

# ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE

## Article 1. ENACTMENT.

**Section 1.1. Title.** This Resolution shall be titled Zoning Resolution of Blount County, Tennessee, hereinafter referred to as “Resolution”. The separately maintained official zoning map is included and made part of this Resolution and shall be titled Zoning Map of Blount County, Tennessee, hereinafter referred to as “Zoning Map”. The term “Resolution” shall also be equivalent to the term “ordinance” as used in Tennessee Code Annotated 13-7-101, *et seq.*

**Section 1.2. Authority to Adopt and Amend.** The authority to adopt and to amend this Resolution and the Zoning Map is provided in Tennessee Code Annotated, Sections 13-7-101 *et seq.*, and Section 13-7-306.

**Section 1.3. Purposes.** The purposes of this Resolution are consistent with authority in state statutes, to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Blount County. The other purposes as detailed in Tennessee Code Annotated Section 13-7-103 are incorporated herein by reference. Furthermore, the purposes of this Resolution are to further and implement any plans adopted by Blount County, and to be consistent with any growth plan adopted under provisions of Public Chapter 1101 of 1998, under provisions of Tennessee Code Annotated Section 6-58-101, *et seq.*

**Section 1.4. Effect.** Except as hereinafter provided, no person or entity may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy or sale of land or buildings under his control, except in accordance with all applicable provisions of this Resolution. Except as hereinafter provided, no building shall be erected or altered, other than for those uses allowed in the district within which the building is located. Except as hereinafter provided, no tract, parcel, or lot shall be reduced or diminished in a way that results in the setbacks or building sites being smaller than described or allowed herein, and no density of units or buildings shall exceed the density standards provided or allowed in the districts.

**Section 1.5. Jurisdiction.** This Resolution shall be effective throughout the entire area of the county outside of any municipal limits.

**Section 1.6. Effective Date.** The provisions and regulations of this Resolution shall be effective from September 1, 2000 as of original adoption, and the effective date of any subsequent amendment thereafter.

**Section 1.7. Severability.** Articles, sections, subsections, paragraphs, sentences, clauses and phrases of this Resolution are severable, and if any such article, section, subsection, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgement or decree, such unconstitutionality or invalidity shall not affect any of the remaining articles, sections, subsections, paragraphs, sentences, clauses, or phrases of this Resolution.

## Article 2. EXEMPTIONS, EXCLUSIONS AND EXCEPTIONS.

**Section 2.1. Agricultural Uses and Structures.** Agricultural uses and structures shall not be subject to the regulations and provisions of this Resolution as provided in Tennessee Code Annotated, Section 13-7-114.

**Section 2.2. Church Spires, Belfries and Domes.** The height regulations of this Resolution shall not apply to church spires, belfries and domes not intended for human assembly or occupancy, provided that any such structure proposed within the Airport Hazard Overlay shall still be subject provisions in Section 9.8.A.

**Section 2.3. Communication Towers.** The height regulations of the various districts in this Resolution shall not apply to communication towers, except as provided in Section 7.4 and Section 9.8.A.

**Section 2.4. Miscellaneous Tall Structures.** The height regulations of the various districts in this Resolution shall not apply to water towers, observation towers, electric transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, and flag poles, provided that any such structure proposed within the Airport Hazard Overlay shall still be subject to provisions in Section 9.8.A.

**Section 2.5. Decks, patios, pools and other structures of limited height.** Accessory structures such as decks, patios, pools and other unenclosed structures less than thirty (30) inches in height shall be exempt from setback requirements and exempt from building permit, provided that all requirements of Section 7.9 for vision clearance for traffic are met.

**Section 2.6. Fences.** Fences less than ten (10) feet in height and which are not a part of a site plan required by other sections in this Resolution shall be exempt from setback requirements and exempt from building permit, provided that all requirements of Section 7.9 for vision clearance for traffic are met.

**Section 2.7. Platted Campground Lots.** For any campground platted into individual lots and registered with the Blount County Register of Deeds as a plat prior to September 1, 2000, the following shall apply:

1. Setback regulations of the various districts in this Resolution shall not apply, provided that a minimum of five (5) feet setback shall be required from side and rear lot lines, and provided that for front setback, no portion of any structure shall project over any front lot line, and front setback shall be at least fifteen (15) feet from edge of road pavement provided that at least one area of dimensions ten (10) feet wide and twenty (20) feet in depth measured from edge of road pavement is reserved for parking.
2. For construction on multiple adjacent lots under one ownership, the perimeter of the multiple adjacent lots will be considered for application of setbacks, and internal lot lines shall not be subject to setback requirements.
3. For camper units that are taken off of lots and returned seasonally or periodically under same ownership, if the unit is of same dimension as original placement, and placement is on original footprint, no permit will be required under these regulations

**Article 3. LOTS OF RECORD.** It is the intent of this Resolution to allow the reasonable development of lots legally created prior to the enactment of this Resolution, where such lots do not conform to the provisions or regulations of this Resolution. To this end, the following shall apply:

**Section 3.1. Application for Variance.** Where the owner of a lot of record, or one or more adjacent such lots, at the time of adoption of this Resolution does not own sufficient land to enable him to conform to the area, setback or other dimensional requirements of this Resolution, an application may be submitted to the Board of Zoning Appeals for variance from the applicable provisions and regulations of this Resolution. A variance or variances may be granted to the extent that the lot, or lots combined, may be used as a building site, provided that the setback, and other dimensional requirements of the district are complied with as closely as possible.

**Section 3.2. Multiple Lots with Septic Disposal Constraints.** Where two or more contiguous lots are under one ownership, and which existed as lots of record prior to the adoption of this Resolution, and which cannot gain minimum approval for private septic disposal, then such lots shall be combined to form one or more lots meeting the minimum requirements, in full or as closely as possible, of the district in which they are located so as to accommodate at least a minimum approval for private septic disposal.

**Section 3.3. Lot Area Minimum Waiver.** When a lot of record can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the required lot area minimum for the district, then the lot may be used as proposed just as if it were conforming, provided that no use that requires a greater lot area than the smallest minimum lot area for the district is proposed, and provided all area requirements for on site septic disposal are met.

**Article 4. CONTINUATION OF PROJECTS IN PROGRESS.** It is the intent of this Resolution to allow projects begun prior to the effective date of this Resolution to continue to completion as planned. To this end, the following shall apply:

**Section 4.1. For Construction in Progress.** Any project with construction begun prior to the effective date of this Resolution which does not meet the requirements of Tennessee Code Annotated Section 13-7-208 (b) through (e), shall be allowed to proceed as previously planned to completion, notwithstanding non-conformity of use or structures, provided the following shall apply:

- A. The owner of any such project or the owner of the real property upon which such project is being constructed shall submit to the Board of Zoning Appeals for the record a site plan containing an accurate representation of the property boundary and proposed buildings and adjacent buildings on the site;
- B. The Building Commissioner shall determine whether the construction of any such project was begun prior to the effective date of this Resolution upon a field assessment of substantial grading or site preparation, construction of septic or sewer facilities, or laying of building foundation or building construction, and conformity of such with the submitted site plan. Such determination by the Building Commissioner may be appealed to the Board of Zoning Appeals pursuant to Section 11.4 of this Resolution by any person or entity aggrieved thereby;
- C. There is continuous progress to completion of the project as planned.

**Section 4.2. For Construction Not Yet in Progress.** Any project under substantial and long term planning and investment but not under construction at the time of the effective date of this Resolution, and which cannot be considered for approval under other provisions of this Resolution, may be allowed to proceed as previously planned to completion if granted a special exception by the Board of Zoning Appeals pursuant to Section 11.5 of this Resolution, providing the following shall apply:

- A. The owner of any such project or the owner of the real property upon which such project is to be constructed shall submit to the Board of Zoning Appeals a site plan for such project which complies with Section 7.2 of this Resolution, and evidence of substantial and direct project related investment in property, contracts, engineering and architectural services, and site plan preparation predating the effective date of this Resolution;
- B. The Board of Zoning Appeals shall consider evidence of substantial and long term planning in determining whether or not a project submitted under this section meets reasonable criteria for substantial investment as a basis for continuing as a project in progress;
- C. Any plan for construction shall meet as closely as practicable all dimensional regulations of this Resolution such as lot area, density, setback, and any other requirements affecting area required for site design generally applied for the applicable zone and use, and the Board of Zoning Appeals shall have authority to require amendment of any submitted site plan to meet dimensional requirements, or to vary such requirements where necessary to allow the project to reasonably proceed;
- D. Construction commences no later than two (2) years after the effective date of this Resolution, and has continuous progress to completion of the project as planned and approved.

**Section 4.3 For subdivision projects in progress.** Any subdivision project with current preliminary plat approval under authority and regulations of a Regional Planning Commission at the time of effective date of this Resolution shall be allowed to proceed as planned to completion, notwithstanding non-conformity of plat design with regulations contained in this Resolution.

**Section 4.4. For Residential Structures in progress.** Any single family residential structure, being one unit or two units per lot or parcel, or accessory structure to a single family residential structure, started prior to the effective date of this Resolution shall be allowed to proceed to completion, notwithstanding non-conformity of structure, provided that there is continuous progress to completion of such single family residential structure or accessory structure. The Building Commissioner shall determine whether construction of any single family residential structure or accessory structure to a single family residential structure has commenced upon a field assessment of substantial grading or preparation of site, construction of septic or sewer facilities, laying of building foundation or building construction. Such determination by the Building Commissioner may be appealed to the Board of Zoning Appeals pursuant to Section 11.4 of this Resolution by any person or entity aggrieved thereby.

**Article 5. NON-CONFORMING USES AND STRUCTURES.**

**Section 5.1. Continuation of Non-Conforming Uses and Structures.** All uses and structures in existence at the effective date of this Resolution, which are not in conformity with regulations and provisions contained in this Resolution shall be allowed to continue in operation and/or existence as prior to effective date of this Resolution.

**Section 5.2 Destruction and Rebuilding in Relation to Non-Conforming Uses.** In the event that a structure housing a non-conforming use is destroyed by accidental cause or natural calamity, or by other means outside the control of the owner, the following shall apply:

A. Such structure may be rebuilt, and such use reestablished on the same site at the same scale of structure and operation as before it was destroyed, by process of direct permit;

B. Such rebuilding and reestablishment shall commence within two years of such destruction; otherwise, any such use shall be considered as discontinued and abandoned and may then not be rebuilt and reestablished unless it is in conformity with the regulations and provisions of this Resolution.

**Section 5.3. Discontinuance and Abandonment in Relation to Non-Conforming Uses.** Either of the following conditions existing for a continuous period of thirty (30) months subsequent to the effective date of this Resolution or the effective date of any amendment to this Resolution which has the effect of creating a non-conforming use, shall create a presumption of discontinuance and abandonment of a non-conforming use of land, and no such non-conforming use of land or structure shall be undertaken or reestablished unless in conformity with the regulations and provisions of this Resolution.

A. For non-residential uses: no employees, customers or clients were present to actively conduct business, give or receive professional services, participate in activities or use equipment considered essential to the character and operation of the non-conforming use, and the property was not publicly listed, marketed or advertised for sale, rent, lease or operation in relation to its non-conforming use;

B. For residential uses: no residents, whether owners or tenants, were present, and the property was not publicly listed, marketed or advertised for sale, rent or lease in relation to its non-conforming use.

**Section 5.4. Change from Non-Conforming Use.** In addition to uses specifically permitted in a zone by this Resolution, a non-conforming use may be changed to another use in the same buildings and at the same site; provided that such use is approved as a special exception by the Board of Zoning Appeals under Section 11.5 hereof and the Board of Zoning Appeals finds that such use is of lesser impact than the original non-conforming use.

## **Article 6. EXPANSION AND RECONSTRUCTION OF EXISTING INDUSTRIAL, COMMERCIAL OR OTHER BUSINESS ESTABLISHMENTS.**

**Section 6.1. Application of Tennessee Code Annotated Section 13-7-208.** In conformity with Tennessee Code Annotated Section 13-7-208(b)-(e) inclusive, any industrial, commercial, or other business establishment in operation and permitted to operate immediately preceding the effective date of this Resolution or any amendment to this Resolution which has the

effect of creating a non-conforming use shall (1) be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the activities of the industry or business which were permitted and being conducted prior to such effective date and (2) shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business; provided that the following shall apply:

- A. There is a reasonable amount of space for such expansion or reconstruction on the property owned by such industry or business prior to effective date of this Resolution, so as to avoid nuisances to adjoining land owners;
- B. The Blount County Planning Commission shall determine whether there is a reasonable amount of space for any such expansion or reconstruction by application of dimensional regulations of this Resolution such as lot area, density, setback, and any other requirements affecting area required for site design generally applied for the applicable zone and use. Such determination shall be based upon consideration of a site plan submitted under Section 7.2 of this Resolution by the person or entity seeking to expand or reconstruct such facilities, and approval of such site plan by the Planning Commission pursuant to Section 10.4 of this Resolution shall constitute approval of a building permit for such site plan;
- C. No destruction and rebuilding shall occur which shall act to change the use classification of the land on which such industry or business is located.

**Article 7. GENERAL PROVISIONS.** The following are general provisions that apply to more than one article or section of this Resolution.

**Section 7.1. Application of other regulations.** In the event that a division of land is involved in the development of such land, then the Subdivision Regulations of the regional planning commission having jurisdiction shall also be applicable to the development of that land, provided that such subdivision of land shall also conform with applicable regulations and provisions in this Resolution. In the event that other regulations of Blount County or the State of Tennessee apply to the development or use of land, the development or use of such land shall also be subject to those regulations, and nothing in this Resolution shall be construed to limit the application and enforcement of higher or more stringent standards contained in such other regulations.

**Section 7.2. Site Plan Requirements.** For those uses requiring site plan review and approval, such site plan shall include the following:

- A. A scaled map of the site accurately portraying the boundary of the subject land at a scale not less than one inch equals 30 feet if the land area is less than ten acres, or not less than one inch equals 60 feet if the land is ten acres or greater in area.
- B. Accurate location and dimensions of all existing and proposed structures, signs, driveways, parking areas, loading areas, landscaping, buffering, easements, utility connections, drainage ways, drainage structures, and other relevant natural or manmade elements that may affect site design or layout.
- C. Location and dimensions of all required and planned building setbacks.

- D. A topographic map at contour intervals no less than 2 feet if the site is greater than three acres or requires a drainage plan.
- E. A drainage plan with calculations of discharge and plans for discharge and detention if disturbance of the site is one acre or greater for new development, or if there is an increase of more than 10 percent of impermeable surface for additions to existing development sites.
- F. An erosion control plan approved by an appropriate agency if such plan is required by any applicable state or local regulations.
- G. A landscaping plan if the site requires buffering from adjacent uses or land.
- H. A detailed soils map and location of septic facilities if the site is to be served by on site septic disposal.
- I. Any commercial or industrial use permit requiring a site plan provided in this Section shall also require conformity with Section 7.15 Design Requirements for Commercial and Industrial Developments.

