers, retail outlets and stores, professional offices, automobile repair, service and gasoline sales, motels, hotels, grocery stores, barber and beauty shops, hardware, clothing shops, restaurants, and fast food eating establishments, distribution centers, flea markets, indoor gun range, warehousing, appliance sales and service, florist, clinics, hospitals, schools and other government operations, automobile sales, boat sales and service, mobile home sales and service, drug stores, crematory, funeral home establishments, pet crematory, churches and any similar use to the above as determined by the Board of Zoning Appeals. Includes and provide for location of cemeteries.
- B. **Uses Prohibited** – Any use not noted or deemed of a similar type by the Board of Zoning Appeals.

C. Setbacks – All uses must be set back forty (40) feet from the front property line, twenty (20) feet from the side and rear lot lines. Signs shall be set back ten (10) feet from all property lines. No accessory buildings area permitted in the front yard. There must be defined entranceways to the lot to direct traffic.

1. Indoor Shooting Range - A fully enclosed building or part of a building specifically designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or any other shooting activity, but does not include police or military indoor firing ranges operated by any level of government.

a.) Indoor Shooting Ranges. In addition to all other requirements applicable to the C-1zone, the following shall be requirements for indoor shooting ranges:

- (i) A shooting range shall be planned, constructed and maintained according to standards that are at least as stringent as the standards contained in the National Rifle Association range manual, shall be shown on a site plan of scale 1 inch equals 60 feet or better showing all buildings, firing lines or stations, shooting related activity areas and other areas or structures.
- (ii) The Site Plan shall be completed and stamped by a licensed engineer.
- (iii) The Planning Commission may request additional requirement to ensure the safety and welfare of the citizens of the county are preserved prior to the final site plan approval. Any additional requirements (if needed) which will be provided to the applicant in writing.
- (iv) Shooting range shall be designed to minimize noise to surrounding properties. Minimum standards shall include soundproofing for indoor shooting range to reduce the sound outside the building within fifty (50) feet of the building on all sides to a level less than sixty (60) decibels.
- (v) A shooting range shall contain all projectile and shot fall within the enclosure of the building.
- (vi) Any licenses or permits required for shooting range activity by any level of government shall be submitted as supporting documentation with the site plan.
- (vii) Requirements are to comply with all state and federal law (September 18, 2008)

Special Exceptions-In the Commercial District, C-1, and the following uses are permitted on review by the Board of Zoning Appeals as a special exception:

1. Outdoor Firearms Training Facilities (Handgun Carry Permit Classes Only):

The purpose of these facilities is to safely train individuals in the handling of handguns in an urban or rural setting with minimal impact to adjacent properties, but does not include police or military firing ranges operated by any level of government, and does not include not-for-profit charitable events (commonly called “turkey shoots”).

The Board of Zoning Appeals will determine that the proposed location of such facility will not impede the health, safety, and welfare of adjoining and surrounding land uses.

a.) Such facilities shall meet the minimum Site Plan Requirements of the Hamblen County Zoning Resolution, and these additional minimum standards:

- (i) A rear setback (behind the backstop) of two hundred (200) feet, a side setback of one hundred (100) feet (both rear and side setbacks shall be measured from the nearest property line to the exterior base of the closest berm), and a front setback of fifty (50) feet.
- (ii) No alcoholic beverages are allowed and no one under the influence of alcohol shall be permitted on the site.
- (iii) Shall be located no closer than 5,280 feet (1 mile) from existing schools, churches, nursing homes and childcare facilities. This distance shall be measured in a straight line from property line to property line using Hamblen County tax maps.
- (iv) The site plan shall be completed and stamped by an engineer licensed by the State of Tennessee.
- (v) Bullet containment techniques used at the site shall conform to the most current version of The Best Management Practices for Lead at Outdoor Shooting Ranges as published by the United State Environmental Protection Agency.
- (vi) An adequate earthen berm shall either be present, or constructed, that is at least twelve (12) feet in height (with slopes as steep as possible) and be located at the rear and sides exposed to the shooting area. A greater height may be required based on the engineer’s recommendation relative to existing topography at site, and all berms shall be at least four (4) feet in width at the top.
- (vii) Any man-made berm must be designed and certified, by an engineer licensed by the State of Tennessee, as adequate and shall be continually maintained by the owner/operator to ensure the integrity of the slopes and berm heights are maintained.

- (viii) Hours of operation shall be limited to 12:01 pm to 5:00 pm, a maximum of two (2) days per month, excluding Sundays.
- (ix) A developer/owner of a firearms training facility shall provide documentation that all state and federal requirements and regulations have been met.
- (x) Outdoor firearms training facilities shall be planned, constructed and maintained according to acceptable standards that are at least as stringent as the guidelines contained in the National Rifle Association's Range Source Book, shall be shown on a site plan of scale 1 inch equals 60 feet or better showing all buildings, firing lines or stations, shooting related activity areas and any other related areas or structures.
- (xi) The outdoor firearms training facility, areas of line of fire and areas of probable projectile fall shall be secured by an eight (8) foot high chain link fence with anti-climbing devices and posted by warning signs no less than 20 feet apart attached to the fence. These signs will be at least 8" by 11" with 2" bold letters of contrasting color in such a manner to exclude unauthorized persons.
- (xii) All spent ammunition shall be disposed of in trashcans or storage bins daily so as to not create litter.
- (xiii) Any licenses or permits required for the operation of an outdoor firearms training facility by any level of government shall be submitted as supporting documentation with the site plan.
- (xiv) Outdoor firearms training facilities are to comply with all local, state and federal laws.
- (xv) The Planning Commission or the Board of Zoning Appeals may impose additional requirements including, but not limited to, fencing, buffering, baffles or may deny the request entirely if the site plan does not or cannot meet the above mentioned purposes, guidelines, standards and requirements, or if other significant health and safety issues are present.
- (xvi) A yearly site inspection shall be performed by the Hamblen County Planning Department to recertify that such facility complies with all approvals granted to such facility.

2. **Adult Oriented Establishment-** Because adult oriented establishments have a deteriorating effect on property values, create higher crime rates in the area, create traffic congestion, and depress nearby residential neighborhood conditions, these activities will only be permitted upon review and approval by the Board of Zoning Appeals when the following conditions can be met:

- a.) The following minimum conditions must be complied with for a site to be approved for adult oriented establishments:

- (i) The site shall be no less than 1,000 feet from any residentially zoned property at the time of approval for an adult entertainment activity.
 - (ii) The site shall be not less than 2,000 feet from any amusement catering to family entertainment.
 - (iii) The site shall be no less than 2,000 feet from any area devoted to public recreation activity.
 - (iv) The site shall be not less than 2,000 feet from any school, day care center, park, church, mortuary or hospital.
 - (v) The site shall be not less than one-half mile from any other adult entertainment business site.
 - (vi) Measurement shall be made from the nearest recorded property line of the lot in which the adult oriented establishment is situated to the nearest property line or boundary of the above mentioned uses, measuring a straight line on the Hamblen County Zoning Map.
 - (vii) The site shall be located on a street as directed under Article 6.7 of the Hamblen County Zoning Resolution.
- b. Maps showing existing land use and zoning within one-quarter (1/4) mile of the proposed site shall be submitted, along with Article 6.6 Site Plan Requirements, Soil Erosion Control Plan, Drainage Plan, Surveys or other such special information as might reasonably be required by the Planning Commission for use in making a thorough evaluation of the proposal.

3. Methadone Treatment Clinic or Facility and Pain Management Clinic or Facility:

a. The consideration for approval by the Hamblen County Planning Commission of a pain management clinic or facility or a methadone treatment clinic or facility shall be contingent upon the receipt of the appropriate license and/or certificate of need and compliance with all statutes, rules and regulations promulgated by the State of Tennessee.

b. A map showing existing land use and zoning within one half (1/2) mile of the proposed site should be submitted with an application for a Use on Review proposal along with the license of the applicant, certificate of need, site plan, survey or other information deemed reasonable by the Planning Commission for use in making a thorough evaluation of the proposal.

c. The clinic or facility shall be located on property which shall have direct access to a principal arterial street.

d. Measurements shall be made in a straight line on the Hamblen County tax map from the nearest property line of the lot on which the treatment clinic or facility is situated to the nearest property line of the following uses:

- (i) The clinic or facility shall not be located within one thousand (1,000) feet of a school, daycare facility, park, church, mortuary or hospital.
- (ii) The clinic or facility shall not be located within one thousand (1,000) feet of any establishment that sells alcoholic beverages for either on-or off-premises consumption.
- (iii) The clinic or facility shall not be located within one thousand (1,000) feet of any area devoted to public recreation activity.
- (iv) The clinic or facility shall not be located within one thousand (1,000) feet of any amusement catering to family entertainment.
- (v) The site shall not be less than one thousand (1,000) feet from any residentially zoned property.
- (vi) The site shall not be less than one-half (1/2) mile from any other pain management clinic or facility or a methadone treatment clinic or facility. (March 22, 2012)

9.6 Industrial District, I-1

- A. **Uses Permitted** – General manufacturing and warehousing, outdoor equipment lots, assembly of goods, food processing, lumber yards, asphalt manufacturing rock, sand and gravel yards, freighting, concrete or cement products manufacture, chemical manufacture, paper and pulp manufacture, machine shops or other metal working businesses, quarrying, packaging or distribution centers, warehousing airports, automobile repair.
- B. **Uses Prohibited-Any use not noted or deemed a similar type use by the Board of Zoning Appeals**
- C. **Setbacks** – All uses must be set back fifty (50) feet from the front property lot lines and twenty-five (25) feet from the side and rear lot lines. Signs are not permitted within five (5) feet of all property lines.
- D. **Special Exceptions** – Other uses may be permitted by the Board of Zoning Appeals excluding those uses which have the capability of adversely affecting the health and safety of the surrounding properties due to the nature of volatile chemicals processing or storage.

