

# **Hamblen County Planning Commission**

## **Agenda**

**April 3, 2023**

### **Public Comment**

### **Approval of the March 6, 2023 meeting minutes**

### **Proposed Zoning Amendments**

A.) Article 9, Section 9.7 Environmental Industrial District (I-2)

B.) Article 9A Wireless Telecommunication Towers and Antennae

### **Other Business**

### **Adjournment**



**Minutes**  
**Hamblen County Planning Commission Meeting**  
**March 6, 2023**

**Members Present**

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

**Staff**

Tina Whitaker, Office Manager  
Donna Massey, Administrative Assistant  
Lindsey Horn, Clerical Assistant  
Tommy McKinney, Codes Enforcement Officer  
Darrell Chase, Building Inspector  
Lori Matthews, Planner  
Josh Cole, Planner  
Other guests, see attached roster

**Planning Commission Workshop**

- **Sizemore Trucking**

Codes Enforcement Officer Tommy McKinney reported on Sizemore Trucking. He has asked County Attorney Chris Capps for the signed order from where the judge ruled in the Planning office's favor for the misdemeanor. Sizemore is only supposed to have one truck on the property. He complied with order for about a week but neighbors are reporting seeing trucks leave at night with no headlights on. The neighbors are upset that this is continuing despite the order to desist. The neighbor has reached out to Mayor Brittain, Attorney Chris Capps, and Commissioner Chris Cutshaw. Tommy will reach out to Attorney Capps again for a follow up.

- **Rendezvous Pizza**

This building is in the process of being torn down. The property owner has been in touch with Tommy McKinney twice to inform him that the rain has slowed them down. Tommy reported that they are about halfway done with the demolition. The building looks full; possibly being used as storage. If the demolition remains stagnant, Tommy will give the property owner, Mr. Davis, a call.

- **Maple Valley**

Tommy reported that Mrs. Campbell called him on the previous Friday. She said that she may have a buyer for the property. The buyer will have to sign an affidavit stating they will take over the violation and address it. Tommy informed Mrs. Campbell that he needs to know by this Friday (3/10) whether the buyer will purchase the property. Attorney Capps advised to give her some more time if there is a buyer; if nothing happens then the citation will be taken into effect.

- **Patricia Webb**

Tommy reported that he saw the accessory building while out on inspections. The building has not had a permit issued. After speaking with Anna with 911 Emergency Communications for the address, he reached out to Brian Murphy to see if there was any information on septic. He has not heard back from Brian at the time of this meeting. Tommy sent a Notice of Violation. Mrs. Webb's son, Jack, called to request a permit and has submitted an application. The owners were told that the building inspector will have to inspect the inside of the building to ensure it is adhering to the 2018 International Building Codes as well as local zoning regulations, which states that accessory buildings/second structures are not to be used as a permanent residence. The building does have electricity to it as well as a dryer vent. Patricia Webb claims that the people who sold the building to them stated that they did not need a building permit. She has informed the office that she will pay for a permit but will not allow our office onto the property to inspect the inside of the building. The structure is approx. 500 sq. ft.

Mr. Bill Hicks stated that a permit is supposed to be required before electricity is turned on by a utility company.

Mr. Cutshaw stated that Morristown Utilities require a permit but this property does not receive utilities from them. It could also be temporary to allow for construction to be done, but we are not certain.

Office Manager Tina Whitaker requested this item be added to the BZA agenda in order to advise staff on what to do.

The commission agreed to add it to the agenda during the BZA meeting.

- **Survey**

Mayor Brittain has asked all the commissioners to take the SR-160 survey. The commissioners were provided with the website they need to visit to do the survey.

- **New Regulations**

Tina Whitaker provided a handout on the updated landfill regulations for the commissioners to place in their books. This update states that Hamblen County landfill regulations have been changed to comply with the state regulations.

- **Austin Heights**

The TN Department of Environment and Conservation found several issues with this construction site during their audit, including the drainage pond. The office has held off on issuing permits until the drainage outlet has been fixed and silt fences have been installed. Next month the commission will be looking at drainage bonds for this subdivision as well as MB&R. Tina hopes Clint will be able to review the as-built drawings, but due to his health she isn't certain if/when he will be available.