**Section 7.3. Planned Unit Development.** The purposes of these provisions for planned unit development are to allow flexibility in design of a large development, and to allow mixed use where such mixed use may be reasonably designed and integrated into a large development. The following shall apply:

- A. The minimum size of a planned unit development shall be five acres under unified ownership prior to development.
- B. A site plan shall be required as provided in Section 7.2.
- C. The use regulations of the zone shall apply to any planned unit development, with special exceptions for mixed uses to be integrated in the planned unit design.
- D. Density, lot size and setback requirements.

(1) For other than R-2 zone provisions for development at .33 dwelling units per acre, the density, lot size and setback requirements of the district shall apply to any planned unit development, provided that such requirements may be varied under the following conditions and limitations: the overall required density of development by use is maintained; no subdivided lot is less than one-half the minimum applicable lot size by use within the district; setbacks on the perimeter of the planned unit development are maintained at district minimum or greater with no variation; and no principal structure is located nearer than ten feet to any other principal structure if such structures are detached on an undivided parcel.

(2) For R-2 zone developments allowed at .33 dwelling units per acre and not served by public utility water and/or public utility sewer, or served by private gravel roads, overall density of development shall be no greater than one dwelling unit per three acres, the minimum subdivided lot size shall be 1.5 acres, a minimum of 35 percent of gross land area for open space shall be provided exclusive of road right-of-way, setbacks on the perimeter of

the planned unit development shall be maintained at district minimum or greater with no variation, and no principal structure shall be located nearer than ten feet to any other principal structure if such structures are detached on an undivided parcel.

(3) For R-2 zone developments allowed at .33 dwelling units per acre and served by public utility water and public utility sewer and roads paved to design standards of the Subdivision Regulations, overall density of development shall be no greater than one dwelling unit per three acres, the minimum subdivided lot size shall be 30,000 square feet (0.69 acre), a minimum of 35 percent of open space shall be provided exclusive of road right-of-way, setbacks on the perimeter of the planned unit development shall be maintained at district minimum or greater with no variation, and no principal structure shall be located nearer than ten feet to any other principal structure if such structures are detached on an undivided parcel.

E. Any common elements and/or any common areas shall be maintained by a property owners association to be formed at the time of planned unit development approval, or by the owner or management authority of the planned unit development if such development does not involve separate ownership of lots or structures.

**Section 7.4. Wireless Telecommunication Towers and Antennas.** The purpose of this section is to establish general guidelines for the siting of wireless communication towers and antennas. The goals of this section are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the county; (4) encourage the joint use of new and existing tower sites rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) consider the public health and safety effects of communication towers; and (8) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

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

Alternative Tower Structure means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna means 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 telecommunications signals or other communication signals.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas 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, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

B. Applicability and Exceptions.

1. New Towers and Antennas. All new towers or antennas shall be subject to regulations in this section, except as provided in subsections B.2 through B.5 below, inclusive.

2. Amateur Radio Station Operator/Receive Only Antennas. This Section shall not apply to any tower, or the installation of any antenna on such tower, that is seventy (70) feet in height or less, and is owned and operated by an amateur radio station operator or is used exclusively for receive only antennas. All other applicable regulations to towers greater than 70 feet in height and found within this Section shall continue to apply.

3. Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this Section.

4. AM Array. For purposes of implementing this Section, an AM array, consisting of one or more tower units and supporting ground system which functions as an AM broadcasting antenna, 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 array. The provisions of this Section shall not apply to additional array tower units of equal or lesser height within the perimeter of the AM array.

5. Governmental, Emergency Communication and Airport Uses. The provisions of this Section shall not apply to towers, and antennas on such towers, located on property owned, leased, or otherwise controlled by governmental jurisdictions, airport authorities or utility providers, and required for governmental functions, air traffic control and communication, or emergency communications.

C. General Provisions and Requirements

1. Principal or Accessory Use. Antennas 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 antenna or tower on such lot.

2. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased areas within such lot.

3. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Building Commissioner an inventory of its existing towers, antennas, or sites approved for towers or antennas, within Blount County and any of its municipalities and within 5,000 feet outside the boundary of Blount County, including specific information about the location, height, and design of each tower. All applications and documents submitted to the Building Commissioner shall be subject to the Tennessee Public Records Act, Tennessee Code Annotated, Sections 10-7-503, *et seq.*

4. Visual effects and screening. Towers and antennas shall meet the following requirements: (a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness; (b) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings; (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

5. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views. Where lighting is required by FAA such lighting shall be of the “dual lighting” provisions as defined by the FAA (white during the day and red during the evening hours), or in the alternative, the structure may be red lighted and marked (painted) as prescribed by the FAA regulations.

6. Structural Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is constructed and maintained in compliance with standards contained in applicable state building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time.

7. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the entirety of Blount County and surrounding counties irrespective of municipal and county jurisdictional boundaries.

8. Franchises, Authorizations, Licenses and Permits. Owners and/or operators of towers or antennas shall certify that all franchises, authorizations, licenses, and permits required by law or governmental regulations for the construction and/or operation of a wireless communication system in Blount County have been obtained and shall file a copy of all required franchises, authorizations, licenses and permits with the Building Commissioner.

9. Public Notice. For purposes of this ordinance, any special exception request, variance request, or appeal of an administrative decision shall require public notice to all abutting property owners and all owners of properties that are located within one thousand (1,000) feet of the property on which a tower is proposed or a decision is sought, in addition to any notice otherwise required by this Resolution.

10. Signs. No signs shall be allowed on an antenna or tower or within the tower compound, except for a property identification sign as provided in Section 7.5, and structure identification signs as may be required by the FCC or the FAA. Such signs shall not exceed four square feet in area or as required by the FCC or FAA, and shall be mounted no higher than six feet from the finished grade of the ground or as required by the FCC or FAA.

D. Towers shall be a special exception use in any zone and subject to special exception procedures under the Board of Zoning Appeals as found in Article 11, with the following provisions and requirements.

(Amended August 17, 2000)

1. In granting a special exception, the Board of Zoning Appeals may impose conditions to the extent the Board concludes such conditions are necessary to minimize adverse effects of the proposed tower on adjoining properties.

2. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer under regulations of the State of Tennessee for such certifications.

3. For any tower, a site plan shall be required under provisions of Section 7.2, with the following additional information:

(a) 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 (including when adjacent to other municipalities or counties), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other accessory structures, topography, parking, and other information deemed by the Board of Zoning Appeals to be necessary to assess compliance with this Resolution.

(b) Legal description of the parent tract and leased parcel (if applicable).

(c) The setback distance between the proposed tower and the nearest residential unit.

(d) The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 7.4.C.3 shall be shown on a map of scale not less than one inch equal 2000 feet. 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.

(e) A landscape plan showing specific landscape materials for buffering from surrounding properties.

(f) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination of the tower.

(g) A description of compliance with provisions and regulations contained in this Resolution, and all applicable federal, state or local laws and regulations.

(h) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

(i) A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures, which could provide the services intended to be provided through the use of the proposed new tower.

(j) A description of the feasible location(s) of future towers or antennas within Blount County based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

4. In addition to any standards for consideration of special exception applications found in Article 11, the Board of Zoning Appeals shall consider the following factors in determining whether to approve a special exception, although the Board may waive or reduce the burden on the applicant of one or more of these factors if the Board concludes that the goals of this Section are better served thereby: (a) Height of the proposed tower; (b) Proximity of the tower to residential structures and subdivisions; (c) Nature of uses on adjacent and nearby properties; (d) Surrounding topography; (e) Surrounding tree coverage and foliage; (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; (g) Proposed ingress and egress; and (h) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Subsection 7.4.D.5 (following)..

5. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Zoning Appeals that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Board 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 antenna may consist of any of the following:

(a) No existing towers or structures that meet applicant's engineering requirements, including but not limited to height and structural strength, are located within the geographic area.

(b) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(c) 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.

(d) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(e) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

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

(a) 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.

(b) Guys and accessory buildings must satisfy the minimum zoning district setback requirements for commercial uses.

7. Separation. The following separation requirements shall apply to all towers and antennas for which a special exception is granted; provided, however, that the Board of Zoning Appeals may reduce the standard separation requirements if the goals of this Resolution would be better served thereby.

(a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses. Separation distance shall be 200 feet or 300 % the height of the tower, whichever is greater, in relation to an existing residential use or a platted subdivision lot intended predominantly for residential use.

(b) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in the following table.

Existing Towers - Types

	Lattice	Guyed	Monopole 75 Ft in Height or Greater	Monopole Less Than 75 Ft in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 Ft in Height or Greater	1,500	1,500	1,500	750
Monopole Less Than 75 Ft in Height	750	750	750	750

8. Security fencing. Towers shall be enclosed by security fencing not less than six 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.

9. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special exception is granted; provided, however, that the Board of Zoning Appeals may waive such requirements if the goals of this Section would be better served thereby.

(a) 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 along the outside the perimeter of the compound.

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

(c) 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 if measures are proposed which will maintain such natural growth.

E. Accessory Cabinets or Structures.

A cabinet or structure accessory to an antenna shall be of sufficient area to accommodate the electronics required for the antenna and no greater than twelve feet in height. If the accessory cabinet or structure is associated with a tower on top of a building, then the cabinet or structure shall occupy no more than ten percent of the area of the roof of the structure on which the tower is attached. The cabinet or structure shall be constructed of materials that as much as possible blend in with other surrounding structures. The cabinet or structure shall be no closer than 40 feet to any residential lot line. Structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence 6 feet in height or an evergreen hedge with ultimate height of 12 feet and a planted height of at least 36 inches. The requirements for floor area may be modified by the Board of Zoning Appeals to encourage collocation of antennas.

G. Removal of Abandoned Antennas and Towers.

Notwithstanding any other provision in this Resolution, any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower, or the owner of the real property upon which the abandoned antenna or tower is located, shall remove the same within ninety (90) days of receipt of notice from the Building Commissioner notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users abandon the tower.

## H. Nonconforming Uses

1. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. Preexisting 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 for such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this Resolution.

3. Bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a special exception and without having to meet the separation requirements specified in Sections 7.4.D.7. The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility. If such tower or antenna is not rebuilt within twelve months of destruction, then the tower or antenna shall be deemed abandoned as specified in Section 7.4.G and shall not be rebuilt.

I. Applications for the installation, erection and/or construction of Antennas, cabinets, shelters or similar equipment or structures may be approved by and permits issued by the Building Commissioner.

**Section 7.5. Signs.** It is the intent of this Resolution to allow signs identifying properties, uses of properties, and events or businesses within the community, while at the same time to provide for the conservation of natural scenic beauty along the highways and roads in Blount County, and to provide a safe and attractive environment for tourists, travelers and residents to enjoy the scenic beauty of Blount County. To this end, the following shall apply:

A. Any lot shall be permitted one property identification sign to be no greater than ten (10) square feet in area with a height no greater than four feet from the finished grade of the ground. Any such sign not part of a site plan shall not require a permit.

B. For a business use conducted in a residential structure or on a residential use lot, one business identification sign shall be permitted per lot to be no greater than ten (10) square feet in area with a height no greater than four feet from the finished grade of the ground. Any such sign not part of a site plan shall not require a permit.

C. For commercial and industrial uses not identified in subsection B above, the following shall apply:

1. Any commercial or industrial lot shall be permitted one business identification sign per 1000 feet of frontage or fraction thereof fronting a SINGLE public road, to be no greater than 100 square feet in area, with a height no greater than 20 feet.

2. Signs for lots with more than one frontage.

a. For a commercial or industrial lot or parcel with corner frontage along more than one public road, one sign no greater than 100 square feet in area with height no greater than 20 feet shall be permitted along the frontage not included in subsection 1 immediately above, provided that such sign is separated from the other sign by a distance no less than 1000 feet.

b. For frontage along a public road for a through lot (not corner frontage), one sign no greater than 100 square feet in area with height no greater than 20 feet shall be permitted along the frontage not included in Subsection 1 immediately above, provided that such sign is separated by 1000 feet from any sign permitted under 2.A above.

3. Any commercial or industrial lot or parcel shall also be permitted one ground sign to be no greater than 25 square feet in area, with height no greater than eight (8) feet above the finished grade of the ground.

4. For commercial and industrial uses, signs on the vertical wall face of a principal structure or attached to such wall face of a principal structure with projection no greater than twelve inches from such wall face, and which do not extend more than three feet above the immediately adjacent roof line of the principal structure, shall be limited to no more than 100 square feet of total area per lot

D. For a unified development such as a major subdivision of more than four lots, multifamily development, manufactured home park development, or a planned unit development, one development identification sign shall be permitted per road frontage to such development, such sign to be no greater than 50 square feet in area with height no greater than ten (10) feet above the finished grade of the ground. Any decorative wall or fence on which such sign is placed shall not be considered as part of the sign.

E. The following signs shall not require permit:

1. Signs relating to agricultural uses or sale of agricultural products on the site of such agricultural uses.

2. Church identification signs, church bulletin boards, and church directional signs that do not exceed one each per abutting road with area no greater than 100 square feet total per abutting road.

3. All signs required by law, required for identification of hazard, posting for no trespass, street identification, traffic control, or governmental or utility function.

4. Flags, pennants, or insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device.

5. Political signs, election or referendum campaign signs, provided that such signs are no greater than 32 square feet in area.

6. Construction site identification signs, provided that there is no more than one sign each per contractor or subcontractor per lot or parcel, provided that such signs are no greater than 64 square feet in area if along arterial status roads and no greater than 32 square feet otherwise, with

height no greater than 8 feet, and provided that such signs are removed within 10 days of completion of the related construction activity.

7. Signs of a temporary nature such as real estate sale signs, auction signs, special event signs, and the like, provided the area of such signs are no greater than 32 square feet, with height no greater than 8 feet, provided that any such signs are taken down no later than ten days after the sale or event relating to the signs, and provided that any special event or auction signs or the like are placed no earlier than 30 days prior to the relevant event or sale.

8. Signs designating entrance and/or exit for parking or circulation on a lot, provides that such signs are no greater than eight (8) square feet in area with height no greater than four (4) feet, and placed in such a manner that vision clearance for entering and exiting traffic shall not be hindered.

F. For the purposes of this Section, lights and other decorations relating to any holiday season shall not be considered as signs or parts of signs, provided that such lights or decorations, if placed on an existing sign, are placed no earlier than 60 days prior to the related holiday, and removed no later than 30 days after the related holiday.