9.7. Environmental Industrial District, I-2: This district’s purpose is to allow industrial development for heavy industrial uses, which, by their nature, offer the potential for impacting the environment negatively.

- A. **Uses Permitted** – In I-2- Environmental Industrial District, the following uses are permitted on review by the Board of Zoning Appeals as special exceptions:
 - 1. Landfills
 - 2. Smelting Plants
 - 3. Asphalt Plants
 - 4. Slaughtering Houses
 - 5. Incinerators for the burning of garbage materials or medical waste
 - 6. Paper/Pulp Products Plants
 - 7. Chemical Manufacturing Plants in which potentially hazardous chemicals are to be produced or utilized
 - 8. Automobile Wrecking, Junk, and Salvage yards and dumps.
- B. **Uses Prohibited** – Those uses not mentioned above or deemed similar in nature to those noted by the Board of Zoning Appeals shall be permitted.

C. Setbacks – All uses permitted in the I-2 Environmental Industrial District shall comply with the following set back and other dimensional regulations and requirements:

1. Front yard setback: 100 feet
2. Rear yard setback: 50 feet
3. Side yard setback: 80 feet
4. Land area: Minimum five (5) acres
5. Lot width: 300 feet

D. Additional Regulations

1. Site Plan requirements and Supplementary Provisions
2. All applicable Federal and State statutes and regulations shall be met.
3. Statements of potential air/water pollutants shall be provided with corrective alternatives. Storage of chemicals, which are toxic, shall be addressed. Hazardous material or chemical transportation information shall be provided, if applicable.
4. Other Information – The Planning Commission may require other information such as more detailed soils, drainage, air or water pollutants, transportation haulers, chemical usage or storage, impact on water/sewer facilities or other data deemed pertinent. Lack of information or poor environmental factors, site planning will deem a denial of the Site Plan.

98 Planned Business District – This district is intended to provide areas for professional, medical and commercial activities requiring separate buildings and building shops with Site Plan approvals under Article 6.6. It is the intent of the Planned Business District to provide a transition area in which offices and related uses may co-exist with residential areas. In order to promote this mixed-use environment, traffic and signage should be maintained at minimal level.

- A. Uses Permitted** – Apothecary shops, architects and artist studios, beauty shops and barber shops, bonding companies, chiropractor, clinics for human care, CPA firms, dentists, doctors, engineers, florist shops, insurance agencies, lawyers, loan companies, medical offices, optometrists, psychiatrists, psychologists, real estate agencies, to include any uses permitted in R-1.

- B. Uses Prohibited** – Any use not specifically noted above, unless the Hamblen County Board of Zoning Appeals deems a proposed use is of a similar type listed above.

- D. Setbacks** – The principal building shall be set back forty (40) feet from the street right-of-way, twenty (20) feet from the side and rear property lot lines. Signage to adhere to Article 7.2 requirements. No accessory buildings are permitted in the front yard. There must be defined entranceways to the lot to direct traffic.
(Oct.19, 2000)

99 Rezoning Procedures (Jan. 21, 2010)

- A.** Upon initial request for rezoning, an application shall be completed by the owner, or an authorized agent of the property owner, and any required fee must be paid before being placed on the next Planning Commission agenda (see attachment “A”).
- B.** A rezoning sign, containing all pertinent information, shall be posted and remain on the property requesting the rezoning, by the owner or agent, a minimum of fourteen (14) days prior to the Planning Commission meeting. The location of the sign shall be such that it is clearly visible to the general public in the surrounding area and from the roadway fronting the property.
- C.** A letter will be sent out notifying the abutting property owners, including those located directly across the road, by the Planning Commission office once the application is properly filed (see attachment “B”).
- D.** The Planning Commission will normally only review the initial rezoning request. If it is determined that any other surrounding properties are to be reviewed, they will only be dealt with after proper notification has been given to all parties involved, as described in sections b. and c. above.
- E.** In cases where the rezoning request only involves a portion of the owner’s property thereby requiring a subdivision plat to be approved, or when a site plan submission is required, the applicant shall have six (6) months from the review meeting date in which to submit the required plat, or plan, before the initial approval becomes null and void.
- F.** Once the rezoning request is reviewed by the Planning Commission, a recommendation shall be sent to the County Board of Commissioners for their consideration. Prior to that meeting, a fifteen (15) day public notice of the time and place of the public hearing shall be published in the local newspaper, by the Planning Commission office, notifying the general public of a description of the property involved in the rezoning request.
- G.** Should the rezoning request not be approved by the Planning Commission, the applicant may withdraw the request at that point in time. The withdrawal shall be made in writing and placed in the record of the Planning Commission minutes.
- H.** If the property of the owner requesting to be rezoned is located within the City’s urban growth boundary, the applicant is still required to file the request and pay the necessary fee to the Hamblen County Planning Commission office, but the completed application will then be submitted to the City Planning Department for review and recommendation by the City Regional Planning Commission.

- I.** Once the rezoning request is reviewed by the City Regional Planning Commission a recommendation shall be sent to the County Board of Commissioners as described above in Section F. Should the request not be approved by the City Regional Planning Commission the applicant shall have the same option to withdraw the request as described above in Section G.

- J.** Once a decision to deny a rezoning request has been made, by the County Board of Commissioners the same rezoning request shall not be resubmitted to either Planning Commission until six (6) months has elapsed since the County Board of Commissioners' action, or when other new and relevant information can be brought forth by the applicant for consideration by the appropriate Planning Commission. In either case, a new application must be processed each time a rezoning request is made.

ARTICLE 9A
Wireless Telecommunication Towers and Antennae
(January 2007)

9A.1 Purpose The purpose of this Article is to establish general guidelines for the citing of wireless communication towers and antennae. The goals of this Article are to: (1) protect residential areas and land uses from the potential adverse impacts of towers and antennae; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option, rather than construction of additional single-use towers; (5) encourage users of towers and antennae to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennae to configure them in a way that minimizes the adverse visual impact of the towers and antennae through careful design, citing, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful citing of tower structures. In furtherance of these goals, the Hamblen County Planning Commission shall give due consideration to the County's zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennae.

9A.2 Definitions As used in this Article, the following terms shall have the meanings set forth below:

- A. Alternative Tower Structure (Stealth-type): man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennae or towers.
- B. Antennae: any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals or other communication signals, including wireless internet services.
- C. Backhaul Network: the lines that connect a provider's tower/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
- D. EIA: Electronic Industries Association
- E. FAA: the Federal Aviation Administration
- F. FCC: the Federal Communications Commission
- G. Height: when referring to a tower or other structure, the distance measured from the finished grade of the parcel of real property to the highest point on the tower or other structure, including the base pad and any antennae.

- H. OSHA: Occupational Safety and Health Act
- I. Residential District: including all zoning districts that permit single-family and duplex residential units, including modular and mobile homes used for living purposes. This district shall consist of all R-1, R-2, A-1 or other zoned property which is used for residential living purposes.
- J. Tower: any structure that is designed and constructed primarily for the purpose of supporting one or more antennae for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

9A.3 Applicability

- A. New Towers and Antennae: All new towers or antennae to be located in *the* Hamblen County shall be subject to these regulations, except as provided in this Article 9A.3 (b) through (d), inclusive.
- B. Amateur Radio Station Operator/Receive Only Antennae: This Resolution shall not govern any tower, or the installation of any antennae or other similar device, that is less than forty (40) feet in height and is owned and operated by a licensed radio station operator, used exclusively for “receive only” antenna purposes or used to receive wireless broadband internet service. All other applicable regulations to towers of forty (40) feet and above and found within this Resolution shall continue to apply.
- C. Pre-existing Towers or Antennae: Pre-existing towers and pre-existing antennae shall not be required to meet the requirements of this Article, other than the requirements of Article 9A.4 (f) (Local, State & Federal Regulations) and 9A.4 (g) (Building Codes: Safety Standards).
- D. AM Broadcast Array: For purposes of implementing this Article, an AM broadcast array, consisting of one or more tower units and supporting ground system, which functions as an AM broadcasting antennae, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM broadcast array. Additional tower units may be added within the perimeter of the AM broadcast array by right.