- **Cell Tower Bond Discrepancy**

In August 2022 the bond for this drop and swap was set at 120% of the estimated cost of the project, which was \$150,000. Upon further discussion with the cell tower representative Denise Vielt, it was discovered that the regulations state the bond will be set at "20%". This is a typo, but has been in the regulations for some time, and only now has been caught. The commission agreed that the typo needs to be corrected, but as it is written as 20% in the regulations and that is what the company was told and has expected to put into the bond, we should honor that understanding. Tina also agreed that we should go by what our regulations currently say, but should fix them for future bonds.

Tina also shared that she has looked at Jefferson County's regulations and they are much simpler and straightforward than ours. She requested that we review their regulations and consider adapting our regulations to be more in line with Jefferson County's regulations. The board agreed that this would be acceptable.

#### Call to Order, Public Comments, and Approval of the Minutes

Mr. John Hofer called the Planning Commission meeting to order.

Mr. Hofer opened the floor for public comments. There were none.

Mr. Hofer asked if there was a motion to approve the February 2023 minutes. Mr. Anderson made a motion to approve them. Mr. Gray seconded the motion. All in favor; motion carried.

#### Rezoning Request

- **Jason Waddell - 8067 E. Andrew Johnson Hwy. Whitesburg, TN 37891 (03-130-A-007.00)**

Mr. Waddell represented this request. His request is to rezone the property from A-1 to C-1. He bought the property in October 2022 and has cleaned it up. His intention is to put a machine shop there. It's right on 11E.

City Planner Josh Cole informed the commission that the .88 acres are currently vacant. There is a property close by on E. Andrew Johnson Hwy. that is C-1, as well as several parcels to the south that are also C-1. Staff recommends approval of the request.

Mr. Edgar Gray made a motion to approve the request to rezone the property from A-1 to C-1. Mr. Hale seconded the motion. All in favor; motion carried.

#### Zoning Text Amendment

- **Environmental Industrial District**

City Planner Lori Matthews informed the commission of approved changes to the landfill regulations. The county has decided to go by state regulations and reference them in our own regulations. The county has removed their regulations, uses permitted, and exceptions.

Mr. Hofer asked for clarification on whether this was following what was approved last month. Ms. Matthews said that it was; the county will follow state regulations, but site plans must still be submitted to the county office.

Mr. Anderson asked if we could require setbacks, but was informed that we cannot as the regulations are whatever the state requires; we have removed any such stipulations from our own regulations and must abide by the state's. There was some discussion about site plans being submitted to the county office, and it was ultimately agreed that while the state is meant to receive the original site plans, it would be wise to keep a copy in house for our own reference. They are not required to submit one to us to receive a permit; we will just ask for a copy.

There was some discussion about salvage and junk yards at this time. Ms. Whitaker advised it might be wise to rethink some wording based on the junkyard issue.

Mr. Anderson made a motion to table this until the April meeting. Mr. Gray seconded the motion. All in favor; motion carried.

#### **Zoning Text Review**

- **Wireless Telecommunication Towers – Bond Discrepancy**

This issue was discussed in the workshop. It was agreed that we will honor the 20% bond amount due to the typo in the regulations. Mr. Gray wanted clarification that we will defer any other bonds until the typo is fixed.

Mr. Long asked if we are bound to that 20%. Tina Whitaker stated that she believes so because it's what was adopted and now that it's been noticed and called into question, we should honor it.

There was some discussion about the last tower that was installed; it was determined that it's been numerous years.

Mr. Hofer agreed that we need to follow our regulations even if they're wrong.

Tina agreed that it needs to be fixed for the future but to honor it this time.

Mr. Anderson made a motion to set the bond at \$30,000 and correct the error in the regulations to make it 120% in the future. Mr. Long seconded the motion. All in favor; motion carried.

#### **Stormwater**

- **Stormwater Regulations - Legal Opinion**



Mr. Gray made a motion to defer voting on all stormwater regulations and the ERP until the attorney and engineer have been able to review them. Mr. Hale seconded the motion. All in favor; motion carried.

- **Edith Webb - 4020/4022 Julian Ave. Morristown, TN 37814 (02-040F-B-002.00)**

Ms. Webb was the representative for this complaint. She passed around a timeline of events of flooding on her property (attached) and reviewed this with the Commission. She has been dealing with this issue for the last three years and has reached out to multiple county officials including Barry Poole, E.C. Long, and Mayor Brittain. She reviewed the various issues that are contributing to the flooding of her house/property, which include lack of maintenance on a catch basin near her home, a lack of maintenance on the drain by the Autobhan stop sign, the lack of maintenance on the retention pond at The Meadows, and the Mae Buell property.