G. The Board of Zoning Appeals may approve an off site directional sign for any business or industry or use of general community significance as a special exception under provisions of Article 11, provided that such sign shall be no greater than 50 square feet in area, shall have height no greater than eight (8) feet above the finished grade of the ground, shall be placed only along arterial status roads as identified in the Major Road Plan for Blount County or major road plan for any other planning region in the county, and shall be placed on a non-residential use lot or parcel. Such sign may be in addition to any other signs allowed on such nonresidential use lot or parcel.

H. Signs may be placed within the required front building setback of the districts, provided that any portion of the sign shall be no closer than ten feet to the right-of-way line. No sign shall be placed in or overhang a public road right-of-way. Signs shall be placed in such a manner to meet requirements of vision clearance in Section 7.9. No commercial use sign shall be allowed which may be confused with signs required for governmental functions or traffic control signs, including but not limited to traffic lights, stop signs, yield signs, detour signs, turn signs, and traffic caution lights and signs.

I. Unless otherwise regulated by this Resolution, signs shall be illuminated in accordance with the following provisions.

1. Signs within one hundred and fifty (150) feet of a residential use shall not be illuminated between the hours of midnight and 6 a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential. To be considered entirely inconsequential, such lighting shall not cast light at the joint property line of adjacent residential use of more than 0.5 footcandles, certified as designed and installed by a licensed engineer or architect with documented experience in exterior lighting.

2. Signs with area greater than 10 square feet shall be lighted only with indirect lighting. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises. Lighting shall be directed in a downward angle toward the sign.

3. Except for seasonal holiday lighting noted in subsection F above, illuminated tubings or strings of lights that outline property lines, sales areas, or similar areas are considered as signs under provisions of this Section and are prohibited.

4. No sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity.

J. To compute and apply regulations to sign area, the following shall apply:

1. The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or surface against which it is placed.

2. If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

3. With respect to two-sided, multi-sided, or three-dimensional signs, the following shall apply:

(a) The sign surface area of a double-faced, back-to-back sign shall be calculated by using the area of only one side of such sign, so long as the distance between the backs of such signs does not exceed eighteen (18) inches, provided that the opposite face of the double-faced, back-to-back sign may also have a sign of equal area facing in the opposite direction.

(b) The sign surface area of a double-faced sign constructed in the form of a "V" shall be calculated by using the area of only one side of such sign, so long as the angle of the "V" does not exceed thirty (30) degrees and at no point does the distance between the backs of such sides exceed five (5) feet, provided that the opposite face of the double-sided "V" sign may also have a sign of equal area facing in the generally opposite direction.

(c) In all other instances, the sign surface area of a multi-sided or three dimensional sign shall be calculated using the total of all surfaces of the sign that can be seen at any one time by a person from one vantage point.

K. Any sign approved as part of a site plan for building permit or as part of a site plan for a special exception under provisions of this Resolution shall not require any further permit, provided that such sign is constructed and maintained as approved. Except as exempted in this Resolution, all other signs shall require a building permit for review of conformance by the Building Commissioner.

L. In addition to provisions under subsections A thru K above, any sign which may be subject to provisions of state statutes in Tennessee Code, Title 54, Chapter 17, Part 1 Scenic Highways also shall be subject to restrictions and regulations of such statutes as administered by the State of Tennessee, and any signs proposed for permit along designated scenic highways in TCA 54-17-114 shall provide documentation that proposed signs subject to permit in this Resolution will comply with such statutes, in addition to any information required for permit in this Resolution.

M. Notwithstanding any other provisions to the contrary, any non-conforming sign or sign structure which is partially destroyed or damaged by accident or natural causes beyond 50 percent of original value shall thereafter be removed or reconstructed in conformance to the regulations applicable to new signs. Notwithstanding any other provisions to the contrary, for any non-conforming sign that is proposed for replacement, such replacement sign shall be constructed in conformance to the regulations applicable to new signs.

**Section 7.6. Design Standards for Manufactured Home Parks and Multifamily Uses.**

It is the intent of this Resolution that manufactured home parks and multifamily uses are acceptable housing options in the County, provided that minimum design requirements are followed to mitigate impact on surrounding properties and public infrastructure, and a minimum of internal design standards are incorporated. In this regard, the following shall apply.

- A. Manufactured home parks and multifamily uses shall have constructed and maintained a buffer along the perimeter of the park development to consist of a minimum building setback of no less than 40 feet from all side and rear property lines, and either a solid non-metallic fence of at least 6 feet in height or an evergreen hedge with ultimate height of 12 feet and a planted height of at least four feet and a depth of at least eight feet along side and rear property lines. Notwithstanding the above, accessory structures to the residential units may be placed within the required 40 foot setback buffer but no closer than 10 feet to any side or rear property line, provided that such accessory structures shall be no higher than 12 feet and be used only by residents in the developments.
- B. All private drives or streets within the development shall be paved at least 16 feet wide, with minimum six inches of stone base and a minimum two-and-one-half inches asphalt pavement. Alternative pavement such as concrete may be allowed by the Board of Zoning Appeals as part of special exception approval, provided that the overall structural carrying capacity is the same or greater than for an asphalt drive or street.
- C. All parking within the development shall be off of the paved drives or streets on prepared paved surfaces.
- D. Any development with more than four units, or with land area greater than three acres, shall provide a drainage plan as part of special exception application.
- E. Common open space shall be provided as part of the plan for any development, such open space to include at least one contiguous identifiable and functional space of area at least five percent of the total area of the development, provided that if such open space area is greater than 20,000 square feet, the total of such area may be divided into separate areas throughout the development at the discretion of the Board of Zoning Appeals.
- F. Any site plan shall also address provision for fire service with fire hydrants, and adequate access for emergency vehicles within the development.
- G. Any site plan shall also address garbage service, particularly if common receptacles are used in which case screening of receptacles shall be required.

**Section 7.8. Parking.** The following shall be the general parking requirements for uses specified in the various districts:

- A. For residential uses: two parking spaces per dwelling unit.
- B. For commercial and industrial uses: parking areas shall be proportionate to the use intended or established, with the publications Parking Generation (Institute of Transportation Engineers, 1987) and Off-Street parking Requirements (Planning Advisory Service No. 432, 1991) providing guidance to design and to site plan review by the Board of Zoning Appeals and the Planning Commission.
- C. For any other uses not specified above: as required by the Board of Zoning Appeals or the Planning Commission upon site plan review.
- D. For any use, all required parking shall be off the public right-of-way in clearly indicated and prepared areas for such parking on the site of the use, or on adjacent sites of primary or shared parking with approval of the Board of Zoning Appeals.
- E. Notwithstanding provisions in Section 7.5 for signs, any parking area may be signed for entrance, exit and “Parking” for each clearly defined access point to such parking area, with each such sign being no greater than five square feet in area.

**Section 7.9. Vision Clearance for Traffic.** No use shall be established nor structure constructed nor planting established nor maintained that will obstruct the vision of vehicular or pedestrian traffic entering onto or using any adjacent public or private street.

**Section 7.10. Family Commercial Enterprises.** In addition to requirements for special exceptions, the following shall be requirements for family commercial enterprises:

- A. The family commercial enterprise shall be located and conducted in the principal dwelling or an accessory building. There shall be no storage of materials or equipment outside of the principal dwelling or accessory building.
- B. If the family commercial enterprise is to be located and conducted in an accessory building, the accessory building shall be no greater than 1,000 square feet in gross floor area, provided that the accessory building may be up to but no greater than 2,000 square feet in floor area on any lot or parcel greater than two acres in area.
- C. Family commercial enterprises shall be limited to the following uses: rug cleaning and repair services; photographic services; beauty and barber services; apparel repair and alterations; shoe repair and alterations; nursery schools, family day care homes, group day care homes, and day care centers; window cleaning services; automobile repair services (including truck and farm machinery); radio and television repair services; watch, clock and jewelry repair services; gun repair services; legal services; surveying, engineering and architectural services; accounting, auditing, and bookkeeping services; office or studio of a physician, dentist, artist, musician, or other similar professional; plumbing, heating and air conditioning services; painting, paper hanging and decorating services; electrical services; masonry, stonework, tile setting, and plastering services; carpentry, wood flooring; cabinet making, roofing, guttering and siding services; machine shops; pet grooming; water drilling

services; greenhouses; kilns and pottery making; computer and computer peripherals repair, computer programming, data processing, computer desk-top publishing, and other computer related services.

D. The principals engaged in the family commercial enterprise shall be owners and residents of a dwelling unit which also houses the proposed use or is on the same lot or parcel as any accessory building housing the proposed use. Up to two non-resident employees may be allowed to work on site for the family commercial enterprise.

E. The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or commercial activity located and conducted elsewhere.

F. No equipment or process shall be used in such enterprise or occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot or parcel housing the proposed use.

G. The commercial enterprise shall be subordinate to the residential use of the lot or parcel.

**Section 7.11 Design Standards for Vacation Rental Cabins.** It is the intent of this Resolution to allow vacation rental cabins as a supporting activity to the tourist industry in the County. In this regard, the following shall apply:

A. In the R-1 – Rural District 1 zone, the maximum density of vacation rental cabins shall be no greater than for single family density in the zone. In the R-2 – Rural District 2 zone, the maximum density of vacation rental cabins shall be no greater than 0.5 units per acre (one unit per two acres) on average over a single tract or development.

B. Up to 10 vacation rental cabins may be developed on a gravel surface road or drive. Any development of greater than 10 vacation rental cabins shall meet all internal improvement requirements of multifamily developments in Section 7.6.

C. Up to two vacation rental cabin units on a single lot or tract may be permitted directly by the Building Commissioner. Three or more vacation rental cabin units on a single tract shall require a site plan under provisions in Section 7.2, with the exception that if the site is in the R-2 – Rural District 2 zone, the topographic contour interval may be reduced to those shown on the USGS quad sheet covering the site, so long as such contours will provide adequate information in determining and assessing drainage requirements and other design components such as roads and building sites.

D. Notwithstanding provisions of Section 7.2, the scale of the site plan required for development of vacation rental cabins in this Section shall be no less than 1 inch = 50 feet.

**Section 7.12. Adult Oriented Establishments.** In addition to all other requirements for commercial uses, the following shall be requirements for adult oriented establishments as defined in TCA 7-51-1101 et seq.:

- A. any adult oriented establishment shall be located no nearer than 1000 feet measured from nearest lot line to nearest lot line in any direction to lots containing protected uses delineated in subsection B below;
- B. protected uses shall be any residential use, place or house of worship including church or temple, public or licensed educational institution that serves persons younger than 18 years old, day care center, public park, public or private recreation area or playground, library, museum, or other public building that caters to or serves in whole or in part persons younger than 18 years old;
- C. any adult oriented establishment shall be located no nearer than 1000 feet measured from nearest lot line to nearest lot line in any direction to a lot containing an adult oriented establishment;
- D. anyone wishing to establish an adult oriented establishment under provisions of this Section shall submit to the Blount County Building Commissioner for his review and determination of requirements, a map of land uses, based on Blount County Tax Map parcels at scale of one (1) inch equals 100 feet, showing the parcel proposed for use as adult oriented establishment and uses of all parcels within or affected by distance requirements in subsections A, B and C above.

**Section 7.13. Sport shooting ranges.** In addition to all other requirements applicable to commercial uses, the following shall be requirements for indoor or outdoor sport shooting ranges:

- A. Sport 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 identified below.
- B. Sport shooting range shall be designed to minimize noise to surrounding properties. Mitigation shall include soundproofing for indoor shooting ranges. For outdoor shooting range, mitigation shall include minimum distance from active firing lines or stations of 1000 feet from adjacent property lines to front (direction of line of fire) and sides of such firing lines or stations, and 500 feet from the rear (diametrically away from the line of fire) of such firing lines or stations, and shall include a combination of vegetative buffer, earthen buffer and constructed buffer as appropriate.
- C. Sport shooting range shall contain all projectile and shot fall within the property of the sport shooting range.
- D. For outdoor sport shooting range, areas of line of fire and areas of probable projectile and shot fall shall be securely fenced, and posted by warning signs no less than 50 feet apart along the fence, in such a manner to exclude unauthorized persons.
- E. A lead mitigation plan meeting requirements of the Environmental Protection Agency shall be submitted with the site plan.

F. Any licenses or permits required for shooting range activity by any level of government shall be submitted as supporting documentation with the site plan.

**Section 7.14. Front Setback Requirements on Steeply Sloping Land.** Notwithstanding other provisions in this Resolution, for lots without defined front setback established by registered plat or by deed or subdivision restrictions, and which have average slope greater than 15%, the front setback may be reduced upon finding by the Building Commissioner that the average slope of the land is greater than 15%. Front setback shall be no less than 35 feet from centerline of fronting road, or 10 feet from front property line, whichever distance is greater from centerline of fronting road. Information to be supplied by applicant to the Building Commissioner to avail of lesser front setback under this section shall include a topographical map of the property of at least five foot contours, slope analysis showing extent of land greater than 15% slope, and proposed placement of structures. The Building Commissioner shall make written findings in applying this section, to be attached along with other supporting information to any related building permit.

**Section 7.15. Design Requirements for Commercial and Industrial Developments.**

A. Any commercial or industrial use permit requiring a site plan provided in Section 7.2 shall also require conformity with this section. The site plans required in this section shall conform to requirements of Section 7.2 and other requirements specified in this Section. All elements of use, including associated accessory elements such as garbage disposal areas, heating and air units exterior to buildings, and loading docks, shall be shown on the site plan. Site plan submittal shall contain required plans for stormwater management under this section, other applicable sections in the zoning regulations, and other County and State grading and stormwater permit regulations. The site plan shall contain specific design of parking areas required in this section and other sections in the zoning regulations.

B. Site plans and site plan elements shall be prepared by qualified professionals. Qualified professionals shall be licensed as one or a combination of architect, landscape architect and/or engineer.

C. To mitigate the impact of building appearance along scenic highways and other existing roads within the county exterior to a commercial development, the following design requirements shall apply.

1. The front, side and rear elevation of any building shall be provided as part of site plan submission for review and approval.

2. The front (facing highway or road) and side wall planes of buildings shall be staggered by occasional changes in surface planes or changes of materials or architectural features to avoid monolithic “box” appearance. Walls and roof visible to public roads shall have changes of wall and roof planes with at least a three (3) foot projection or recess no less than every thirty (30) feet horizontally. In addition, any of the following elements shall be integrated in walls visible to public roads at no less than thirty (30) feet spacing, both horizontally and vertically: porches; awnings; stairwells; doors; windows; chimney; changes in construction materials. Excessive repetition of only one or two architectural features above is prohibited.

Elements that are not acceptable as a means to comply with the requirement above include, but are not limited to: gutter downspouts; garage doors; retaining walls; changes in paint color, color bands or small (less than two (2) square feet) accent materials using flat tile; narrow trim; common hallways parallel to outside walls not including stairwells; window and door frames; shutters; structural or decorative columns; and narrow extensions (less than three feet wide) of fire walls.