9A.4 General Requirements

- A. Principal or Accessory Use: Antennae and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antennae or tower on such lot. Antennae are accessory uses.
- B. Lot Size: For purposes of determining whether the installation of a tower or antennae complies with zoning district development regulations, including, but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennae or towers may be located on leased parcels within such lot.
- C. Inventory of Existing Sites: Each applicant for an antennae and/or tower shall provide to the Building Official an inventory of its existing towers, antennae, or sites approved for towers or antennae, that are within the jurisdiction of the Hamblen County, the City of Morristown, and any surrounding county or city within 5,000 feet of Hamblen County's border. Such information shall, at a minimum, include specific information about the location, height, and design of each tower. The Building Official may share such information with other applicants applying for administrative approvals or special use permits under this Article or other organizations seeking to locate antennae within the jurisdiction of the County; provided, however, that the Building Official is not, by sharing such information, in any way representing or warranting that such sites are available or co-location opportunities or suitable for tower construction.
- D. Aesthetics: Towers and antennae shall meet the following requirements:
1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 3. If an antenna is installed on a structure other than a tower, the antennae and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with the supporting structure so as to make the antennae and related equipment as visually unobtrusive as possible.
 4. A county-wide map shall be maintained by the Building Official showing the number, height, design and location of all telecommunication towers in the County, including those located within the boundaries of the City of Morristown, and those located in any adjacent county within five thousand 5,000 feet of Hamblen County borders.

- E. Lighting:** Towers shall not be artificially lighted unless required by the FAA or otherwise approved by an applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. When lights are required, deflectors shall be utilized to direct the light upward and away from residential areas. Further, such lights so installed shall be of the “duel lighting” variety whereby whole strobe lights so installed shall be of daytime and red lights for night time. In the event of any conflict herein with FAA lighting requirements, FAA requirements shall control.
- F. Local, State or Federal Requirements:** All towers must meet or exceed current standards and regulations of the FAA, the FCC, EIA and any other agency of the local, state or federal government with the authority to regulate towers and antennae. If such standards and regulations are changed, the owners of the towers and antennae governed by this Article shall bring such towers and antennae into compliance with such revised standards and regulations within six (6) months of the effective date of such revised standards and regulations, unless a different compliance schedule is mandated by the controlling local state or federal agency. Failure to bring towers and antennae into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antennae at the owner’s expense.
- G. Building Codes - Safety Standards:** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the County concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antennae at the owner’s expense.
- H. Measurement:** For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in Hamblen County irrespective of any municipal and/or county jurisdictional boundaries.
- I. Franchises:** Owners and/or operators of towers or antennae shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the County have been obtained and shall file a copy of all required franchises with the County.
- J. Public Notice:** For purposes of this Article, any special use request, variance request, or appeal of an administratively approved use or special use shall require the applicant to provide public notice to all abutting property owners by certified mail and all property owners of properties that are located within the corresponding separation distance listed in Article 9A.7 (b) (5) (ii), Table 2, by appropriate newspaper publication. This notice is in addition to any notice otherwise required by the County Zoning Resolution.
- K. Signs:** No signs or banners shall be allowed on an antennae or tower, except that any sign required by the FCC, FAA, OSHA or any other appropriate authority will be permitted so long as said sign is no larger than twelve (12) inches by eighteen (18) inches and is placed within eight (8) feet of

the base of the tower. However, an additional sign no larger than stated above indicating the owner of the facility and a telephone number to call for more information, or in an emergency, shall be allowed inside the compound fence on the side the gates are located.

- L. Buildings and Support Equipment:** Buildings and support equipment associated with antennae or towers shall comply with the requirements of Article 9A.8.
- M. Multiple Antennae/Tower Plan:** The County encourages the users of towers and antennae to submit a single application for approval of multiple towers and/or antennae sites. Applications for approval of multiple sites shall be given priority in the review process.
- N. County Use of Tower:** Once a permit is granted for the location of a tower, the permitted shall allow the County reasonable space on such permitted tower for the co-location of an antennae for County or local government emergency communication free of charge. The owner of any tower permitted under this article 9A shall provide space on such tower for the location of antennae for County or local government emergency communication unless such owner can demonstrate that such tower cannot accommodate the additional antennae.
- O. Liability Insurance:** Any applicant granted a permit under this Article 9A shall carry a policy of liability insurance for injury or damage to person(s) or property of others in, at a minimum, the following amounts: \$500,000 for injury to any one person in any one accident, \$1,000,000 for injuries to all persons in any one accident, and \$100,000 for property damages. Proof of insurance shall be provided to the Building Official prior to the commencement of construction, and verified annually, thereafter.
- P. Reports:** Tower owners shall provide reports to the Planning Commission, indicating any significant activities/changes that have taken place, including, but not limited to: proof of current bond, insurance coverage, change of ownership, plans for abandonment, etc. within ninety (90) days of the event.

9A.5 Exceptions

- A. The provisions of this part shall not apply to:
1. Antennae or towers located on property owned, leased, or otherwise controlled by the Hamblen County or the City of Morristown and under 40' in height.
 2. Antennae or towers located on property owned, leased, or otherwise controlled by the Hamblen County or the City of Morristown, are over 40' in height, and are in compliance with Article 9A.6 (a) and (b) of this part, excluding subsection 9A.6 (a) (2).

9A.6 Administratively Reviewed and Approved Uses

- A. **General:** The following provisions shall govern the issuance of administrative permits for towers and antennae.
1. The Building Official shall administratively review the uses listed in this Article 9A.6 for new support structure locations, as required by application. Once such review is completed by the Building Official, the same shall be forwarded to the Hamblen County Planning Commission for its approval, prior to a Building Permit being issued.
 2. Each application for administrative approval shall apply to the Building Official providing the information set forth in Article 9A.7 (b) (1) and (b) (3) of this Article and a non-refundable fee of \$2,500 per application. Each application may request only one (1) tower location. Such fee shall cover the cost of the in-house staff review of the application and also the associated building permit for such tower, if approved. Said fee may be changed from time to time by the Planning Commission.
 3. In addition to the above, the professional staff of the Hamblen County Planning Commission may, at the discretion of the Building Official, refer technical engineering aspects of the administration and enforcement of this section to a registered, professional engineer, qualified in the design and installation of wireless communications facilities, to provide advice, assistance, review and report. All such applications shall, in addition to the non-fundable fee charged for the application and related building permit, include an escrow fee in the amount of Two Thousand and Five Hundred Dollar (\$2,500.00), which shall be deposited in the Hamblen County Trustee's office. Within ninety (90) days after a final determination has been made, the Hamblen County Planning Commission shall arrange to reimburse the applicant for any excess escrow amount over and above the amount billed by the consultant.
 4. The Building Official shall review the application for administrative approval and determine if the proposed use complies with Article 9A.4 (Appearance), 9A.7 (b) (4) (Setbacks), and (b) (5) (Separation) of this Article.

5. The Building Official shall respond to each application within ninety (90) days after receiving it by either approving or denying the application. If the Building Official fails to respond to the applicant within said ninety (90) days, then the application shall be deemed to be approved.
6. In connection with any such administrative review and approval, the Building Official may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
7. If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to Article 9A.7 of this Article.
8. The Building Official may require such bonds in such amounts and for such periods of time as the Building Official deems necessary to insure compliance with the provisions of this Article 9A. A bond in the amount of 20% of the total cost of construction shall normally be held for 1 year and must be posted prior to issuance of a building permit. Said bond may be released earlier, however, following completion of construction and upon receiving a favorable field review by Codes Enforcement of Hamblen County.

B. List of Administratively Approved Uses: The following uses may be approved by the Building Official after conducting an administrative review:

1. Locating a tower or antennae, including the placement of additional buildings or other supporting equipment used in connection with said tower or antennae, in any Industrial Districts I-1 and I-2.
2. Locating antennae on existing structures or towers consistent with the terms of subsections (a) and (b) below:
 - a. **Antennae on existing structures:** Any antenna which is not attached to a tower may be approved by the Building Official as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight (8) or more dwelling units, also including, but not limited to, water tanks, billboards or other suitable structure, provided:
 - (i) The antennae does not extend more than thirty (30) feet above the highest point of the structure, and
 - (ii) The antennae complies with all application FCC and FAA regulations, and
 - (iii) The antennae comply with all applicable building codes.
 - b. **Antennae on existing towers:** An antennae which is to be attached to an existing tower may be approved and permitted by the Building Official and, to minimize adverse visual impact associated with the proliferation and clustering of towers, collocation of antennae by more than one carrier on existing towers shall take precedence over the construction of new towers,

provided such collocation is accomplished in a manner consistent with the following:

(i) **Construction Type:** A tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, unless the Building Official allows reconstruction as a monopole.

(ii) **Height:**

a. An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the co-location of an additional antenna.

b. The height change referred to in subsection (ii) (a) may only occur one (1) time per communication tower.

c. The additional height referred to in subsection (ii) (a) shall not require an additional distance separation as set forth in Article 9A.7. The tower's pre-modification height shall be used to calculate such distance separations.