There was some discussion between Ms. Webb and the commissioners. They asked questions about the property and what happens when it rains. Mr. Hofer asked if the existing drainage way was an easement. Tina replied that it is but we aren't certain where it is on the property, so we aren't sure whose responsibility it is to maintain it. Barry Poole has stated he won't go onto private property.

Mr. Long asked about any grant possibilities. Tina explained she has submitted Ms. Webb's property for a grant that may go to the county for stormwater and flooding issues. She proposed having a release for those individuals to sign that allows county officials or other contractors to come onto their property to perform maintenance.

Tina stated she would reach out to Barry Poole for more information and will keep Ms. Webb up to date on what is going on. She said there was nothing for the board to vote on, but wanted to ensure that Ms. Webb felt heard and that her issue was being taken seriously. Ms. Webb thanked the commission for listening to her.

#### **Other Business**

There was no other business.

#### **Adjournment**

With no other business to conduct, Mr. Hale made a motion to adjourn the meeting. Mr. Gray seconded the motion. All in favor; meeting adjourned.





# The City of Morristown

## Community Development & Planning



TO: Morristown Regional Planning Commission  
FROM: Lori Matthews  
DATE: March 6<sup>th</sup>, 2023 **April 3, 2023**  
REQUEST: County Zoning Ordinance Text Amendment

As the County recently amended and adopted new regulations with respect to landfill activities, it was found that the County's Environmental Industrial District, I-2, would also need to be amended.

The existing ordinance includes land uses which require approval by the Board of Zoning Appeals, however, none of the uses listed provide what conditions must be met in order to receive approval. Uses on review are those which are not allowed by right, but rather have specific stipulations or conditions which must be met in order for the Board of Zoning Appeals to approve the use.

The new I-2 language allows 7 land uses to be allowed by right, as, all require some form of State permitting or approval. While automobile wrecking, junked and salvage yards also require State permitting, this land use currently has specific development criteria listed elsewhere in the County Zoning Ordinance. By putting this development criteria with the use in I-2, and omitting it under its current location in Section 7.4, it would make automobile wrecking, junked and salvage yards a Use on Review, which requires Zoning Board approval. Any other use would be considered as prohibited under the I-2 District.

**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. Because of the possible impacts, all of the following uses have standards and regulations which must be met pursuant to the State of Tennessee. Documentation of this State approval will be required along with the site plan submittal.**

**A. Uses Permitted**—In I-2 Environmental Industrial District, the following uses are permitted with State approval—: ~~on review by the Board of Zoning Appeals:~~

County Staff will require approval documentation prior to the operation of the following uses:

1. Smelting Plants
2. Asphalt Plants
3. Slaughtering Houses
4. Incinerators for the burning of garbage materials or medical waste
5. Paper/Pulp Products Plants
6. Chemical Manufacturing Plants in which potentially hazardous chemicals are to be produced or utilized
7. ~~Automobile Wrecking, Junk, and Salvage yards and dumps~~
8. Landfill

**B. Use Permitted as Special Exception:**

1. ~~Landfills~~

~~"Because of the nature and character of soils 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 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".

1. Automobile Wrecking, Junk, and Salvage yards and dumps are subject to the following supplementary provisions:

- 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.

# The City of Morristown

## Community Development & Planning



- 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)

C. **Uses Prohibited**-Those uses not mentioned above or deemed similar in nature to those noted by the Board of Zoning Appeals shall be permitted.



# MEMORANDIUM

TO: Hamblen County Planning Commission

FROM: Tina Whitaker, Hamblen County Planning Commission Manager

DATE: March 27, 2023

RE: Regulation Updates for Towers

Attached are the current Hamblen County regulations for tower installation/swap and drop, as well as the City of Morristown's regulations for comparison. The highlighted sections in the County regulations show where our regulations differ from the city.

We have also provided a copy of the tower regulations for Jefferson County for your review. After reviewing these documents we will update our current regulations in an effort to simplify them and correct the typo on the bond percentage.