3. Exterior walls visible from public roads shall be *constructed of at least 50 percent nonmetal building materials*. Exterior glass shall compose a minimum of five (5) percent of the façade of the building, unless the building is an open-air structure such as a produce market.

4. All accessory garbage and disposal facilities (dumpsters, etc.) and accessory heating and air facilities shall be screened with materials compatible in appearance to the principal structure. Loading docks shall be placed away from fronting roads, and shall be screened if visible from residential uses.

D. Outdoor Lighting Standards. In both rural and urban settings, proper design of commercial lighting is important in order to address impacts on surrounding properties and the character of the community. A complete lighting plan shall be part of site plan documents, and the site plan approval body (Planning Commission or Board of Zoning Appeals) may set appropriate conditions for spill light mitigation during site plan review and approval. The following apply particularly to new commercial developments, and shall also be applied to substantial additions or expansions to existing developments. All lighting structures in existence prior to adoption of these regulations are exempt from further regulations, provided that replacement of structures shall meet all of these regulations.

1. Maximum spill light (light trespass) at perimeter of a commercial property shall be subject to the following performance standards and requirements:

For locations in the Urban Growth Boundary of Maryville and Alcoa as defined in the 1101 Growth Plan, maximum spill light shall be no greater than 0.8 footcandles.

For locations in the Rural Areas as defined in the 1101 Growth Plan, maximum spill light shall be no greater than 0.4 footcandles.

2. Lighting Plan. A qualified professional, either electrical engineer, certified lighting contractor, or electrical contractor qualified in lighting plans and installation, shall prepare and certify a lighting plan conforming to requirements in these regulations. All lighting plans shall follow standards for footcandle output as established by the Illuminating Engineering Society of North America (IESNA). A light “point by point” footcandle diagram shall be shown on the site plan with a 10x10 foot maximum grid. The diagram shall cover at least ten feet on either side of property lines that border residential zones or uses.

The qualified professional who prepares the lighting plan shall inspect the installation of all lighting equipment, and conduct a performance verification to measure spill light illuminance levels of all lighting after lighting installation, to include night-time field

measurements of spill light at a vertical height of 6 feet from ground level at points spaced no greater than fifty feet apart along the perimeter of the commercial property, and at points along the perimeter closest to lighting fixtures. Where lighting installation does not meet required performance standards, the qualified professional shall coordinate adjustment of the lighting installation to meet such standards and again conduct performance verification measurements specified above.

Upon completion of installation, inspection of installation, and performance verification measurements (with any necessary adjustments), the qualified professional shall submit a drawing showing the final measured spill light illumination levels specified at points along the perimeter identified above, with professional stamp and signed certification letter that lighting installation and performance meets all applicable standards and the approved site plan. For phased installation of lighting, new measurements for all lighting, drawing, and certification shall be required for each phase as specified above.

3. All lighting structures of greater than 1000 lumens shall be full cut-off type, mounted facing to the ground with no upward angle, to minimize unnecessary scattering of light. All lighting structures shall be designed and placed so as to minimize light spill and glare to surrounding residential properties.

4. The site plan for lighting shall include all lighting pole locations and luminaire mounting heights, all security and safety lighting structures, and projected spill light illuminance and glare of all lighting combined at commercial property perimeter, meeting standards above. Means for minimizing and mitigating glare shall be part of the lighting plan submitted for site plan review and approval. No light shall be mounted at height greater than 20 feet.

5. Tall shrubs and trees may be considered as screens to reduce glare and spill light.

6. External lighting of the face of signs or walls of structures shall be placed above the sign or wall and shielded. Sign or wall lighting shall not reflect or glare beyond the face of the sign or wall.

7. Uplighting is prohibited except in cases where the fixture is shielded from the sky by a roof overhang or similar structural shield, and where the fixture does not cause light to extend beyond the structural shield. Exempt from this is lighting of governmental flags only, provided that the combined lighting is no more than 1300 lumens, and provided that the fixtures shall be shielded such that the lamp(s) is not visible outside a 15 foot radius.

8. Flashing or intermittent lights, lights of changing degree of intensity, or moving lights shall not be permitted, provided that holiday lights are exempt, and provided that necessary emergency and tower lighting is exempt, and provided that lighting cut-off or dimming at close of business is exempt and encouraged, and provided that sensor activated security lighting is exempt and encouraged.

9. Luminaires that have a maximum output of 260 lumens per fixture, regardless of number of bulbs, (equal to one 20 watt incandescent light), may be left unshielded provided that the fixture has an opaque top to keep light from shining directly up. Luminaires that have a maximum output of 1,000 lumens per fixture, regardless of number of bulbs, (equal to one 60 watt incandescent light) may be partially shielded, provided the bulb is not visible, and the fixture has an opaque top to keep light from shining directly up.

10. Canopy lights – all lighting shall be recessed to full cut-off standard and recessed sufficiently so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property.

11. All non-essential exterior commercial lighting is to be turned off after business hours and when not needed. Lights with timer installed are encouraged. Sensor activated lights are encouraged to replace lighting that is desired for security purposes.

12. Sports lighting – sports field lighting fixtures shall be mounted no higher than 90 feet, provided that such sports field light fixtures shall be a distance 40 feet or height of pole whichever is greater from any adjacent residential or residentially zoned property boundary, and provided that no outside sporting event shall start after 10:00 p.m. or extend beyond 11:00 p.m. with all field lights out by 11:30 p.m., and provided that sports fields shall provide tall vegetative or other acceptable buffering from adjacent properties in order to reduce and mitigate glare.

13. Temporary lighting such as that used at construction sites or other uses of a temporary nature are exempt, provided that the temporary lighting shall be aimed so as to minimize glare and light trespass to adjacent properties, turned off after 11:00 p.m. (except for necessary security lighting), and turned off after completion of project.

#### 14. Definitions

**Bulb** - the source of electric light. This is to be distinguished from the whole assembly (See Luminaire).

**Fully Shielded** - outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixtures at angles above the horizontal plane. This means that the shield is not flush or parallel with the light source or bulb. This is referred to in this document as a full cut-off-fixture.

**Fixture** -- The assembly that holds the lamp (bulb) in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.

**Flood Light** - a lamp that produces up to 1800 lumens and is designed to "flood" a well defined area with light. Generally, flood lights produce from 1000 to 1800 lumens.

**Full Cut-Off (fco)** -- a light fixture which cuts off all upward transmission of light, and as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted as defined by the IENSA..

Footcandle - illuminance produced on a surface one foot from a uniform point source of one candela. Measured by a light meter.

Glare -- The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

IESNA - the Illuminating Engineering Society of North America (IESNA), the professional society of lighting engineers, including those from manufacturing companies, and others professionally involved in lighting.

Illuminance - the quantity of light, or luminous flux, arriving at a surface divided by the area of the illuminated surface, measured in lux or foot candles.

Lamp - the source of electric light: the bulb and its housing. This is to be distinguished from the whole assembly (See Luminaire).

Light trespass - light emitted by a lighting installation that falls outside the boundaries of the property on which the installation is sited (also called spill light)

Lumen -- a unit of light measurement, measure of brightness of the illumination exiting a bulb; the light output of a lamp with a uniform luminous intensity of one candela. One footcandle is one lumen per square foot.

Luminance - the physical quantity corresponding to the brightness of a surface (e.g. a lamp, luminaries, sky, or reflecting material) in a specified direction. It is the luminous intensity of an area of the surface divided by that area.

Luminaire - a complete lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

Outdoor Lighting and Light Fixtures - outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Fixtures that are installed indoors that are intended to light something outside are considered outdoor lighting. Such devices shall include, but are not limited to search, spot, or flood lights for:

- 1) buildings and structures, including canopies and overhangs
- 2) recreational areas
- 3) parking lot lighting
- 4) landscape lighting
- 5) billboards and signs
- 6) display and service areas

Recessed - means that a fixture is built into a structure or portion of a structure such that the fixture is fully cutoff and no part of the lamp extends or protrudes beyond the underside or any portion of the structure.

Spill light - light emitted by a lighting installation that falls outside the boundaries of the property on which the installation is sited (also called light trespass).

Uplighting - lighting that is directed in such a manner as to shine light rays above the horizontal plane.

**7.16 Design Standards for Private Non-Commercial Airstrips.** In addition to requirements for special exceptions, the following shall be requirements for private non-commercial airstrips.

A. A site plan of the proposed landing strip shall be presented at the time of the proposal. See section 7.2 for site plan requirements.

B. The landing strip shall be appropriate for and limited to small single engine fixed-wing aircraft only.

C. Airstrip runways are to be located no closer than one thousand (1000) feet from the centerline of the runway to the closest dwelling unit, excluding the owner of the property, and that said centerline be located no less than two thousand (2000) feet from any church, school or places of public assembly.

D. All landing strips shall be situated in such a manner that under no circumstances shall an approach or departure be over a residence, excluding the owners, provided that the residence be located a minimum of 2,000 (two thousand) feet beyond the end of the required landing strip length.

E. The site plan shall show all roads bordering the subject property, and the location and type of all adjacent utility lines.

G. A state erosion control permit shall be submitted prior to approval.

H. A slope and terrain analysis shall be submitted to confirm that no topographical obstructions exist at the ends of the runway.

I. A copy of all necessary local, state and federal documents must be submitted with the special exception application before issuance of said special exception. These documents should include, but not be limited to the following:

- a. State of Tennessee NPDES permit. Notice of coverage under the general NPDES permit for storm water discharges associated with construction activity.
- b. FAA form 7480-1. Letter of proposal of airport/landing strip construction supplied by the applicant.
- c. A copy of the FAA airspace determination letter without conditions or objections. Any conditions or objections noted in the document shall form the basis for denial of the special exception.
- d. Letter of agreement between existing airstrips within a five mile radius.

J. Public Notice. For purposes of this ordinance, any special exception request, variance request, or appeal of an administrative decision shall require public notice to all abutting property owners and all owners of properties that are located within two thousand (2,000) feet of the property on which a private non-commercial airstrip is proposed or a decision is sought, in addition to any notice otherwise required by this Resolution.

**7.17 Division of land into substandard lots:**

Notwithstanding any other provision in this resolution concerning minimum lot size in any zone for a single family residential structure, in instances where two single family residential structures exist on an undivided parcel of land, and where such structures were in existence prior to September 2000, and where a division of the parcel to accommodate the residential structures on separate lots is proposed, and where such division would result in a lot or lots with less than minimum lot size, then the minimum lot size for the zone shall be waived without need for variance under this resolution, provided the following conditions are met:

1. the lots created shall accommodate sufficient land to provide suitable septic disposal as determined by the Blount County Environmental Department and noted as such on any plat of division;
2. the division of land shall create lots with proportions of original tract as equal as practicable;
3. the division of the original parcel into two does not result in a third lot or remainder of land.

**Article 8. ESTABLISHMENT OF DISTRICTS.** In accordance with the purposes of this Resolution, the following district classifications are hereby established:

S	Suburbanizing District	for high to medium density development
R-1	Rural District 1	for medium to low density development
R-2	Rural District 2	for low density development
C	Commercial District	for high density commercial development
IND	Industrial District	for high density industrial development
AIR	Airport District	for autonomous planning by the airport authority
NP	National Park District	for autonomous planing by the Great Smoky Mountains National Park of National Park Service
AHO	Airport Hazard Overlay	for development limitations in relation to the airport
FHO	Flood Hazard Overlay	for development limitations in relation to flooding
RAC	Rural Arterial Commercial	for low to medium density commercial development

The boundaries of the above districts are established as shown on the Zoning Map entitled Zoning Map of Blount County, Tennessee, and any amendments which may be made thereto. The Airport Hazard Overlay (AHO) district shall be identified as the “F.A.R. Part 77 Horizontal Surface” and the 65 “DNL Noise Contour” as identified in the F.A.R. Part 150 Noise Compatibility Study, Noise Compatibility Program, “Exhibit 6C POTENTIAL AIRPORT COMPATIBILITY OVERLAY ZONING BOUNDARIES”, and such map shall be kept with and made part of the Zoning Map. The

Flood Hazard Overlay (FHO) shall be identified as the “Special Flood Hazard Areas Inundated by 100-year Flood” as portrayed on the “Flood Insurance Rate Maps for Blount County, Tennessee”, Panels 0020 to 0225 inclusive, and such maps shall be kept with and made part of the Zoning Map. Unless otherwise specifically indicated on the Zoning Map, the boundaries of districts are to be considered property boundary lines, the center lines of streets or such lines extended, the corporate limit lines of municipalities, the center lines of streams or other flowing waterways, the county boundary, the boundary of the Great Smokey Mountains National Park and Foothills Parkway, the mapped limits of the Airport Hazard Overlay (AHO) and the mapped limits of the “Special Flood Hazard Areas Inundated by 100-year Flood”. When questions arise concerning the precise location of a district boundary, the Board of Zoning Appeals shall render a decision as to its location in the manner provided in Article 11.

**Article 9. REGULATIONS AND PROVISIONS FOR DISTRICTS.** The following are the provisions and regulations for the various districts created in Article 8.

**Section 9.1 S – Suburbanizing District.** It is the purpose and intent of this district to regulate suburbanizing development of expected high to moderate density around the cities of Alcoa and Maryville, consistent with the overall purposes of this Resolution contained in Article 3, consistent with provisions in Public Chapter 1101 of 1998 (Tennessee Code Annotated Section 6-58-101, *et seq*), and consistent with plans adopted by Blount County.

A. Permitted Uses: one or two single family dwellings or manufactured home dwellings on a single lot, duplex dwellings, customary home occupations, group homes as provided in Tennessee Code Annotated, Section 13-24-101, *et seq*; churches, temples and other places of worship, cemeteries associated with churches and other places of worship; local, state and federal government and utility uses necessary for providing services to land or population within the district; and accessory structures customarily associated with the above uses.

B. Uses Permitted as Special Exceptions: multifamily dwellings including three or more of any dwelling units per lot (see also Section 7.6) and their associated sales or rental offices for the development, high density multifamily planned development (see also Subsections F and I below); family commercial enterprises (see Section 7.10), nursing homes, retirement homes, sanitariums, assisted care living facilities, and resident facilities with special services, treatment, or supervision; day care facilities commercial cemeteries not associated with a church or other place of worship; government and utility uses of a regional character necessary for providing service to the land and population within a broader region including the district; bed and breakfast accommodations; golf driving range; and accessory structures customarily associated with the above uses.