(iii) **Onsite Location:**

a. A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved on site within one hundred (100) feet of its existing location.

b. After the tower is rebuilt to accommodate collocation, only one (1) tower may remain on the site.

c. A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to Article 9A.7 (b) (5) (Table 1). The relocation of a tower hereunder shall in no way be deemed to cause a violation of Article 9A.7 (b) (5).

d. The onsite relocation of a tower which comes within the separation distances to residential units located in residential districts as established in Article 9A.7 (b) (5) shall only be permitted after being reviewed by the Building Official and approved by the Planning Commission.

3. New Towers in Non-Residential Zoning Districts: Locating new towers in a non-residential zoning district other than Industrial Districts I-1 and I-2, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the Building Official concludes the tower is in conformity with the goals set forth in Article 9A.1 (Purpose), and the requirements of Article 9A.4 General Requirements); the tower meets the setback 9A.7(b)(5)

(Separation Distance, Table 1) and all provisions in Article 9A.7 (Special Use Permits), and the tower meets the following minimum height and usage criteria.

- a. For a single user, up to ninety (90) feet in height;
 - b. For two (2) users, up to one hundred and twenty (120) feet in height, and
 - c. For three (3) *or more* users, up to one hundred and fifty (150) feet in height.
 - d. For four (4) users, up to two hundred (200) feet in height.
 - e. For five (5) or more users, up to three hundred (300) feet in height.
4. Locating any alternative tower structure in any non-residential zoning district that, in the judgment of the Building Official, is in conformity with the goals set forth in Article 9A.1 of this Article.
 5. Installing a broadband micro-cell network through the use of multiple low powered transmitters/receivers attached to existing wire-line systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

9A.7 Special Use Permits:

- a. **General:** The following provisions shall govern the issuance of special use permits for towers or antennae by the Board of Zoning Appeals.
 1. If the tower or antennae is not a permitted use under Article 9A.5 (Exceptions) of this Article or permitted to be approved administratively pursuant to Article 9A.6 (Administratively Approved Uses) of this Article, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning district classifications.
 2. Applications for special use permits under this Article shall be subject to the procedures and requirements of Articles 9A.10 (Non-Conforming Uses) and 9A.11 (Severability) of this County Zoning Resolution, except as modified in this part.
 3. In granting a special use permit, the Board of Zoning Appeals may impose conditions to the extent the Board of Zoning Appeals concludes such conditions are necessary to minimize adverse effects of the proposed tower on adjoining properties.
 4. Any information of an engineering nature that the applicant submits, whether civil, mechanical, electrical or otherwise, shall be certified by a licensed professional engineer (to the extent certification is required in Tennessee) under the guidelines of the State of Tennessee for such certifications.
 5. An applicant for a special use permit shall submit the information described in this Article and pay a non-refundable fee of \$2,500.00 per application. Each applicant may

request only one (1) tower location. Such fee shall cover the cost of the in-house staff review of the application and also the associated building permit for such tower, if approved. Said fee may be changed from time to time by the Planning Commission.

6. In addition to the above, the professional staff of the Hamblen County Planning Commission may refer technical engineering aspects of the administration and enforcement of this section to a registered, professional engineer, qualified in the design and installation of wireless communications facilities, to provide advice, assistance, review and report. Any reasonable cost not to exceed Two Thousand and Five Hundred Dollars (\$2,500.00) shall be deposited by the applicant to the non-refundable fee charged for the application and related building permit, include an escrow fee in the amount of Two Thousand and Five Hundred Dollars (2,500.00). Within ninety (90) days after a final determination has been made, the Hamblen County Planning Commission shall arrange to reimburse the applicant for any excess escrow amount over and above the amount billed by the consultant.
7. The Board of Zoning Appeals may require such bonds in such amounts and for such periods of time as it deems necessary to insure compliance with the provisions of this Article 9A. A bond in the amount of 20% of the total cost of construction shall, annually, be held for one (1) year and must be posted prior to issuance of a building permit. Said bond may be released early, however, following completion of construction and upon receiving a favorable field review by the Codes Enforcement Department of Hamblen County.

b. Towers:

1. Applicants for a special use permit for a tower shall submit the following information:
 - (i) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning of the site and all properties within the applicable separation distances set forth in Article 9A.7 (b) (5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Building Official to be necessary to assess compliance with this Article.
 - (ii) Legal description of the parent tract or leased parcel (if applicable.)
 - (iii) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and un-platted residentially zoned properties.
 - (iv) The separation distance from other towers described in the inventory of existing sites submitted pursuant to Article 9A.4(c) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner operator of the existing tower(s), if known.

- (v) A landscape plan showing specific landscape materials
- (vi) Method of fencing and finished color and, if applicable, the method of camouflage and illumination.
- (vii) A description and certification of compliance with Articles including, but limited to, 9A.4(c), (d), (e), (g), (j), (l), and (m), 9A.7 (b) (4) and (b) (5) and all applicable federal, state and local laws.
- (viii) A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennae for future users and that the application will charge comparable rates, reasonable within the area market to all users.
- (ix) A description of the suitability of the use of existing towers, other structures or alternative technology, not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
- (x) A description of the feasible location(s) of future towers or antennae within the county based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- (xi) Radio Frequency coverage area maps showing present coverage and proposed coverage area upon tower completion.

2a: Factors Considered in Granting Special Use Permits for Towers: In

addition to any standards for consideration of a special use permit application pursuant to Article 11, the Board of Zoning Appeals shall consider the following factors in determining whether to issue a special use permit, although the Board of Zoning Appeals may waive or reduce the burden on the applicant of one or more of these criteria if the Board of Zoning Appeals concludes that the goals of this Article are better served thereby:

- (i) Height of the proposed tower;
- (ii) Proximity of the tower to residential structures and residential district boundaries;
- (iii) Nature of uses on adjacent and nearby properties;
- (iv) Surrounding topography;
- (v) Surrounding tree coverage and foliage;

- (vi) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (vii) Proposed ingress and egress; and
- (viii) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Article 9A.7 (b) (3) of this Article.

2b: Preferences: Preference will be given in the following order of descent:

- (i) Existing Facilities
- (ii) Monopole structure
- (iii) Self supported structure (lattice, etc.)
- (iv) Guyed tower

Principles:

View Protection: The proposed facility should not burden other properties with adverse visual impacts, nor should the facility detract from the character of the Hamblen County landscape.

Land Use Compatibility: The proposed facility should not interfere with the use and enjoyment of other properties and should be consistent with the character of land use and development of the area around its location.

Design Compatibility: The proposed facility design, including its form, height and color, should be compatible with the surrounding area.

In addition, preference will be given to the following site facility plan:

Opportunity Areas, Sensitive Areas & Avoidance Areas: Three types of area are identified, based on their potential suitability for wireless facilities; opportunity areas, sensitive areas, and avoidance areas. (It should be noted that co-location of antennae on existing towers or alternate tower structures is encouraged in all areas, including avoidance areas.)

Opportunity areas are most likely to provide good sites for the widest range of telecommunications installations, including towers. Opportunity areas include interstate highway corridors, industrial parks, shopping centers, large agricultural tracts, and other locations where properly designed facilities could fit into the landscaping reasonably well and would be unlikely to become a blighting influence on the surrounding neighborhood.

Sensitive areas, such as high density housing districts, sites within 500 feet of low density residential areas, and community facilities such as churches, cemeteries, playing fields and recreational centers, required more care in site selection, facility design and screening. Issues such as safety, visibility, property values or land use compatibility are more likely to arise in these areas than in opportunity areas.

Avoidance areas are the least preferred locations for wireless telecommunications towers. Low-density residential districts, ridge tops, historic sites, scenic highways, and most public parks are included in this category.

These guidelines are advisory in nature and adherence to them is not a legal requirement; however, they will be used by Hamblen County authorities and staff in evaluating applications for telecommunications towers. They are also provided for the benefit of designers of telecommunication facility networks with suggested site techniques.

3. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology:

- a. No new tower shall be permitted unless the applicant demonstrates, to the reasonable satisfaction of the Board of Zoning Appeals, that existing tower, structure or alternative technology cannot accommodate the applicant's proposed antennae. An applicant shall submit information requested by the Board of Zoning Appeals related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antennae may consist of any of the following:
 - (i) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - (ii) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antennae and related equipment.
 - (iv) The applicant's proposed antennae would cause electromagnetic interference with the antennae on the existing towers or structure, or the antennae on the existing towers or structures would cause interference with the applicant's proposed antennae.
 - (v) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - (vi) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - (vii) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro-cell network using multiple low-powered transmitters/receivers attached to a wire-line system, is unsuitable. Costs of alternative technology that exceed new tower or antennae development shall not be presumed to render the technology unsuitable.
- b. Monopole and stealth-type towers are permitted to be constructed in residential districts only when the applicant can demonstrate that the County would be denying coverage in its service area.
- c. In order for a guyed or lattice tower to be constructed, a special exception must be granted, and the applicant must prove that the County would be denying coverage in its service area.