**Tina Whitaker**

Department Manager

Hamblen County Planning & Zoning and Stormwater Departments







# Hamblen County Zoning Resolution



Adopted: September 2, 1990

Amended Through: January 24, 2023



**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 "dual 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 <sup>\*</sup>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:**

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

\* 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:**

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

**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

# **ZONING RESOLUTION**

**JEFFERSON COUNTY, TENNESSEE**

**AUGUST 17, 1998**

**REPRINTED WITH AMENDMENTS  
APRIL, 2021**



- H. A site plan is required showing access routes, entrances, signage, internal roadways, scales, office buildings, fencing, accessory buildings, trench and demolition areas, ground water monitors, owners name, address, and telephone number, proposed life span of the landfill, proposed reclamation plans, phases, and topography. The site plan shall be drawn to scale and shall show dimensions of all buildings, signs, entranceways, and landscaping.
- I. Documents must be submitted stating mitigation measures to be undertaken by the developer/owner of damage to surrounding property owners.
- J. A bond amount shall be set by the planning commission in an amount to off-set any detrimental effects from landfill operations and/or site preparation such as damage to roadways, public waterlines, or other "clean-up" operations which the county has to provide. Said bond shall be held for two years by the planning commission with the option to extend upon negotiations with the developer.

**7.7. Development Standards for Telecommunications Towers** (added by Resolution 2000-44, adopted 10-16-00). The following development standards and requirements shall apply to all proposed telecommunications towers to be located in the unincorporated portions of Jefferson County, Tennessee. It is the intent of this section to allow for the construction and placement of appropriate telecommunications facilities while minimizing their negative impacts upon the surrounding properties and the community as a whole.

- A. Telecommunications Towers as a Principal Use. Telecommunications towers are considered as a principal use of land.
- B. Site Plan Requirements. A site plan is required for any proposed telecommunications tower. The site plan shall show the locations of the property lines, tower, accessory building(s) or facilities, guy wires, and supports, and meet the requirements of Section 6.6.
- C. Setback Requirements. All buildings, guy wires, and supports shall meet the setback requirements for the district in which the facilities are located. Telecommunications towers must be set back from property lines equivalent to one and one-half (1 ½) times the height of the tower.
- D. Lighting. Towers shall not be lighted by artificial lighting except as required by the FAA or other applicable authority.
- E. Landscaping/screening. All facilities located in agricultural and residential districts shall be completely screened from view to a height not less than eight (8) feet. The screening material shall be natural or planted vegetation or opaque fencing. The preservation of existing mature trees is preferred except where such tree growth would interfere with the operation and maintenance of the facilities.
- F. Fencing. All facilities shall be enclosed by a security fence at least six (6) feet in height.





- G. Exemptions. Radio towers and/or antennas less than forty (40) feet in height and which are accessory to an existing residence, business, or government agency. Also exempt are antenna or similar facilities that are attached to existing structures provided they do not extend the height of the structures by more than forty (40) feet.
- H. Tower Removal. When the active use of a telecommunications tower ceases for a period of six (6) consecutive months, the tower shall be removed at the owner's expense.

7.8. **Cadaver Research Center.** (Resolution 2013-03, 6-19-2013) The following regulations shall apply to all cadaver research centers proposed for establishment within the unincorporated portions of Jefferson County.

- A. All cadaver research centers must comply with section 68-5-102 of the Tennessee Code Annotated.
- C. Minimum Area. Five (5) acres.
- D. Maximum Number of Carcasses/Bodies. One for each two thousand (2,000) square feet of the inner area.
- E. Fencing. Three separate fences are required.
  - 1. An inner fence surrounding the inner area where carcasses or bodies may be located shall consist of a chain link fence a minimum of six (6) feet in height. The inner fence shall have arms facing outward at a 45 degree angle and be topped with razor wire.
  - 2. A middle fence at least twenty (20) feet beyond the inner fence shall be rectangular metal mesh and three (3) strands of barbed wire being a minimum of six (6) feet in height.
  - 3. An outer fence at least twenty (20) feet beyond the middle fence consisting of three (3) strands of barbed wire.
- F. Screening. All human and animal carcasses shall be screened from view from adjoining properties. This may be accomplished by topography, trees, vegetation, or manmade barriers.
- G. Signage. Warning signs, a maximum of one (1) square foot in size, shall be placed a maximum of twenty-five (25) foot intervals along all fences.
- H. Site Characteristics. Site characteristics for the inner area, where any carcasses/bodies will be located, shall:
  - 1. Have a soil absorption rate of 2.00 inches per hour or less.
  - 2. Have at least two (2) feet of soil to bedrock.