C. Uses Permitted as Special Exceptions with Specific Limitations: Any commercial activity not specifically identified in sub-sections A or B above and which is allowed as a permitted use in the Commercial District in Section 9.4.A, provided that any such use shall be located only with access and frontage on an arterial or collector status road as specified on the Major Road Plan of any regional planning commission within the county as registered with the Register of Deeds office, and provided that any such use shall be conducted on a lot or tract of at least one acre, that any such use shall be housed in a structure with footprint no greater than 4,000 square feet and no greater than two stories, and that buffering of the use

from surrounding residential land shall be constructed and maintained. Indoor Sport Shooting Range (subject to provisions and requirements in Section 7.13).

D. Uses Prohibited: In the S - Suburbanizing District, all uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals, and adult oriented establishments as defined in TCA 7-51-1101 et seq.

E. Uses Requiring Site Plan Review: All uses permitted as special exception in subsections B and C above. Permitted uses in subsection A above requiring land greater than three acres, except one or two single family or manufactured home dwelling on a single lot, duplex dwelling on separate lot, and customary accessory structures to such excepted uses.

F. Minimum Lot Size and Density: unless otherwise explicitly required in subsections above, the minimum lot size per unit for development shall be 30,000 square feet if septic tank and field line is utilized, or 7,000 square feet if public utility sewer is utilized. For other than one unit per lot, or for planned unit development, the density shall be no greater than 1.2 units per gross acre if septic tank and field line is utilized, or 6.2 units per gross acre if public utility sewer is utilized, provided that for high density multifamily planned development the maximum density shall be thirteen (13) units per acre (see also Subsection I below).

G. Setback Requirements: All uses permitted or permitted as special exception shall comply with the following setback requirements, except as otherwise provided for in Articles 3 and 5 for lots of record and nonconforming situations.

1. Front Setback: the minimum depth of the front building setback shall be 30 feet from any road right-of-way or easement line, with the following exceptions: (a) the lot fronts on an arterial road as shown on the Major Road Plan of Blount County, in which case the front setback shall be 60 feet for principal arterial roads and 40 feet for major arterial roads, and (b) the lot has been previously platted on a plat registered with the Blount County Register of Deeds prior to the enactment of this Resolution in which case the minimum shall be as shown on the registered plat.

2. Rear Setback: the minimum building setback from the rear property line shall be 20 feet for the principal structure, and five feet for any accessory structure, provided that the rear setback shall be 40 feet, or greater as may be required by the Board of Zoning Appeals, for any special exception.

3. Side Setback: the minimum building setback from the side property line shall be ten (10) feet, provided that the side setback shall be 20 feet, or greater as may be required by the Board of Zoning Appeals, for any special exception.

H) Maximum Height of Structures: Unless otherwise explicitly allowed in other articles of this Resolution, the maximum height of structures shall be no greater than: 1) 35 feet for single family and duplex residential structures; 2) 40 feet to eave and 50 feet to ridge for hip and gable roofs for other primary use structures; and 3) 40 feet for all other types of roofs for other primary use structures. All accessory structures shall be no greater than 35 feet in height. Notwithstanding the above, along highways designated as Scenic Highway under provisions of TCA 54-17-101 to 116, the maximum height of buildings shall be controlled by TCA 54-17-115, up to the maximum allowed in this subsection.

I. Specific regulations for high density multifamily planned development: Notwithstanding other regulations in this resolution, high density multifamily planned development shall be considered as a Planned Unit Development under provisions of Section 7.3, shall require a site plan under Section 7.2, shall apply all requirements of a multifamily development under Section 7.6, and shall meet the following additional criteria and regulations:

1. High density multifamily developments shall be located with direct frontage and have primary access onto Highway 321, Highway 411 South, or William Blount Drive, within the Urban Growth Boundary of Maryville and Alcoa set by the 1101 Growth Plan, and on land serviced by city sewer. Any secondary roads providing alternate access to a high density multifamily development shall be 18 feet of paved width with 2 foot shoulders on each side of the pavement, consistent with definitions and usage in the Subdivision Regulations of the Blount County Regional Planning Commission. Developments within 1000 feet of Highways 321 and 411 South, designated as Scenic Highways, shall meet additional height design requirements contained in TCA 54-17-115.
2. The total developed footprint area of all primary and accessory structures shall not exceed 40% of the total site area.
3. A total of fifteen percent (15%) of total site area shall be set aside and developed for useable recreation area for all residents of the high density multifamily planned development. Enclosed sauna and exercise rooms, meeting or activity rooms, and clubhouses are recreational areas that shall not satisfy the open space requirements. Unenclosed recreational facilities such as tennis courts, racquet ball courts, play grounds, and swimming pools are uses that will satisfy this requirement. No active recreation areas shall be located within required perimeter setbacks.
4. All open space, common areas, and required recreation areas shall be maintained by one of the following methods: (a) by the developer or management authority of the development, or (b) by a Homeowner's Association. Documents to accomplish such maintenance shall be submitted with required site plans in form and content acceptable to the legal advisor of county government.
5. If deemed necessary by the Board of Zoning Appeals, a detailed analysis and study of the public and private infrastructure serving the parcel shall be performed by the developer's engineer and consultants prior to final approval of any site plans or permits.
6. If the development has more than 40 dwelling units, and abuts two or more public roads, the development shall provide access to at least two of the roads, with main entrance and exit being oriented to the major arterial road. If the development has more than 40 dwelling units and only abuts one public road, the access roads interior to the project shall be looped to provide two entrances onto the public road.

**Section 9.2 R-1 – Rural District 1.** It is the purpose and intent of this district to regulate rural development of expected moderate to low density within the county, consistent with the overall purposes of this Resolution contained in Article 3, consistent with provisions in Public Chapter 1101 of 1998 (Tennessee Code Annotated Section 6-58-101, *et seq*), and consistent with plans adopted by Blount County.

A. Permitted Uses: one or two single family dwellings or manufactured home dwellings on a single lot, duplex dwellings, customary home occupations, group homes as provided in Tennessee Code Annotated, Section 13-24-101, *et seq*; churches, temples and other places of worship, cemeteries associated with churches and other places of worship; local, state and federal government and utility uses necessary for providing services to land or population within the district; and accessory structures customarily associated with the above uses.

B. Uses Permitted as Special Exceptions: multifamily dwellings including three or more of any dwelling units per lot (see also Section 7.6) and their associated sales or rental offices for the development, family commercial enterprises (see Section 7.10), nursing homes, retirement homes, sanitariums, assisted care living facilities, and resident facilities with special services, treatment, or supervision; day care facilities; commercial cemeteries not associated with a church or other place of worship; government and utility uses of a regional character necessary for providing service to the land and population within a broader region including the district; sawmills and associated lumberyards; bed and breakfast accommodations; golf driving range; vacation cabin rental (see also section 7.11); ***private non-commercial airstrips***; and accessory structures customarily associated with the above uses.

C. Uses Permitted as Special Exceptions with Specific Limitations: Indoor Sport Shooting Range (Subject to provisions and requirements in Section 7.13); Outdoor Sport Shooting Range (Subject to provisions and requirements in Section 7.13); Convenience Stores with vehicle fuel sales, provided that any such convenience stores with vehicle fuel sales shall be located only with access and frontage on an arterial or collector status road as specified on the Major Road Plan of any regional planning commission within the county as registered with the Register of Deeds office, and provided that any such use shall be conducted on a lot or tract of at least one acre, that any such use shall be housed in a structure with footprint no greater than 4,000 square feet, and that buffering of the use from surrounding residential land shall be constructed and maintained.

D. Uses Prohibited: In the R-1 - Rural District 1, all uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals, and adult oriented establishments as defined in TCA 7-51-1101 *et seq*.

E. Uses Requiring Site Plan Review: All uses permitted as special exception in subsections B and C above. Permitted uses in subsection A above requiring land greater than three acres, except one or two single family or manufactured home dwelling on a single lot, duplex dwelling on separate lot, and customary accessory structures to such excepted uses.

F. Minimum Lot Size and Density: unless otherwise explicitly required in subsections above, the minimum lot size per unit for development shall be 30,000 square feet. For other than one unit per lot, or for planned unit development, the density shall be no greater than 1.2 residential units per gross acre.

G. Setback Requirements: All uses permitted or permitted as special exception shall comply with the following setback requirements, except as otherwise provided for in Articles 3 and 5 for lots of record and nonconforming situations.

1. Front Setback: the minimum depth of the front building setback shall be 30 feet from any road right-of-way or easement line, with the following exceptions: (a) the lot fronts on an arterial road as shown on the Major Road Plan of Blount County, in which case the front setback shall be 60 feet for principal arterial roads and 40 feet for major arterial roads, and (b) the lot has been previously platted on a plat registered with the Blount County Register of Deeds prior to the enactment of this Resolution in which case the minimum shall be as shown on the registered plat.

2. Rear Setback: the minimum building setback from the rear property line shall be 20 feet for the principal structure, and five feet for any accessory structure, provided that the rear setback shall be 40 feet, or greater as may be required by the Board of Zoning Appeals, for any special exception.

3. Side Setback: the minimum building setback from the side property line shall be ten (10) feet, provided that the side setback shall be 20 feet, or greater as may be required by the Board of Zoning Appeals, for any special exception.

H. Maximum Height of Structures: Unless otherwise explicitly allowed in other articles of this Resolution, all structures shall be no greater than 35 feet higher than the highest natural grade immediately adjacent to the structure.

**Section 9.3 R-2 – Rural District 2.** It is the purpose and intent of this district to regulate rural development of expected low density within the county, consistent with the overall purposes of this Resolution contained in Article 3, consistent with provisions in Public Chapter 1101 of 1998 (Tennessee Code Annotated Section 6-58-101, *et seq*), and consistent with plans adopted by Blount County.

A. Permitted Uses: one or two single family dwellings or manufactured home dwellings on a single lot, duplex dwellings, customary home occupations, group homes as provided in Tennessee Code Annotated Section 13-24-101, *et seq*; churches, temples and other places of worship, cemeteries associated with churches and other places of worship; local, state and federal government and utility uses necessary for providing services to land or population within the district; and accessory structures customarily associated with the above uses.

B Uses Permitted as Special Exceptions: multifamily dwellings including three or more of any dwelling units per lot, and their associated sales or rental offices for the development (see also Section 7.6), family commercial enterprises (see Section 7.10), nursing homes, retirement homes, sanitariums, assisted care living facilities, and resident facilities with special services, treatment, or supervision; commercial camp grounds, *vacation cabin rental (see also section 7.11)*, tourist accommodations, bed and breakfast accommodations, tourist oriented recreation facilities; day care facilities; commercial cemeteries not associated with a church or other place of worship; government and utility uses of a regional character necessary for providing service to the land and population within a broader region including

the district; sawmills and associated lumber yards; and accessory structures customarily associated with the above uses.

C. Uses Permitted as Special Exceptions with Specific Limitations: none.

D. Uses Prohibited: In the R-2 - Rural District 2, all uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals, and adult oriented establishments as defined in TCA 7-51-1101 et seq.

E. Uses Requiring Site Plan Review: All uses permitted as special exception in subsections B and C above. Permitted uses in subsection A above, except one or two single family or manufactured home dwelling on a single lot, duplex dwelling on separate lot, and customary accessory structures to such excepted uses.

F. Minimum Lot Size and Density: unless otherwise explicitly required in subsections above, the minimum lot size per unit for development shall be five acres. For other than one unit per lot, or for planned unit development, the density shall be no greater than 0.2 units per gross acre, provided that density may be up to 0.33 units per gross acre in planned unit developments with a commensurate amount of common openspace permanently set aside and maintained.

G. Setback Requirements: All uses permitted or permitted as special exception shall comply with the following setback requirements, except as otherwise provided for in Articles 3 and 5 for lots of record and nonconforming situations.

1. Front Setback: the minimum depth of the front building setback shall be 30 feet from any road right-of-way or easement line, with the following exceptions: (a) the lot fronts on an arterial road as shown on the Major Road Plan of Blount County, in which case the front setback shall be 60 feet for principal arterial roads and 40 feet for major arterial roads, and (b) the lot has been previously platted on a plat registered with the Blount County Register of Deeds prior to the enactment of this Resolution in which case the minimum shall be as shown on the registered plat.

2. Rear Setback: the minimum building setback from the rear property line shall be 20 feet for the principal structure, and five feet for any accessory structure, provided that the rear setback shall be 40 feet, or greater as may be required by the Board of Zoning Appeals, for any special exception.

3. Side Setback: the minimum building setback from the side property line shall be ten (10) feet, provided that the side setback shall be 20 feet, or greater as may be required by the Board of Zoning Appeals, for any special exception.

H. Maximum Height of Structures: Unless otherwise explicitly allowed in other articles of this Resolution, all structures shall be no greater than 35 feet higher than the highest natural grade immediately adjacent to the structure.

**Section 9.4 C – Commercial District.** It is the purpose and intent of this district to regulate commercial and other development of high to medium density around the cities of Alcoa and

Maryville, consistent with the overall purposes of this Resolution contained in Article 3, consistent with provisions in Public Chapter 1101 of 1998 (Tennessee Code Annotated Section 6-58-101, *et seq*), and consistent with plans adopted by Blount County.

A. Permitted Uses: General retail sales and rental of goods, merchandise, and equipment; Restaurants, taverns, drinking establishments, and nightclubs; Medical and general offices, e.g., dentists, physicians, attorneys, real estate, insurance, etc.; Automotive and marine craft sales and services; Hotels, motels, rooming and boarding houses, bed and breakfast, campgrounds; Social and fraternal clubs and lodges, union halls, and similar uses; Golf driving ranges, miniature golf courses, and similar uses; Service stations, motor vehicle repair and body shops; Convenience stores with vehicle fuel sales; Mobile home sales; Kennels and veterinarian services; Miscellaneous public and semi-public facilities including post offices; Dry cleaners and laundromats; Commercial greenhouses; Manufacturing, processing, creating, repairing, and assembly of goods, where all activities are conducted within a fully enclosed building; Hospitals, clinics, and other medical facilities; Churches, temples and similar places of worship with accessory structures, uses and cemeteries; Bowling alleys, skating rinks, indoor tennis and racquet ball courts, billiard halls, indoor athletic facilities; Public and private recreational activities conducted primarily outside enclosed buildings; Commercial cemeteries not associated with any on-site place of worship; any use permitted or listed as permissible as a special exception in Sections 9.1.A and 9.1.B; adult oriented establishment as defined in TCA 7-51-1101 *et seq.*, subject to requirements in Section 7.12.

B Uses Permitted as Special Exceptions: Scrap materials salvage and recycling, salvage yards, junkyards, automobile graveyards; any other commercial activity not listed in subsection A above. Indoor Sport Shooting Range (subject to provisions and requirements in Section 7.13)

C. Uses Permitted as Special Exceptions with Specific Limitations: none.

D. Uses Prohibited: In the C – Commercial District, all uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

E. Uses Requiring Site Plan Review: All uses permitted as special exception in subsections B and C above, and customary accessory structures. Permitted uses in subsection A above and customary accessory structures, except one or two single family or manufactured home dwelling on a single lot, duplex dwelling on separate lot, and customary accessory structures to such excepted uses.