- d. A new tower/antennae support structure will not be permitted unless the tower is designed to support a minimum of three (3) communications carriers' antennae and feed lines, except a ninety (90) foot or shorter monopoles, which must be designed to support a minimum of two (2) carrier's antennae and feed lines. The applicant for the permit must certify that it will make space on the tower available to other communications carriers at a reasonable cost. Should there be a dispute over what constitutes a "reasonable cost", the matter will be resolved by binding arbitration with arbitration costs to be borne by the parties. An arbitrator will be chosen by mutual agreement of the parties, but if they are unable to agree on an arbitrator, one will be selected by the County.
- e. Where a new antennae support structure/tower is permitted to be constructed in R-1 Zone, Rural Residential and R-2 Zone, High Density Residential Districts, as well as A-1 Zone (Agricultural - Forestry District), which also encompasses residential use the owner shall be required to submit a "fall zone radius" letter from the antenna support manufacturer with an engineer's seal attached, when applying for a building permit.
- f. A permit for a proposed new tower/support structure within two thousand five hundred (2,500) feet of an existing communications tower shall not be issued unless the applicant certifies that the existing communications tower does not meet applicant's structural specifications and applicant's technical design requirements as reviewed by the County, or that a colocation agreement could not be obtained.

4. Setbacks: The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the Board of Zoning Appeals may reduce the standard setback requirements if the goals of this Article would be better served thereby:

- (i) Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line zoned R-1, R-2, or Agricultural, upon which a residential dwelling is located.
- (ii) Guy wires and accessory buildings must satisfy the minimum zoning district setback requirements.
- (iii) Sections (i) and (ii) are in addition to any other setback requirements of zones. The final setbacks will be the greater of (i), (ii) and any other setback requirements.

5. Separation: The following separation requirements shall apply to all towers and antennae for which a special use permit is required; provided, however, that the Board of Zoning Appeals may reduce the standard separation requirements if the goals of this Article would be better served thereby:

- (i) Separation distances shall be measured from off-site uses/designated areas.
 - a. Tower separation shall be measured from the base of the tower to the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.

b. Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1:

Off-Site Use/Designated Area	Separation Distance
Single Family or duplex residential units *	200' or 300% height tower, whichever is greater
Vacant single-family or duplex residentially zoned property and which is either platted or has preliminary subdivision plan approval, which has not expired.**	200' or 300% height of tower, whichever is greater
Vacant un-platted residentially zoned lands ***	200' or 200% height of tower, whichever is greater
Existing multi-family residential units greater than duplex units greater than duplex units.	200' or 100% height tower, whichever is greater
Non-residentially zoned lands or Non-residentially uses	None: Only setback apply

* Includes modular homes and mobile homes used for living purposes.

** Separation measured from base of tower to closest building setback line.

*** Includes any un-platted residential use properties without a valid development plan approval and any multi-family residentially zoned land greater than duplexes.

- (ii) Separation distances between towers,
 - (a) Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing towers. The separation distances shall be measured by drawing or following a straight line between the base of an existing tower and the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

Table 2:

Existing Towers – Type:

Proposed Tower-Type (s)	Lattice	Guyed	Monopole 75' in Height or Greater	Monopole Less than 75' in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75' or greater	1,500	1,500	1,500	750
Monopole 75' or less	750	750	750	750

6. Security Fencing: Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the Board of Zoning Appeals may waive such requirements, as it deems appropriate.

7. Landscaping: The following requirements shall govern the landscaping surrounding towers; provided, however, that the Board of Zoning Appeals may waive such requirements if the goals of this Article would be better served thereby:

(i) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide, outside the perimeter of the compound.

(ii) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

(iii) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

9A.8 Buildings or Other Equipment Storage

a. Antennae **Mounted on Structures or Rooftops:** The equipment cabinet or structure used in association with antennae mounted on structures or rooftops shall comply with the following:

1. The cabinet or structure shall not contain more than 100 square feet or gross floor area or be more than 12 feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over 100 square feet of gross floor area or twelve (12) feet in height, shall be located on the ground and shall not be located on the roof of the structure.
2. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten percent (10%) of the roof area.
3. Equipment storage buildings or cabinets shall comply with all applicable building codes.

b. Antennae **Mounted on Utility Poles or Light Poles:** The equipment cabinet or structure used in association with antennae mounted on utility poles or light poles shall be located in accordance with the following:

1. In residential districts, the equipment cabinet may be located:
 - (i) In a front or side yard, provided the cabinet or structure is no greater than 12 feet in height or 100 square feet of gross floor area and the cabinet/structure is located a minimum of 40 feet from all lot lines. The cabinet structure shall be screened by an evergreen hedge with an ultimate height of at least 42-48 inches and a planted height of at least 36 inches.
 - (ii) In the rear yard, provided the cabinet or structure is no greater than twelve (12) feet in height or 100 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches.
2. In commercial and industrial districts, the equipment cabinet or structure shall be no greater than twenty (20) feet in height or 200 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches. In all other instances, structure or cabinets shall be screened from the view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six (6) feet in height or an evergreen hedge with ultimate height of twelve (12) feet and a planted height of at least 36 inches.

c. **Antennae Located in Towers:** The related unmanned equipment structure shall not contain more than 100 square feet of gross floor area or be more than 12 feet in height, and shall be located no closer than 40 feet from all lot lines.

d. **Modification of Building Size Requirements:** The requirements of Article 9A.8 (a) through (c) may be modified by the Building Official in case of administratively approved uses or by the Board of Zoning Appeals in case of uses permitted by special use to encourage collocation.

9A.9 Removal of Abandoned Antennae and Towers: Any antennae or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antennae or tower shall remove the same within ninety (90) days of receipt of notice from the County notifying the owner of such abandonment. Failure to remove an abandoned antennae or tower within ninety (90) days shall be grounds for the County to remove the tower or antennae at the owner's expense. If there are two (2) or more users of a single tower, this provision shall not become effective until all users abandon the tower. All applications for tower and/or antennae permits filed under this Article 9A, shall be accompanied by a bond in such amount or amounts as established by the Hamblen County Planning Commission to cover the cost of the County's removal of any antennae or tower as provided for herein. Tower owners shall be required to provide such notice in a report to the Planning Commission, as indicated in Section 9A.4 (p).

9A.10 Non-Conforming Uses:

(a) **Exclusion of Non-Conforming Use:** Towers that are constructed, and antennae that are installed, in accordance with the provisions of this Article, shall not be deemed to constitute the expansion of a non-conforming use or structure.

(b) **Pre-existing Towers:** Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such pre-existing towers. New construction other than routine maintenance on a pre-existing tower shall comply with the requirements of this Article.

(c) **Rebuilding Damaged or Destroyed Non-Conforming Towers or Antennae:** Notwithstanding Article 9A.9, bona fide non-conforming towers or antennae that are damaged or destroyed may be rebuilt after having first obtained administrative approval or a special use permit but without having to meet the separation requirements specified in Article 9A.7(b)(4) (setbacks) and Article 9A.7(b)(5) (separations). The type, height, and location of the tower onsite shall be of the same type and intensity as allowed in the original facility permit. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antennae shall be deemed abandoned as specified in Article 9A.9.

9A.11 Severability: The various parts, sections and clauses of this Article 9A are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Resolution shall not be affected thereby.

9A.12 Repealer: Any resolutions or parts thereof in conflict with the provisions of this Resolution are hereby repealed to the extent of such conflict.

9A.13 Violation or Failure to Comply with Tower Regulations: A violation of any of the provisions of this Article 9A shall be subject to the penalties provided for in Article 10.6

ARTICLE 9B

9B Moore-Murrell Field Zoning: Purpose of this Resolution - To limit height of objects around the Morristown Municipal Airport/Moore-Murrell Field:

A resolution regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property, in the vicinity of the Moore-Murrell Field by creating appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; referring to the zoning maps, which are incorporated in and made a part of this Resolution; providing for enforcement by the Board of Zoning Appeals; and Imposing Penalties.

This resolution is adopted pursuant to the authority conferred by Section 42-6-101 through 42-6-115 of the Tennessee Code Annotated. It is hereby found that an obstruction has the potential for endangering the lives and property of users of Moore-Murrell Field, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Moore-Murrell Field; and that an obstruction may reduce the size of areas available for landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of Moore-Murrell Field and the public investment therein. Accordingly, it is declared:

1. That a creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by Moore-Murrell Field;
2. That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
3. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or making and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

9B.1 Short Title: This resolution shall be known and may be cited as the Moore-Murrell Zoning Resolution:

9B.2 Definitions:

1. Airport: Moore-Murrell Field
2. Airport Elevation: 1,313 feet above mean sea level.
3. Approach Surface: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in 9B.4 of this Resolution. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.
4. Approach, Transitional, Horizontal, and Conical Zones: These zones are set forth in 9B.3 of this Resolution.
5. Board of Zoning Appeals: The duly appointed Hamblen County Board of Zoning Appeals is empowered to hear and decide on issues related to adjustments, appeals, special exceptions, or variances to the established Zoning Resolution. The Board of Zoning Appeals (BZA) may also be referred to as the Board of Adjustments or the Board of Appeals.
6. Conical Surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
7. Hazard to Air Navigation: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
8. Height: For the purpose of determining the height limits in all zones set forth in this Resolution and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
9. Horizontal Surface: A horizontal plane 150 feet above the established airport elevation, the perimeter of which, in plan, coincides with the perimeter of the horizontal zone.
10. Larger than Utility Runway: A runway that is constructed for an intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
11. Non-Conforming Use: Any pre-existing structure, object of natural growth, or use of land, which is inconsistent with the provisions of this Resolution or an amendment thereto.
12. Non-Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach has been approved or planned.
13. Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in 9B.4 of this Resolution.

14. Person: An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

15. Precision Instrument Runway: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

16. Primary Surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in 9B.3 of this Resolution. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

17. Runway: A defined area on an airport prepared for landing and take-off of aircraft along its length.

18. Structure: An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

19. Transitional Surfaces: These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surface, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended centerline.

20. Tree: An object of natural growth.

21. Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

22. Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

9B.3 Airport Zones: In order to carry out the provisions of this Resolution, there are hereby created and established certain zones, which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Moore-Murrell Field. Such zones are to be included as overlay districts to the official zoning map of Hamblen County, TN. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Runway Larger Than Utility With a Visibility Minimum Greater Than ¾ Mile Non-Precision Instrument Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of

3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

2. Transitional Zones: The transitional zones are the areas beneath the transitional surfaces.

3. Horizontal Zone: The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual, and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines of tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

4. Conical Zone: The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward from a horizontal distance of 4,000 feet.

9B.4 Airport Zone Height Limitations: Except as otherwise provided in this Resolution, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Resolution to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question, as follows:

1. Runway Larger than Utility with a Visibility Minimum Greater than $\frac{3}{4}$ Mile Non-Precision Instrument Approach Zone: Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

2. Transitional Zones: Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation, which is 1,313 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits seven feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

3. Horizontal Zone: Established at 150 feet above the airport elevation or a height of 1,463 feet above mean sea level.

4. Conical Zone: Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation (1,663 feet above mean sea level.)

5. Excepted Height Limitations: Nothing in this Resolution shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.

9B.5 Use Restrictions: Notwithstanding any other provisions of this Resolution, no use may be made of land or water within any zone established by this Resolution in such a manner as to create electrical interference with navigational signals or radio communication between the airport and

aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise, in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

9B.6 Non-Conforming Uses: Regulations not Retroactive - The regulations prescribed in this Resolution shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to these regulations as the effective date of this Resolution, or otherwise interfere with the continuance of a non-conforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Resolution, and is diligently prosecuted.

9B.7 Permits:

1. Code of Federal Regulations (CFR) - According to Title 14 code of Federal Regulations (CFR) Chapter 1, "No structure or building which would require a 'Notice of Construction or Alteration' (FAA Form 7460-1) under Federal Aviation Regulation Part 77 Objects Affecting Navigable Airspace Subpart B (FAR 77 Subpart B) shall be permitted unless a 'Determination of No Hazard' under FAR 77 Subparts B, D, or E is first obtained from the Federal Aviation Administration." Copies of FAA 7460-1 may be obtained from the headquarters of the Federal Aviation Administration and the regional offices.

2. Future Uses - Except as specifically provided in a, b and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Resolution shall be granted unless a variance has been approved in accordance with 9B.7 (5).

a. In the areas lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground.

b. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration or any structure, or growth of

any tree in excess of any of the height limits established by this Resolution except as set forth in 9B.4

3. Existing Uses - No permit shall be granted that would allow the establishment or creation of any obstruction or permit a non-conforming use, structure or tree to become a greater hazard to air navigation, than it was on the effective date of this Resolution or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

4. Non-Conforming Uses Abandoned or Destroyed - Whenever the appropriate governing body determines that non-conforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, a permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

5. Variances - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Resolution, may apply to the Board of Zoning Appeals for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Resolution. Additionally, no application for variance to the requirements of this Resolution may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the Airport Manager for advice as to aeronautical effects of the variance. If the Airport Manager does not respond to the application within fifteen (15) days after receipt, the Board of Zoning Appeals may act on its own to grant or deny said application.

9B.8 Enforcement: It shall be the duty of the appropriate governing body to administer and enforce the regulation prescribed herein. Applications for permits and variances shall be made to the appropriate governing body upon a form published for that purpose. Applications required by this Resolution to be submitted to the appropriate governing body shall be promptly considered and granted or denied. Application for action by the Board of Zoning Appeals shall be forthwith transmitted by the appropriate governing body. (Application attached.)

9B.9 Appeals and Adjustments: Applicants may seek adjustments, appeals, special exceptions, and interpretation to this Resolution through the Board of Zoning Appeals

9B.10 Penalties: Each violation of this Resolution or of any regulations, order, or ruling promulgated hereunder shall be issued penalties as prescribed with the Zoning Resolution.

9B.11 Conflicting Regulations: Where there exists a conflict between any of the regulations or limitations prescribed in this Resolution and any other regulations applicable to the same area, whether the conflict be with respect to the height or structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

9B.12 Severability: In any of the provisions of this Resolution or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end, the provisions of this Resolution are declared to be severable.

(Adopted by Hamblen County Commission - April 19, 2001)

HAMBLLEN COUNTY FLOOD DAMAGE PREVENTION RESOLUTION

ARTICLE I. Statutory Authorization, Findings of Fact, Purpose and Objectives

Section A. Statutory Authorization

The Legislature of the State of Tennessee has in Section 13-7-101 through 13-7-115; Tennessee Code Annotated delegated the responsibility to the county legislative body to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Hamblen County, Tennessee, Mayor and County Commissioners, do resolve as follows:

Section B. Findings of Fact

1. The Hamblen County, Tennessee, Mayor and its Legislative Body wish to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP requirements found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
2. Areas of Hamblen County are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

Section C. Statement of Purpose

It is the purpose of this Resolution to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas. This Resolution is designed to:

1. Restrict or prohibit uses which are vulnerable flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

4. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section D **Objectives**

The objectives of this Resolution are:

1. To protect human life, health, safety and property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets and bridges located in flood prone areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a flood prone area; and
8. To maintain eligibility for participation in the NFIP.

Article II **Definitions**

Unless specifically defined below, words or phrases used in this Resolution shall be interpreted as to give them the meaning they have in common usage and to give this Resolution its most reasonable application given its stated purpose and objectives.

“Accessory Structure” means a subordinate structure to the principal structure on the same lot and, for the purpose of this Resolution, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

“Addition (to an existing building)” means any walled and roofed expansion to the perimeter or height of a building.

“Appeal” means a request for a review of the local enforcement officer’s interpretation of any provision of this Resolution or a request for a variance.

“Area of Shallow Flooding” means a designated AO or AH Zone on a community’s Flood Insurance Rate Map (FIRM) with one percent or greater annual change of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

“Area of Special Flood-related Erosion Hazard” is the land within a community which is most likely to be subject to severe flood related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation, of the special flood-related erosion hazard area in preparation for publication of the FIRM Zone E may be further refined.

“Area of Special Flood Hazard” see **“Special Flood Hazard Area”**

“Base Flood” means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1) percent annual chance flood.

“Basement” means that portion of a building having its floor subgrade (below ground level) on all sides.

“Building” see **“Structure”**

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

“Elevated Building” means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with opening sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

“Emergency Flood Insurance Program” or **“Emergency Program”** means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

“Erosion” means the process of the gradual wearing away of land masses. This peril is not “per se” covered under the Program.

“Exception” means a waiver from the provisions of this Resolution which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Resolution.

“Existing Construction” means any structure for which the “start of construction” commenced before the effective date of the initial floodplain management code or resolution adopted by the community as a basis for the community’s participation in the NFIP.

“Existing Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or resolution adopted by the community as a basis for that community’s participation in the NFIP.

“Existing Structures” see **“Existing Construction”**.

“Expansion to an Existing Manufactured Home Park or Subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Flood or Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation of runoff or surface waters from any source.

“Flood Elevation Determination” means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

“Flood Elevation Study” means and examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

“Flood Hazard Boundary Map (FHBM)” means an official map of a community, issued by the FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

“Flood Insurance Study” is the official report provided by the FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

“Floodplain” or **Flood-prone Area”** means any land area susceptible to being inundated by water from any source (see definition of **“flooding”**).

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

“Flood Protection System” means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

“Flood-proofing” means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“Flood-related Erosion” means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

“Flood-related Erosion Area” or **Flood-related Erosion Prone Area”** means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

“Flood-related Erosion Area Management” means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

“Floodway” means the channel of the river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

“Freeboard” means a factor of safety usually expressed in feet above the flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such a wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

“Functionally Dependent Use” means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage of related manufacturing facilities.

“Highest Adjacent Grade” means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

“Historic Structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation program which has been approved by the Secretary of the Interior; or
4. Individually listed on the Hamblen County, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that has been certified either:
 - a.) By the approved Tennessee program as determined by the Secretary of the Interior, or
 - b.) Directly by the Secretary of the Interior.

“Levee” means a man-made structure usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

“Levee System” means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

“Lowest Floor” means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Resolution.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term “Manufactured Home” does not include a “Recreational Vehicle”.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Map” means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

“Mean Sea Level” means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purpose of this Resolution, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community’s Flood Insurance Rate Map are referenced.