F. Minimum Lot Size and Density: For residential structures as required in Section 9.1.F. All commercial lots shall be adequately sized to accommodate necessary parking requirements, setbacks, buffering, and soils requirements for any on-site septic disposal.

G. Setback Requirements: All uses permitted or permitted as special exception shall comply with the following setback requirements, except as otherwise provided for in Articles 3 and 5 for lots of record and nonconforming situations.

1. Front Setback: the minimum depth of the front building setback shall be 30 feet from any road right-of-way or easement line, with the following exceptions: (a) the lot

fronts on an arterial road as shown on the Major Road Plan of Blount County, in which case the front setback shall be 60 feet for principal arterial roads and 40 feet for major arterial roads, and (b) the lot has been previously platted on a plat registered with the Blount County Register of Deeds prior to the enactment of this Resolution in which case the minimum shall be no less than 20 feet or the platted setback, whichever is greater.

2. Rear Setback: the minimum building setback from the rear property line shall be 20 feet for the principal structure, and five feet for any accessory structure, provided that the rear setback shall be 40 feet, or greater as may be required by the Board of Zoning Appeals, for any non residential use or special exception with a rear property line abutting a residential use lot, or abutting a lot in the S, R-1 or R-2 zone.

3. Side Setback: For any commercial use under Permitted Uses abutting another commercial use or land zoned C-Commercial or I-Industrial or RAC-Rural Arterial Commercial, the minimum building setback from the side property line shall be ten (10) feet. For any commercial use under Permitted Uses abutting a residential lot or land zoned S, R-1 or R-2, the minimum building setback from the side property line shall be 20 feet. For any special exception, the minimum building setback from the side property line shall be 20 feet, or greater as may be required by the Board of Zoning Appeals. For any residential use the minimum building setback from the side property line shall be ten (10) feet.

H) Maximum Height of Structures: Unless otherwise explicitly allowed in other articles of this Resolution, the maximum height of structures shall be no greater than: 1) 35 feet for single family and duplex residential structures; 2) 40 feet to eave and 50 feet to ridge for hip and gable roofs for other primary use structures; and 3) 40 feet for all other types of roofs for other primary use structures. All accessory structures shall be no greater than 35 feet in height. Notwithstanding the above, along highways designated as Scenic Highway under provisions of TCA 54-17-101 to 116, the maximum height of buildings shall be controlled by TCA 54-17-115, up to the maximum allowed in this subsection.

**Section 9.5 IND – Industrial District.** It is the purpose and intent of this district to regulate industrial and other development of high to medium density around the cities of Alcoa and Maryville, consistent with the overall purposes of this Resolution contained in Article 3, consistent with provisions in Public Chapter 1101 of 1998 (Tennessee Code Annotated Section 6-58-101, *et seq*), and consistent with plans adopted by Blount County.

A. Permitted Uses: Excavation of minerals, rock, stone, sand, gravel, or top soil for mining purposes; Use of land and structures for manufacturing, mining, and related and similar operations with indoor and outdoor operations, and general manufacturing, creating, repairing, painting, cleaning and assembly of goods, merchandise and equipment; Fabrication of metal products, furniture, and fixture manufactory; Food production, textile mill production, apparel and other finished products made from fabrics, leather and similar materials; Lumber and wood product manufacturing; Professional and highly scientific and technical production; All types of wholesale trade industry.

B. Uses Permitted as Special Exceptions: Scrap and salvage operations, automobile wrecking, or junkyards; Paper or similar product manufacturing; Sanitary landfills and other waste disposal systems subject to the approval of Tennessee Department of Public Health and other applicable government agencies; any other industrial use not specified in subsection

9.5.A above. Indoor Sport Shooting Range (subject to provisions and requirements in Section 7.13)

C. Uses Permitted as Special Exceptions with Specific Limitations: none.

D. Uses Prohibited: In the IND – Industrial District, all uses are prohibited except those uses permitted specifically or by special exception by the Board of Zoning Appeals.

E. Uses Requiring Site Plan Review: Permitted uses in subsection A above, all uses permitted as special exception in sub-sections B and C above, and any accessory structures to such uses.

F. Minimum Lot Size and Density: All industrial lots shall be adequately sized to accommodate necessary parking requirements, setbacks, buffering, and soils requirements for any required on site septic disposal.

G. Setback Requirements: All uses permitted or permitted as special exception shall comply with the following setback requirements, except as otherwise provided for in Articles 3 and 5 for lots of record and nonconforming situations.

1. Front Setback: the minimum depth of the front building setback shall be 40 feet from any road right-of-way or easement line, except when the lot fronts on a principal arterial or major arterial road as shown on the Major Road Plan of Blount County, in which case the front setback shall be 60 feet.

2. Rear Setback: the minimum building setback from the rear property line shall be 40 feet, provided that the rear setback may be greater as may be required by the Board of Zoning Appeals for an industrial lot with a rear property line abutting a residential use lot, or abutting a lot in the S, R-1 or R-2 zone.

3. Side Setback: the minimum building setback from the side property line shall be 40 feet, provided that the side setback may be greater as may be required by the Board of Zoning Appeals for an industrial lot with a side property line abutting a residential use lot, or abutting a lot in the S, R-1 or R-2 zone.

H. Maximum Height of Structures: Unless otherwise explicitly allowed in other articles of this Resolution, all structures shall be no greater than 35 feet higher than the highest natural grade immediately adjacent to the structure, provided that the Board of Zoning Appeals may waive this requirement if the industrial operation or process requires a greater height.

**Section 9.6 AIR – Airport District.** McGhee Tyson Airport and the immediately surrounding area, is under the control of the Metropolitan Knoxville Airport Authority, with independent planning, policing, fire protection, building code enforcement, and regulation by state and federal entities. The airport is of regional significance and contains a unique and interrelated mix of airport, governmental and commercial uses. In recognition of the unique nature of the district, and in order to allow flexibility in planning and development for the Airport District, and notwithstanding any other provision in this Resolution, the following shall apply:

- A. Any use directly related to airport operation or governmental uses in the Airport District, including airplane hangars and parking aprons and any use within passenger or cargo terminals or related parking areas, shall not be subject to the provisions and regulations of this Resolution;
- B. any other use shall be considered as part of a total Planned Unit Development comprising the entire Airport District;
- C. Except as excluded under subsection A above, all uses permitted or permitted as a special exception in any other district in this Resolution shall also be permitted or permitted as a special exception in the Airport District except for residential uses, and all other requirements for Planned Unit Development shall apply.

**Section 9.7. NP – National Park District.** The Great Smoky Mountains National Park and the Foothills Parkway are under the control of the National Park Service of the United States of America. In recognition of the unique nature and purpose of the district and to allow flexibility and autonomy in the planning for the National Park District, and notwithstanding any other provision of this Resolution, the following shall apply:

- A. Any use related to operation of the Great Smoky Mountains National Park and the Foothills Parkway in the National Park District shall not be subject to the provisions and regulations of this Resolution;
- B. The Blount County Planning Commission shall be available for advisory and joint planning for the National Park District and immediately surrounding area on request from the National Park Service.

**Section 9.8. AHO – Airport Hazard Overlay.** The McGhee Tyson Airport operations generate certain present and potential hazards to surrounding land if not properly accounted for in land use and development. In recognition of these present and potential hazards the following regulations shall apply in the Airport Hazard Overlay:

- A. Within the Airport Hazard Overlay, prior to the issuance of any building permit or approval of any special exception or variance, any structure greater than 70 feet in height shall require review and recommendations by the McGhee Tyson Airport Authority for conformity with FAA requirements in regard to regulations under FAR part 77 Obstructions. The Airport Authority shall have 15 days in which to review and make recommendation. Lack of recommendation from the Airport Authority within such 15 days shall be interpreted as a recommendation of no effect in relation to the proposed permit. If such structure is found to pose an obstruction to air traffic under such review and recommendation, no permit shall be issued and no special exception or variance shall be granted.
- B. Within the Airport Hazard Overlay and within the 65 DNL Contour, prior to the issuance of any building permit or approval of any special exception or variance, any application for permit or special exception or variance shall be forwarded to the McGhee Tyson Airport Authority for review and recommendation on compatibility with the Noise Compatibility Program of the Airport Authority, and any other requirements for airport

operations. The Airport Authority shall have 45 days in which to review and make recommendation. Lack of recommendation from the Airport Authority within such 45 days shall be interpreted as a recommendation of no effect in relation to the proposed permit. Any such recommendation finding incompatibility with the Noise Compatibility Program or interference with airport operations shall be grounds for denying a building permit or denying a special exception or variance.

**Section 9.9. Flood Hazard Overlay.** There are certain areas within the county that are subject to probable flooding and may pose a hazard to the health, safety and welfare of property owners. Within these areas, and within the county as a whole, citizens may avail of participation in the National Flood Insurance Program if appropriate regulations are adopted and enforced. Tennessee Code Annotated Section 13-7-101 states the following: “Special districts or zones may be established in those areas deemed subject to seasonal or periodic flooding, and such regulations may be applied therein as will minimize danger to life and property, and as will secure to the citizens of Tennessee the eligibility for flood insurance under Public Law 1016, 84<sup>th</sup> Congress or subsequent related laws or regulations promulgated under such provisions.” Such regulations are contained in a separately maintained Blount County Floodplain Zoning Resolution that is adopted as part of this resolution to be applied in the Flood Hazard Overlay area shown on the Zoning Map.

**Section 9.10 RAC – Rural Arterial Commercial District.** It is the purpose and intent of this district to regulate commercial and other development of low to medium density adjacent to major four or more lane arterial roads in the county, consistent with the overall purposes of this Resolution contained in Article 3, consistent with provisions in Public Chapter 1101 of 1998 (Tennessee Code Annotated Section 6-58-101, *et seq*), and consistent with plans adopted by Blount County. It is further the policy of the County Commission that the RAC district and this section should have applicability only to land adjacent to Highway 411 South outside the Maryville urban growth boundary, and to Highway 321 – East Lamar Alexander Parkway outside the Maryville urban growth to intersection with Foothills Parkway, and that amendments to the Zoning Map should extend no more than 500 feet away from the right-of-way lines of the above delineated highways. This section does not amend the Zoning Map, nor zone nor rezone any land to RAC, but only identifies limits to location for any land that may in the future be zoned RAC.

A. Permitted Uses: General retail sales and rental of goods and merchandise; Restaurants; bed and breakfast, office of a physician, dentist, or other similar medical professional; campgrounds; Golf driving ranges, miniature golf courses, and similar uses; Kennels and veterinarian services; Miscellaneous public and semi-public facilities including post offices; Commercial greenhouses; Churches, temples and similar places of worship with accessory structures, uses and cemeteries; Golf courses; Commercial cemeteries not associated with any on-site place of worship; any use permitted or listed as permissible as a special exception in Sections 9.2.A and 9.2.B.

B. Uses permitted as special exception: Motorcycle safety training facilities.

C. Uses permitted as special exception with specific limitations: None.

D. Uses Prohibited: In the RAC – Rural Arterial Commercial District: all uses are prohibited except those uses permitted or permitted as special exception specifically above.

E. Uses Requiring Site Plan Review: All uses and customary accessory structures, except one or two single family or manufactured home dwelling on a single lot, duplex dwelling on separate lot, and customary accessory structures to such excepted uses.

F. Minimum Lot Size and Density: For residential structures as required in Section 9.2.F. For all other uses: minimum lot size shall be one (1) acre, and maximum lot coverage of all buildings shall be no more than forty (40) percent provided that both primary and duplicate area for septic field purposes are maintained unhindered by any structure, parking, drainage or other design element of the site which may impact septic functioning. Notwithstanding the above, the total area of all buildings shall not exceed 10,000 square feet for any one lot or parcel.

G. Setback Requirements: All uses shall comply with the following setback requirements, except as otherwise provided for in Articles 3 and 5 for lots of record and nonconforming situations.

1. Front Setback: the minimum depth of the front building setback shall be 60 feet from any road right-of-way or easement line.

2. Rear Setback: the minimum building setback from the rear property line shall be 20 feet for the principal structure, and five feet for any accessory structure, provided that the rear setback shall be 40 feet for any non residential use with a rear property line abutting a residential use lot, or abutting a lot in the S, R-1 or R-2 zone.

3. Side Setback: For any commercial use under Permitted Uses abutting another commercial use or land zoned C-Commercial or I-Industrial or RAC-Rural Arterial Commercial, the minimum building setback from the side property line shall be ten (10) feet. For any commercial use under Permitted Uses abutting a residential lot or land zoned S, R-1 or R-2, the minimum building setback from the side property line shall be 20 feet. For any special exception, the minimum building setback from the side property line shall be 20 feet, or greater as may be required by the Board of Zoning Appeals. For any residential use the minimum building setback from the side property line shall be ten (10) feet.

H. Maximum Height of Structures: Unless otherwise explicitly allowed in other articles of this Resolution, all structures shall be no greater than 35 feet higher than the highest natural grade immediately adjacent to the structure.

I. Additional Site Plan Requirements: In addition to site plan requirements in Section 7.2, site plans for any commercial use permit under this Section shall be drawn by a qualified professional, and shall include front elevation of any proposed structure.

J. Additional design requirements: All site plans shall be accompanied by a stormwater drainage plan prepared by a qualified engineer, and shall address the need for detention, if necessary, and pollution control. All uses permitted under this Section shall provide a vegetative landscape buffer, to be determined by the Planning Commission during site plan review, between the use/buildings on the commercial site, and any parcel or lot zoned other than RAC or C. Such buffering shall apply to rear lot lines of the commercial site, and also to side lot lines behind the minimum front building setback lines, except where there is an immediately adjacent residential use that would require screening within the minimum front building setback line. *All uses permitted under this Section shall provide a front building elevation that meets the design requirements in Section 7.15-C-3.* All external lighting shall be directed away from or screened from land zoned other than RAC or C, and

away from any public right-of-way. Where noise is determined to be a probable off-site impact of a proposed use, a noise mitigation barrier of solid structure or earth berm, in addition to vegetative buffer, shall be designed as part of the site plan and constructed.

**K. Review on change of use.**

1. For any change of use to special exception use under provisions for change of use requiring Board of Zoning Appeals approval, the Board of Zoning Appeals shall have permit and review authority under provisions of these regulations.

2. For other change of use, excluding change to uses allowed in Section 9.2.A, a permit application for zoning compliance shall be submitted, to be reviewed by the Building Commissioner for conformity to requirements for the zone and any previously approved site plan. The Building Commissioner shall require information on the application sufficient for determination of zoning compliance, and certification of zoning compliance in writing shall be considered as approval of the permit for change of use.

3. Notwithstanding subsection 2 above, upon determination by the Building Commissioner that a use will be of greater impact or will require new or changed site design elements upon change of use, the Building Commissioner shall require a new permit application and site plan to be reviewed by the Planning Commission as a new permit for that change of use.

4. All changes of use under this subsection shall require new permit application and charged fees as such.

**Article 10. ENFORCEMENT AND ADMINISTRATION.**

**Section 10.1. Permits.** Tennessee Code Annotated 13-7-110 allows for enforcement of zoning regulations by means of a building permit. To that end, the following provisions shall apply:

A. A building permit shall be required for any construction of a principal building or an accessory building, including additions to a principal building or an accessory building. Any building permit authorized to be issued directly by the Building Commissioner shall be either issued or denied no later than five working days after proper and complete submission of an application for such building permit.

B. Notwithstanding subsection 10.1.A above, no building permit shall be required for the purpose of ordinary maintenance or repair of a principal building or accessory building.

C. Notwithstanding subsection 10.1.A above, and in conformity with Section 2.1, no building permit shall be required for the construction of buildings intended for agricultural uses.

D. The granting of a special exception by the Board of Zoning Appeals and the approval of any site plan by the Planning Commission also shall constitute a building permit for plans as presented for that special exception or site plan approval.

E. For uses not requiring a special exception, a building permit shall apply only to enforcement of use, area, setback and height regulations of this Resolution. Accordingly, such permit shall require application information only on the present or intended use, land area and dimensions of the lot or parcel involved, building setback lines, and heights of structures. Notwithstanding the above, any permit requiring additional specific information for flood elevation or signage under this Resolution shall also provide such specific information. The applicant for a permit shall certify that all such information provided is correct.

F. Any building permit, including a permit involved with a special exception, shall be valid for twelve months from time of issuance or approval, after which it shall be invalid if construction on the permitted use and/or structure has not commenced or is not being actively pursued.

G. A building permit shall be denied when the proposed construction is for a type of use that is not allowed in the district, when required setbacks would not be met, when maximum height would be exceeded, or when any other type of violation of the provisions and regulations in this Resolution would result.

H. Any building permit, including special exception, shall also require a certificate of compliance or other document required for issuance of a building permit under Tennessee Code Annotated 13-7-117, adopted herein by reference, acting as an enforcement mechanism for Tennessee Code Annotated 50-6-405 to 407 regarding workers compensation.

**Section 10.2. Other Modes of Enforcement.** Tennessee Code Annotated 13-7-111 provides for further modes of enforcement and is adopted by reference as part of this Resolution, such modes including prosecution of violations of this Resolution, and institution of injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin or abate or remove erection, construction, reconstruction, alteration maintenance or use not in conformance with provisions or regulations contained in this Resolution. A stop work order may be issued by the Building Commissioner on construction or land use when the Building Commissioner notes a violation of the provisions or regulations contained in this Resolution. All work or operation shall then desist on such construction or land use until such time as the violation is remedied.

**Section 10.3. Building Commissioner.** Tennessee Code Annotated 13-7-110 provides for the establishment of the position of Building Commissioner. Accordingly, the position of Building Commissioner is hereby established under the office of the County Executive. The Building Commissioner shall be appointed by the County Legislative Body. The duties of the Building Commissioner shall be the following: generally enforcing the provisions and regulations of this Resolution; administration of building permits including the keeping and maintenance of records of such; accepting and forwarding applications for decision by the Board of Zoning Appeals or the Planning Commission under provisions of this Resolution; recommendation to the Board of Zoning Appeals or Planning Commission on items under their authority; keeping and maintaining minutes and records of the Board of Zoning Appeals; instituting or initiating other modes of enforcement as provided in Section 10.2. The Blount County Planning Department shall act as technical support to the Building Commissioner in reviewing and making recommendation on items for decision before the Board of Zoning Appeals and the Planning Commission.

**Section 10.4. Planning Commission.** In instances where the Board of Zoning Appeals does not have authority to review and approve site plans required under provisions of this Resolution, the Planning Commission shall act as an administrative review panel for review of and decision on such site plans. The Planning Commission shall have authority to review and determine for approval the compliance of the site plan with the stated purposes, intent, goals, provisions and regulations in this Resolution, and will not have authority to vary any provisions or regulations nor to require any other provisions, regulations, conditions or requirements beyond the provisions and regulations contained in this Resolution. Notwithstanding any other provisions in this Resolution, the Planning Commission may, at its discretion when reviewing and approving site plans, require buffering along side and rear lot lines in the form of solid fencing and/or vegetative growth, for any use other than single family residential use that bounds a residential use or platted residential lot. In acting as an administrative review panel, the Planning Commission shall have all building permit powers of the Building Commissioner, such that an approval of a site plan shall constitute also an approval of a building permit for such site plan. The site plan shall be submitted to the Building Commissioner for forwarding to the Planning Commission at least fifteen calendar days prior to consideration at a regular or special called meeting of the Planning Commission. The Building Commissioner shall review any site plan before the Planning Commission and shall make recommendation for approval or denial with analysis and reasons for such recommendation. The decisions of the Planning Commission shall be by majority vote of the quorum present. The decisions of the Planning Commission shall be entered in the minutes of the Commission, and any denial of a site plan shall state the reasons for denial.

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

**Section 11.1. Creation and Membership.** In accordance with Tennessee Code Annotated 13-7-106, the Blount County Board of Zoning Appeals, referred to elsewhere in this Resolution as Board of Zoning Appeals or Board, is hereby created with five regular members. The County Legislative Body shall appoint regular members of the Board. The terms of each regular member shall be five years, provided that the first appointments upon adoption of this Resolution shall be for staggered terms of one, two, three, four, and five years such that the term of one regular member shall expire each year thereafter. Regular members may be appointed for successive terms. Vacancies for regular members shall be filled for unexpired terms in the same manner as in the case of original appointments. The County Legislative Body may appoint and designate associate members of the Board. Such associate members are authorized to sit and act in the stead for any regular member who is temporarily unable to act owing to absence from the county, illness, interest in a case before the Board, or other cause. The term of such associate members shall be for the specific time period that a regular member is temporarily unable to act. The County Legislative Body may remove any member of the Board for cause upon written charges and after a public hearing, causes to include but not limited to absence from any three consecutive meetings of the Board, or absence from more than five meetings of the Board within any twelve calendar months.

**Section 11.2. Rules and Procedures.** The Board of Zoning Appeals shall elect a Chairman and a Secretary from among the regular members, such Chairman and Secretary to serve for one year terms, and may be elected to successive terms. The Chairman is authorized to call a meeting of the Board for action as needed. All meetings of the Board shall be open to the public. In the absence of the Chairman, a quorum of the Board may elect a temporary Chairman to conduct business. A quorum of the Board shall consist of no less than three regular or associate members. Minutes of meetings shall be kept, reporting the members in attendance, reporting records and

evidence and testimony used in determining a decision, and reporting the vote of each member for each action. The Secretary shall certify minutes and actions of the Board. The Building Commissioner shall maintain minutes and records for the Board. The Board may adopt By-Laws being such other supplemental rules of procedure necessary for proper functioning of the Board, not inconsistent with other provisions in this Resolution and not inconsistent with state statutes.

**Section 11.3. Powers of the Board of Zoning Appeals.** In accordance with Tennessee Code Annotated 13-7-107 and 109, the Board has the following powers:

- A. Hear and decide appeals of administrative decisions or actions in the carrying out or enforcement of provisions or regulations of this Resolution, in accordance with Section 11.4 below.
- B. Hear and decide requests for special exceptions under conditions specified in this Resolution and in accordance with Section 11.5 below.
- C. Authorize, upon an appeal relating to the property in question, a variance or variances from the strict application of the provisions or regulations of this Resolution under conditions specified in this Resolution and in accordance with Section 11.6 below.
- D. Interpret the Zoning Map and pass upon disputed questions of lot lines or district boundaries on the Zoning Map as they arise in the administration of this Resolution, and in conformity with guidance contained in Article 8.

**Section 11.4. Appeals.** Appeals to the Board may be taken by any person or entity aggrieved, or by any officer, department or board of the county affected, by any grant or withholding of a building permit or by any other decision of the Building Commissioner or any other administrative official, based in whole or in part upon the provisions or regulations of this Resolution. The following shall be the general conditions and procedures for application and consideration of an appeal.

- A. Such appeal shall be taken within 90 days of the action appealed.
- B. An application for appeal shall be submitted to the Building Commissioner, or the Chairman of the Board. The application shall specify the nature of the action being appealed, the grounds or reasons for the appeal, and any supporting information pertinent to the appeal. The Board may require additional information of the applicant in order to make a decision on the matter.
- C. The Chairman of the Board shall set a date and time for hearing the appeal no later than 60 days after submission of the application, or alternatively, the Board may consider the application at any appropriate regular meeting. The Building Commissioner shall publish notice of the appeal and hearing time, date and place in a newspaper of general circulation within the county at least five days prior to the hearing, as well as due notice to the applicant.
- D. The Building Commissioner shall forward to the Board copies of all records relating to the appeal.

E. Upon hearing, any party or parties in interest may appear in person or by agent or attorney.

F. The Board shall act on the appeal within 60 days of the hearing, unless the applicant requests an extension of time.

**Section 11.5. Special Exceptions.** Application for a special exception in relation to a specific part, parcel or parcels of land may be made as provided in this Resolution by owners of the land or their specified agents, those who have contracted to purchase or hold an interest in the land, or those who in some other definitive way have the legal authority to take action in regards to plans for the special exception. The Building Commissioner may require evidence of such applicant criteria at his discretion. The following shall be the general conditions and procedures for application and consideration of a special exception.

A. An application for a special exception shall include all information required by this Resolution, and shall be presented to the Building Commissioner at least fifteen working days prior to consideration by the Board. The Board may require additional information of the applicant in order to make a decision on the application.

B. The Chairman of the Board shall set a date and time for hearing on the application no later than 60 days after submission of the application, or alternatively, the Board may consider the application at any appropriate regular meeting. The Building Commissioner shall publish notice of the application and hearing time, date and place in a newspaper of general circulation within the county at least five days prior to the hearing, as well as due notice to the applicant.

C. The land or site of the special exception shall be posted by a sign set by the Building Commissioner along a fronting or adjacent public road notifying neighboring property owners of the application for special exception, date, time and place of hearing, and telephone number of the Building Commissioner for further information. Such sign shall be posted at least ten days prior to the date of the hearing.

D. The Building Commissioner shall forward to the Board copies of all records relating to the application, along with his or her analysis and recommendation on the application.

E. The Board shall act on the application within 60 days of the hearing, unless the applicant requests an extension of time. Upon hearing, any party or parties in interest may appear in person or by agent or attorney.

F. Subject to subsection G. below, the Board shall approve and permit the special exception unless it finds and concludes, based upon the information submitted in the application or provided at the hearing, that one or more of the following conditions holds:

1. the requested special exception is not within its authority under provisions of this Resolution;

2. the application is incomplete;

3. the proposed special exception if constructed or established will not comply with one or more requirements of this Resolution.

G. Notwithstanding findings under subsection F. above, the Board may deny the application for special exception if it finds and concludes, based on the information submitted in the application or provided at the hearing, that one or more of the following conditions holds or will hold:

1. construction or establishment of the special exception will materially endanger the public health or safety;

2. construction or establishment of the special exception will substantially injure the value of adjoining or abutting property;

3. construction or establishment of the special exception will not be in conformity with the purposes, intents or goals of this Resolution;

4. construction or establishment of the special exception will create impacts on public services or facilities which would endanger health, safety or property because of lack of or adverse effect on water supply, schools, proper drainage, good transportation, other public services or public funds for the supply or maintenance of such services, and which are beyond the immediate capacity of the County or any other governmental entity to address with public funds, particularly considering the following:

(a) In establishing the impacts of a proposed development of land on public infrastructure or the public health, safety and welfare, the Board shall require studies of such potential impact to establish a factual basis for decision, shall refer to expert opinion and professional standards for infrastructure service, shall require cost estimates for any needed improvements to overcome deficiencies, and shall establish a record for each decision under this section. The Board may require the applicant or developer to provide such studies and other information as part of special exception consideration. The following subsection(s) present specific criteria and procedures for consideration of special exceptions, but shall not limit consideration of other infrastructure issues under this section.

(b) Minimum off-site Road Standards as Criteria Precedent to Development. Except upon recommendation of the County Road Superintendent, a minimum off-site road of eighteen (18) feet of paved width with two (2) foot shoulders on either side shall be present from entrance to any proposed special exception development to intersection with any road with same standard or better, for consideration of any special exception which would generate expected traffic greater than 32 vehicle trips per day. Traffic trip generation shall be determined by standards contained in Trip Generation, 7th Ed., by the Institute of Transportation Engineers, 2003, or other professionally recognized trip generation standards acceptable to the County Road Superintendent. In determining the status of a proposed special exception in relation to traffic trip generation, this section shall apply also to any combined phased development of the same property within one year of consideration of any special exception involving that property, and to overall development of any land in phases. For the purpose of determining paved width of roads, the roads list maintained by the Blount County

Highway Department showing road pavement width shall be the basis for determination, provided that direct measurement showing roads of greater width than listed may be considered. For the purpose of this section, shoulder shall mean an area outside of two nine (9) foot paved travel lanes (18 foot total travel surface) with the following characteristics: i) two feet of unobstructed and well drained width at outside of travel lanes, ii) no more than eight (8) percent slope from outside edge of travel lanes, and in no instance more than seven (7) percent maximum algebraic difference in slope between travel lane and shoulder grades, and iii) surface treatment of hard pavement, gravel or compacted earth, flush with the surface of travel lanes. The Board may consider lesser pavement width and shoulder width upon submission of a traffic and roads condition study by the applicant or developer. The traffic and roads condition study shall be done by a qualified engineer licensed in the State of Tennessee and acceptable to the County Road Superintendent.

The traffic and roads condition study shall at a minimum contain present road and shoulder width of off-site roads measured at intervals of no greater than one-tenth (0.1) miles, present and expected future ADT (average daily traffic), and specific impact of the proposed special exception development on the safety of traffic on off-site roads. Upon determination and recommendation by the County Road Superintendent or his designee, the study shall also assess road geometry (vertical and horizontal curves, etc), sight distances, bridges, and roadside hazards as part of determining safe and acceptable road conditions.

The study shall also include estimates of cost to improve the existing roads to safe and acceptable conditions. The traffic and roads condition study shall assess whether or not existing road width and shoulder width and other design factors of off-site roads would be sufficient to protect the public health, safety and welfare of existing and future county residents in relation to additional traffic generated by a proposed special exception development. Engineering standards and practices acceptable to the County Road Superintendent or his designee shall be the basis for determining traffic generation from the proposed subdivision or development and assessing traffic impact and acceptable road conditions, such standards and practices to include: A Policy on Geometric Design of Highways and Streets, published by American Association of State Highway and Transportation Officials (AASHTO), 2001; and Designing Safer Roads: Practices for Resurfacing, Restoration and Rehabilitation, Special Report 214, by Transportation Research Board of the National Research Council, 1987.