“National Geodetic Vertical Datum (NGVD)” means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

“New Construction” means any structure for which the “start of construction” commenced on or after the effective date of the initial floodplain management Resolution and includes any subsequent improvements to such structures.

“New Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either a final site grading or the pouring of concrete pads) is completed on or after the effective date of this resolution or the effective date of the initial floodplain management resolution and includes any subsequent improvements to such structure.

“North American Vertical Datum (NAVD)” means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

“100-year Flood” see **Base Flood**.

“Person” includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

“Reasonably Safe from Flooding” means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

“Recreational Vehicle” means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Regulatory Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Special Flood Hazard Area” is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

“Special Hazard Area” means an area having special flood, mudslide (ie., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A00, or AH.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and include the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“State Coordinating Agency” the Tennessee Department of Economic and Community Development’s Local Planning Assistance Office ,designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

“Structure”, for the purposes of this Resolution, means a walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

“Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial Improvement” means any reconstructions, rehabilitations, additions, alteration or other improvements to a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the initial improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alternation of a “historic structure”, provided that the alteration will not preclude the structure’s continue designation as a “historic structure”.

“Substantially Improved Existing Manufactured Home Parks or Subdivisions” is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

“Variance” is a grant of relief from the requirements of this Resolution.

“Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulation. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Resolution is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified of floods of various magnitudes and frequencies in the floodplains or riverine areas.

Article III General Provision

Section A. Application

This Resolution shall apply to all areas within the unincorporated area of Hamblen County, Tennessee.

Section B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Hamblen County, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47063C-0025E, 47063C-0050E, 47063C-0075E, 47063C-0100E, 47063C-0105E, 47063C-0110E, 47063C-0115E, 47063C-0120E, 47063C-0127E, 47063C-0129E, 47063C-0130E, 47063C-0131E, 47063C-0132E, 47063C-0133E, 47063C-0134E, 47063C-0140E, 47063C-0145E, 47063C-0155E, 47063C-0160E, 47063C-0165E, 47063C-0170E, 47063C-0200E, 47063C-0225E, 47063C-0250E, dated July 3, 2006, along with all supporting technical data, are adopted by reference and declared to be a part of this Resolution.

Section C. Requirement for Development Permit

A development permit shall be required in conformity with this Resolution prior to the commencement of any development activities.

Section D. Compliance

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Resolution and other applicable regulations.

Section E. Abrogation and Greater Restrictions

This Resolution is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Resolution conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

Section F. Interpretation

In the interpretation and application of this Resolution, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

Section G. Warning and Disclaimer of Liability

The degree of flood protection required by this Resolution is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Resolution does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Resolution shall not create liability on the part of Hamblen County, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Resolution or any administrative decision lawfully made hereunder.

Section H **Penalties for Violation**

Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this resolution or fails to comply shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Hamblen County, Tennessee from taking such other lawful actions to prevent or remedy any violation.

Article IV. **Administration**

Section A. **Designation of Resolution Administrator**

The Building Commissioner is hereby appointed as the Administrator to implement the provisions of this Resolution.

Section B. **Permit Procedures**

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following; plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1. Application stage
 - a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where the Base Flood Elevations (BFE's) are available, or to certain height above the highest adjacent grade when applicable under this Resolution.
 - b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Resolution.
 - c. A FEMA Flood proofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in Article V, Section A and B.
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When flood-proofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When flood-proofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or flood-proofing level upon the completion of the lowest floor or flood-proofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

Section C. Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to, the following:

1. Review of all development permits to assure that the permit requirements of this Resolution have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new substantially improved buildings have been flood-proofed, in accordance with Article IV, Section B.
8. When flood-proofing is utilized for a non-residential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Resolution.
10. When Base Flood Elevation data or floodway data have not been provided by the FEMA, obtain, review and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Hamblen County, Tennessee FIRM meet the requirements of this Resolution.
11. Maintain all records pertaining to the provisions of this Resolution in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of the Resolution shall be maintained in a separate file or marked for expedited retrieval within combined files.

Article V. Provisions for Flood Hazard Reduction

Section A. General Standards

In all areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within components during conditions of flooding;
6. New and replacement water supply systems, shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Resolution, shall meet the requirements of “new construction” as contained in this Resolution;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Resolution, shall be undertaken only if said non-conformity is not further extended or replaced.
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction.

14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

Section B. Specific Standards

In all areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Section A, are required:

1. Residential Structure. In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the with the standards of this section: “Enclosures”.

Within approximate A Zones, where Base Flood Elevations have not been established and where alternating data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, opening sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

2. Non-Residential Construction. In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated or flood-proofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or flood-proofed to no lower than three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatics forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

Non-Residential buildings located in all A-zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and

hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IV, Section B.

3. Enclosures. All new construction or substantial improvements that fully enclosed areas formed by foundation and other exterior walls below the lowest floor that area subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
 - a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect and meet the following minimum criteria.
 - 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one foot above the finished grade; and
 - 3) Opening may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
 - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V. Section B.
4. Standards for Manufactured Homes and Recreational Vehicles
 - a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
 - b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or

2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).

- c. Any manufactured home which has incurred “substantial damage” as the result of a flood or that is being substantially improved must meet the standard of Article V, Sections A and B.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
 - 1) Be on the site for fewer than 180 consecutive days;
 - 2) Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick dis-connect type utilities and security devices, and has no permanently attached structures or additions), or;
 - 3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Section E).

Section C. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase the water surface elevation of the Base Flood Elevation, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for Hamblen County, Tennessee and certification, thereof.
2. New construction or substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Section A and B.

Section D Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodway Designated

Located within the Special Flood Hazard Areas established in Article III Section B, where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

1. No encroachments, including fill material, new construction an substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction or substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Section A and B.

Section E. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist, but no base flood data been provided and where a Floodway has not been delineated, the following provision shall apply:

1. The Administrator shall obtain, review and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Section A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or flood-proofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article III). All applicable data including elevations or flood-proofing certifications shall be recorded as set forth in Article IV, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section B.
4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20) feet, whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within Hamblen County, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principals.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B. Within approximate A Zones, require that those subsections of Article V Section B dealing with the alteration or relocation or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provision are complied with as required.

Section F. Standards for Areas of Shallow Flooding (AO an AH Zones)

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Article V, Sections A and B apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1') foot above the flood above as many feet as the depth number specified on the FIRM's

in feet, above the highest adjacent grade. If no flood depth number is specified on the Firm, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Article V, Section B.

2. All new construction and substantial improvements of non-residential buildings may be flood-proofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be flood-proofed and designed watertight to be completely flood-proofed to at least one (1') foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamics loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be flood- proofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provision of this Resolution and shall provide such certification to the Administrator as set forth above and as required in accordance with Article IV, Section B.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

Section G. Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IV and Article V shall apply.

Section H. Standards for Unmapped Streams

Located within Hamblen County, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.

2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Articles IV and V.

Article VI. Variance Procedures

The provisions of this section shall apply exclusively to Areas of Special Flood Hazard within the unincorporated areas of Hamblen County, Tennessee.

Section A. Board of Zoning Appeals

1. Authority

The Hamblen County, Tennessee Board of Zoning Appeals shall hear and decide appeals from decisions appeals and request for variances from the requirements of this Resolution.

2. Procedure

Meetings of the Board of Zoning Appeals shall be held at such times as the Board shall determine. All meeting of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and action thereon, which shall be a public record. Compensation of the members of the Board of Zoning Appeals shall be set by the Legislative Body.

3. Appeals: How Taken

An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Resolution. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of (\$75.00) seventy-five dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give a public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than seven (7) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Board of Zoning Appeals shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in the carrying out or enforcement of any provisions of this Resolution.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

1) The Hamblen County, Tennessee Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirement of this Resolution.

2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Resolution to preserve the historic character and design of the structure.

3) In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Resolution, and:

- a) The danger that materials may be swept onto other property to the injury of others;
- b) The danger of life and property due to flooding, or erosion;
- c) The susceptibility of the proposed facility and its contents to flood damage;
- d) The importance of the services provided by the proposed facility to the community;
- e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
- f) The availability of alternative locations, not subject to flooding, or erosion damage, for the proposed use;
- g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, and the effects of wave action, if applicable, expected at the site, and;
 - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- 4) Upon consideration of the factors listed above, and the purposes of this Resolution, the Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purpose of this Resolution.
 - 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section B. Conditions for Variances

- 1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Article VI, Section A.
- 2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Resolutions.
- 3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Level will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
- 4. The Administrator shall maintain the records of all appeal actions and report any variances to the FEMA upon request.

Article VII Legal Status Provisions

Section A Conflict with Other Resolutions

In case of conflict between this Resolution or any part thereof, and the whole or part of any existing or future Resolution of Hamblen County, Tennessee, the most restrictive shall in all cases apply.

Section B Validity

If any section, clause, provision, or portion of this Resolution 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 Resolution which is not of itself invalid or unconstitutional.

Section C Effective Date

This Resolution shall become effective immediately after its passage, the public welfare demanding it.