In considering lesser pavement width and shoulder width under this subsection, the Board shall not approve a special exception development which has ingress and egress on offsite road(s) with pavement width less than sixteen (16) feet; provided that any such offsite road(s) with less than two hundred (200) ADT (average daily traffic) may have distances of fifty (50) feet or less with pavement width between fourteen (14) and sixteen (16) feet if there are warning signs and adequate approach sight distances as approved by the County Road Superintendent or his designee. The Blount County Road Superintendent can increase minimum standards based on posted speed limits, ADT, usage, road characteristics, or reports as necessary.

H. The Board may condition any approval for a special exception with limits on duration of validity of the approval in the absence of actions to construct or establish the special exception. Where no action is taken to construct or establish the special exception within the time of such duration of validity, a new application shall be required.

I. All conditions and requirements set by the Board shall be entered on the minutes of the hearing, and the Building Commissioner shall notify the applicant of such conditions and requirements by written letter. All conditions and requirements set by the Board shall be enforceable in the same manner and to the same extent as any other provision or requirement of this Resolution.

J. Approval of a special exception runs with the land and is transferable to new owners. However, so long as the land and/or structures or any portion thereof covered under an approval for special exception continues to be used as approved by the Board, then the following shall hold:

1. No person, including successors, assigns or designees of the person who obtained the approval for special exception, may make use of the land or structures covered under such approval for the purposes and use other than in accordance with all the terms, conditions and requirements of such approval.

2. The terms, conditions and requirement of an approval for a special exception apply to and restrict the use of land or structures covered under such approval, not only with respect to all persons having any interest in the property at the time of such approval, but also with respect to all persons who subsequently obtain any interest in all or part of the property covered by such approval.

**Section 11.6. Variances.** The Board of Zoning Appeals may grant variances to the strict application of regulations in this Resolution where such application of regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of a parcel of property. To that end, the following shall apply.

A. An application for a variance shall include an explanation of the specific hardship or difficulties claimed, reasons why relief should be granted, and the minimum relief that needs to be granted to overcome the hardship or difficulties, and shall be presented to the Building Commissioner at least fifteen working days prior to consideration by the Board. The Board may require additional information of the applicant in order to make a decision on the application.

B. The Chairman of the Board shall set a date and time for hearing on the application no later than 60 days after submission of the application, or alternatively, the Board may consider the application at any appropriate regular meeting. The Building Commissioner shall publish notice of the application and hearing time, date and place in a newspaper of general circulation within the county at least five days prior to the hearing, as well as due notice to the applicant.

C. The land or site of the variance application shall be posted by a sign set by the Building Commissioner along a fronting or adjacent public road notifying neighboring property owners of the application, date, time and place of hearing, and telephone number of the Building Commissioner for further information. Such sign shall be posted at least five days prior to the date of the hearing.

D. The Building Commissioner shall forward to the Board copies of all records relating to the application, along with his or her analysis and recommendation on the application.

E. The Board shall act on the application within 60 days of the hearing, unless the applicant requests an extension of time. Upon hearing, any party or parties in interest may appear in person or by agent or attorney.

F. The Board shall limit the granting of variances to the minimum needed to overcome hardships or difficulties based only on the following criteria:

1. The hardship or difficulty is present by reason of exceptional narrowness, shallowness or shape of a specific piece of property existing at the time of the enactment of this Resolution or any relevant amendment thereto; or

2. The hardship or difficulty is present by reason of exceptional topographic conditions of a specific piece of property; or

3. The hardship or difficulty is present by reason of other extraordinary and exceptional situation or condition of a specific piece of property; or

4. The strict application of regulations would result in substantial loss of value of land, such substantial loss of value being considered in this Resolution as an extraordinary and exceptional condition of a specific piece of property, provided that a small reduction of value shall not be considered as a valid basis for granting a variance; and

5. The hardship or difficulty is not the result of or created by the actions of the applicant;

G. Notwithstanding findings under subsection F. above, the Board may deny the application for variance if it finds and concludes, based on the information submitted in the application or provided at the hearing, that one or more of the following conditions holds or will hold:

1. granting of the variance will materially endanger the public health or safety;

2. granting of the variance will substantially injure the value of adjoining or abutting property;

3. granting of the variance will not be in conformity with the purposes, intents or goals of this Resolution;

H. All conditions and requirements set by the Board shall be entered on the minutes of the hearing, and the Building Commissioner shall notify the applicant of such conditions and

requirements by written letter. All conditions and requirements set by the Board shall be enforceable in the same manner and to the same extent as any other provision or requirement of this Resolution.

**Section 11.7. Action of the Board of Zoning Appeals.** In exercising its powers, the Board may, in conformity with provisions of this Resolution, reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination appealed from, and to that end shall have all building permit powers of the Building Commissioner. The concurring vote of a majority of the Board membership shall be necessary to decide on any matter before the Board. Any person or entity aggrieved by any decision of the Board may seek judicial appeal and review by a court of jurisdiction for such decision.

## **Article 12. AMENDMENTS TO ZONING MAP.**

**Section 12.1. Planning Commission.** For Planning Commission consideration of proposed amendments to the Zoning Map (rezoning), prior to recommendation to the Board of County Commissioners, the Planning Commission shall call public hearing with notice published in a newspaper of general circulation in the county at least ten days in advance of the public hearing. The newspaper notice shall contain the address and tax map and parcel location of the property proposed to be rezoned, and the date, time and location of the public hearing. In addition, the land or site of the proposed amendment to the Zoning Map (rezoning) shall be posted by a sign set by the Building Commissioner along a fronting or adjacent public road notifying neighboring property owners of the proposal, date, time and place of hearing, and telephone number of the Building Commissioner for further information. Such sign shall be posted at least ten days prior to the date of the public hearing.

**Section 12.2. County Commission.** For consideration by the Board of County Commissioners, in addition to provisions and requirements contained in Tennessee Code Annotated 13-7-105 for amendment of the Zoning Map, the land or site of the proposed amendment to the Zoning Map (rezoning) shall be posted by a sign set by the Building Commissioner along a fronting or adjacent public road notifying neighboring property owners of the proposal, date, time and place of hearing, and telephone number of the Building Commissioner for further information. Such sign shall be posted at least fifteen days prior to the date of the required public hearing. In addition, all owners of properties adjacent to the land to be rezoned shall be notified by letter of such rezoning, and all owners of properties adjacent to such first adjacent properties shall also be notified by letter of such rezoning.

The County Commission at its discretion may require further notification to property owners in the area of the rezoning.

**Section 12.3. Time limit on reapplication for a denied request to amend the Zoning Map.** If an application to amend the Zoning Map (rezoning) for a property is denied by the County Commission, then no other application for rezoning of the same property shall be considered for a period of one (1) year, provided that a new application may be considered if there is a substantial change in the application constituting a different zone requested or different dimensions (area or depth) requested.

**Article 13. DEFINITIONS.** Unless otherwise defined in this Resolution, terms found in this Resolution shall be interpreted by reference to accepted planning, engineering, or other professional

terminology if of a technical nature, and shall be interpreted by reference to common usage and common dictionary definition if of a non-technical nature, unless the context within which such terms are used clearly indicate otherwise. As used in this Resolution, words importing the masculine gender include the feminine and neuter. Words used in the singular in this Resolution, include the plural, and words used in the plural include the singular. The word "shall" is always mandatory in nature. The following terms shall be used in this Resolution in addition to terms that may be defined in specific articles or sections.

**ACCESS:** The right to cross between public and private property, allowing pedestrians and vehicles to enter and leave properly.

**ACCESSORY USE:** A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located on the same lot as the principal use.

**AGRICULTURE:** This includes all forms of agriculture, growing of crops, dairying, the raising and maintaining of poultry and other livestock, horticulture, forestry, fish hatcheries and ponds, dog kennels and other small animal specialty farms, provided all health codes of Blount County and the State of Tennessee are complied with.

**AUTOMOBILE JUNK AND SALVAGE YARDS:** Any lot or place which is open, and upon which more than five (5) motor vehicles of any kind, incapable of being operated *and/or without current registration* , are placed located or found.

**BUILDING SETBACK LINE:** A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building, or other structure shall be placed except as otherwise provided.

- a. **Building Setback Line, Front:** A line delineating the minimum allowable distance between the street right-of-way or an official future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way.
- b. **Building Setback Line, Rear:** A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback extends the full width of the lot.
- c. **Building Setback Line, Side:** A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

**CORNER LOT:** Any lot bounding the intersection of two streets or upon the inside of a curve of a street.

**COUNTY LEGISLATIVE BODY:** Board of County Commissioners of Blount County, Tennessee.

**DAY CARE CENTER:** Any child care arrangement that provides day care on a regular basis for more than four hours per day for more than five children of preschool age and meets requirements for licensing by the state of Tennessee.

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate.

**DUPLEX:** See Residence, Duplex.

**DWELLING UNIT:** An enclosure containing sleeping, kitchen, and bathroom facilities designed for use or held ready for use as a permanent residence by one family.

**FENCE:** An unroofed enclosing barrier of any nature (including vegetation) or construction. A vegetative fence may form a screen. The opacity of a fence or screen shall be deemed the ratio of open area which permits unobstructed passage of light and air to closed area, expressed as a percent. A retaining wall is a fence insofar as it extends in height above the finished grade of the high side.

**FLOODPLAIN:** Any land area susceptible to partial or complete inundation by water from the base flood. As used in this chapter the term refers to that area subject to flooding designated by the FIRM (Flood Insurance Rate Maps) maps prepared by Federal Emergency Management Agency (FEMA).

**GROSS FLOOR AREA:** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

**HEIGHT OF A STRUCTURE:** The distance measured vertically in feet from the finished grade (or in the case of a building, from the ground level from which fire protection equipment can service the lot) to the highest point of a flat roof, to the deck line of a mansard roof, to the average point between eaves and ridge for gable, hip, gambrel roofs, and to the highest point of horizontal member or of any substantial part of other structures.

**HOME OCCUPATION:** An activity conducted for financial gain or support which:

- a. Is conducted by a person within the dwelling unit where such person is a full time resident, and
- b. Is insubstantial, incidental, subordinate to the residential use, and is not commonly associated with the residential use as to be regarded as an accessory use, but that can be conducted without any significantly adverse impact on the surrounding neighborhood.

The following is a non-exhaustive list of examples of enterprises that may be home occupations if they meet the foregoing definitional criteria:

- a. The office or studio of a physician, dentist, artist, musician, lawyer, architect, engineer, teacher, or similar professional;
- b. Workshops, greenhouses, or kilns;
- c. Dressmaking or hairdressing studios;
- d. Similar or like use as determined by the Board of Zoning Appeals upon appeal.

**INDOOR SPORT SHOOTING RANGE:** a fully enclosed building or part of 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.

**KENNEL:** A commercial operation that provides food, shelter, and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), and/or engages in the breeding of animals for sale.

**LOT:** A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map or plat and which is recognized as a separate legal entity for purposes of transfer of title.

**LOT AREA:** The total gross lot area circumscribed by the boundaries of a lot, except that:

- a. When the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 25 feet from the center of the traveled portion of the street, and
- b. In a residential district, when a private road that serves more than three dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

**LOT FRONTAGE:** The length of a straight line drawn between the two points where the abutting property lot lines or other adjacent lot lines cut a given street line of a public street. In the case of a corner lot, one or both of the end points shall be deemed to be the imaginary point(s) of the intersection of tangents to any curve from where the street lines begin such curve. A lot may have more than one frontage. Situations in which property abuts the end line of a street designed later to be extended shall not be deemed frontage situations.

**MANUFACTURED HOME:** A dwelling unit that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and exceeds forty (40) feet in length, and eight (8) feet in width.

**MANUFACTURED HOME PARK:** A residential use in which more than two manufactured homes are located on a single lot, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

**MODULAR HOME:** A dwelling unit composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a manufactured home, or a series of panels or room sections transported on a truck and erected or joined together on the site.

**MOTOR HOME:** A motor vehicle which is designed, constructed and equipped as a dwelling place, living abode or sleeping place.

**OUTDOOR SPORT SHOOTING RANGE:** an outdoor area, not enclosed in a building, 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 firing ranges operated by any level of

government, and does not include occasional not-for-profit charitable events (commonly called “turkey shoots”).

**PARKING SPACE:** A portion of the vehicle accommodation area set aside for the parking of one vehicle.

**PERSON:** An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

**PLANNING COMMISSION:** The Blount County Planning Commission, created in accordance with appropriate provisions of Title 13, of the Tennessee Code Annotated.

**PRINCIPAL USE:** The primary use of land; a principal use may involve one or more operations; a principal use may be functionally independent of other uses with which it may jointly occupy a lot or a structure.

**RECREATIONAL VEHICLE:** A travel trailer, motor home, camping trailer, or other similar vehicle which is occupied temporarily for recreational, travel, or vacation purposes.

**RESIDENCE, DUPLEX:** A two-family residential use in which the dwelling units share a common wall (including the wall of an attached garage or porch) and in which each dwelling unit has separate living space and a separate entrance.

**RESIDENCE, MULTI-FAMILY:** A residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch).

**RESIDENCE, SINGLE-FAMILY DETACHED, ONE DWELLING UNIT PER LOT:** A residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.

**SIGN:** Any device that is located with the intent to be visible to persons not located on the lot, and is designed to attract the attention of such persons or to communicate information to them.

**STRUCTURE:** Any erected structure whose use requires a location on the ground, including, but not limited to, buildings, stadiums, radio towers, sheds, storage bins, fences, signs and parking lots. Structures may be either principal or accessory, according to their use.

**TOTAL FLOOR AREA:** The area measured from the face of exterior walls of each story of a building.

**TRACT:** A lot. The term "tract" is used interchangeably with the terms "lot" and “parcel”, particularly in the context of subdivisions, where "one tract" is subdivided into "several lots".

**USE:** The activity or function that actually takes place or is intended to take place on a lot.

**UTILITY FACILITIES:** Above-ground structures or facilities other than buildings, (unless such buildings are used as storage incidental to the operation) owned by a governmental entity, a non-

profit organization, a corporation, or any entity defined as a public utility for any purpose by Tennessee Code Annotated and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil or electronic signals.

**VALUE OF A STRUCTURE IMPROVEMENT:** The estimated value based on the assessed evaluation of record for tax purposes, including the value of land and buildings which can be converted to fair market value by dividing by the applicable assessment ratio.

**WHOLESALE SALES:** On-premises sales of goods primarily to customers engaged in the business of reselling the goods.