Approved and adopted by the Hamblen County, Tennessee, Mayor and Legislative Body

9/23/2010
Date

Bill Brittain
Mayor of Hamblen County, Tennessee

Attest: _____
Linda Wilder
County Clerk

9/23/2010
Date of Public Hearing

9/8/2010
Date of Publication of Caption and Summary

ARTICLE 10

ADMINISTRATION

101 Enforcement Officer - A Building Official shall be appointed to issue all permits, maintain records, and forward materials to the Board of Zoning Appeals and the Planning Commission when applicable.

102 Permits Requirements. (July 20, 2017) It shall be unlawful to erect, construct, place, enlarge, alter, move, or change the occupancy of a principal building, structure or accessory building on any lot, tract, parcel or plot of land, unless exempted from permit requirements, before the required building permit is obtained. It shall also be unlawful to construct a second principal structure on any single piece of property, or to make any additions or alterations to any existing building or structure, unless the proper approval and permit is first obtained. A building permit is not required for conducting ordinary repairs and maintenance activities to buildings or structures not involving the cutting away of any wall, the removal or cutting of any structural beam or load-bearing support, or any changes made to ingress or egress requirements. Exemptions from the permit requirements of the adopted codes shall not be deemed to grant authorization for any work or maintenance activity to be done in violation of the provisions of such codes or any other laws of this state or resolutions of this jurisdiction.

A building permit is required for the placement of a modular home or structure and the placement, replacement or upgrading of a manufactured (mobile) home, or other similar type of mobile unit which is approved under Article 6.11 C., either temporarily or permanently. The storage of a mobile home anywhere other than in an approved mobile home park or on a mobile home sales lot is strictly prohibited.

It shall be unlawful to erect, install, enlarge, alter, repair, remove, convert or replace any mechanical, plumbing or gas system, the installation of which is regulated by adopted codes, or to cause such work to be done, unless exempted, without first obtaining the required permits for the work. Mechanical, plumbing, and gas permits shall not be required for minor repair work, direct replacement of an existing system or components or ordinary maintenance activities conducted on an existing mechanical, plumbing or gas systems. Exemption from the permit requirements of the adopted codes shall not be deemed to grant authorization for any work, replacement or maintenance activity to be done in violation of the provisions of such codes or any other laws of this State or resolutions of this jurisdiction.

It shall be unlawful to commence any land-disturbance activity that would require the uncovering of one acre, or more, without first receiving the approval and obtaining a general construction permit from the State of Tennessee and submitting an Erosion and Sediment Control Plan to the County, for its approval, and obtaining a local site development permit.

Unless otherwise provided, owners/agents of project developments of less than one acre of land-disturbance are required to obtain authorization under a local storm water permit when the construction activities at the site are either: (1) part of a larger common development or sale that is at least one acre in size; (2) discharges from the site are causing, contributing to, or are likely to cause

local storm water violations; (3) discharges from the site are, or are likely to be a significant contributor of pollutants to waters of the State; or (4) local, state or federal laws or rules require such sites to obtain a permit.

In addition to any other provisions in this Resolution, the commencement, placement or modification made to any site, building, structure or system without first obtaining the required permit(s) shall subject the owner/agent to double permit fee(s). Also, failure to obtain any of the necessary inspections either before, during or after the course of site development or construction activity may require an engineer's certification on the site, building, structure or system to verify compliance with applicable laws, resolutions and adopted code provisions.

If a residence is occupied before a final inspection is completed, Hamblen County will not issue a certificate of occupancy. However, if the property owner provides the Planning Commission office with a certificate from a state licensed structural engineer saying that the building is structurally sound, the Planning Commission office will recognize that the evaluation was done and attach the report from the engineer to the building permit.

In a case that no building permit was issued and the property owner did not follow the proper building inspection process, the property owner can provide the Planning Commission office with a certificate from a state licensed engineer saying that the building is structurally sound and the Planning Commission office will acknowledge that the structural assessment has taken place. No building permit or certificate of occupancy will be issued. (Resolution 17-18)

103 Permit Denial - A building permit shall be denied when the proposed construction is a type of land use which is not allowed in that zoning district, when the setbacks cannot be met, or any other type of violation of the regulations in this Zoning Resolution. The applicant is required to submit relevant details of construction and certify on the permit that the details are correct.

104 Stop Work Order - A Stop Work Order may be issued on construction or land usage when the building inspector notices a zoning violation. All work must therein desist until the problem is corrected.

105 Time Limits - The building permit is valid for six (6) months after which time it is invalid if construction on the project site is not progressing.

106 Penalties – It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure or to use any land in violation of any of the provisions of this Resolution or any Amendment thereof enacted or adopted by the Hamblen County Board of Commissioners. A violation of this part shall constitute a Class C Misdemeanor. Each and every day during which such illegal erection, construction, reconstruction, alteration, maintenance or use continues is deemed a separate offense. In addition, Hamblen County shall also have the authority to enforce this Resolution by any and all permitted by Tennessee Code Annotated §§5-1-121 and/or 13/7/111. (Dec. 2005)

ARTICLE 11

BOARD OF ZONING APPEALS

11.1 Creation - The Board of Zoning Appeals shall be created and appointed in accordance with Tennessee Code Annotated, Sections 13-7-106 and 13-7-107 and the Hamblen County Private Act on Planning and Zoning.

11.2 Appeals - Any person, adjacent property owner, or governmental unit may appeal to the Board of Zoning Appeals for special exceptions, variances, and allegations that the Building Inspector has issued or failed to issue a permit.

11.3 Powers of the Board - The Board of Zoning Appeals can hear an aggrieved person who is contesting an action of the Building Inspector, is requesting a special exception, which is either listed under special exception in the existing zoning district or is a similar character permitted for interpretation as a special exception in the zoning district, or has a variance request, which can be approved under Tennessee Code Annotated, Section 13-7-109.

11.4 Special Exception and Variance Hearing - Within thirty (30) days after a request for a hearing before the Board of Zoning Appeals, a public meeting shall be held. The board's decision on the issue must be contained in the minutes of the meeting.

13-7-109 - Powers of Board of Appeals - The board of appeals shall have the following powers:

1. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by the County Building Commissioner or any other Administrative Official in the carrying out or enforcement of any ordinance enacted pursuant to this chapter.
2. To hear and decide, in accordance with the provisions of any such ordinance, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which such board is authorized by any such ordinance to pass.
3. Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under said sections would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, to authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinances.

ARTICLE 12

AMENDMENTS AND INTERPRETATION

12.1 Amendments - This resolution may be amended by first submitting a proposed amendment to the text or map to the Planning Commission and then to the Hamblen County Board of Commissioners. The amendment shall be effective upon the majority vote of approval by the County's Board of Commissioners. A public hearing must be called at least fifteen (15) days prior to the date of the hearing on any amendment by the County Commissioners, and this public hearing must be published in a local newspaper of general circulation in the County.

12.2 Interpretation - Where other State or local laws are in conflict, the more stringent standards shall prevail.

12.3 Separability - Should a clause, section or provision of this resolution be declared by a court of competent jurisdiction to be declared invalid, or unconstitutional, the judgment shall not affect the validity of this resolution as a whole or any part other than the part judged to be invalid.

12.4 Effective Date - This resolution shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

Certification

This Zoning Resolution, text and map, was certified by the Hamblen County Planning Commission on July 24, 1990.

New Zoning Map was adopted September 24, 2015 and digital copy was added to website.

Zoning Request Form

Notice to Applicants: Prior to the rezoning request being placed on the agenda for the appropriate Planning Commission consideration, the applicant shall furnish to the appropriate Planning Department the following information:

1. Date: _____

2. Name of Property Owner(s): _____
Mailing Address: _____
Telephone #: (Home) _____ (Other) _____

3. Name of Applicant/Agent: _____
Mailing Address: _____
Telephone #: (Home) _____ (Other) _____

4. Property Identification Information:
District _____ Approximate Parcel Size: _____
Tax Map: _____ Group: _____ Control Map: _____ Parcel: _____
Lot: _____ Subdivision: _____
Property Address: _____

5. Nature of Request:
Zoning Change: (From) _____ (To) _____
Proposed Use: _____

Planning Commission Use Only:

Deadline Date to Return to Planning Department: _____

Deadline Date to Post Sign on Property: _____

Date of Planning Commission Review: _____ Time: _____

Location of Meeting: _____

Date

Adjoining Property Owner

Mailing Address

City/State/Zip

Dear Sir/Madam:

This letter is to inform you that your property adjoins property to be considered for rezoning by the Hamblen County Planning Commission.

The property requesting rezoning is located at:

The owner/agent is requesting this property be rezoned from _____ to _____, and states the intended purpose is: _____.

The Hamblen County Planning Commission will review this rezoning request on _____ at _____ p.m. in the small courtroom on the 3rd floor of the Hamblen County Courthouse.

This letter served as your only notification and is not required by State or local law. If you have any questions, please contact the Planning Commission office.

Respectfully,

Director of Planning

Disclaimer: The Hamblen County Zoning Map and Zoning Regulations are presented for general guidance only; and, although those documents are as accurate as possible, it is not guaranteed. Please check with the Hamblen County Planning Commission Department for current information on a zoning classification for parcels in which you have an interest and the current requirements/restrictions for that zoning district.