

Zoning Regulations

Blount County, Tennessee

June 15, 2000

Zoning Regulations

Blount County, Tennessee

June 15, 2000

Containing the text of resolutions from

Resolution 00-06-010, a resolution adopting zoning in Blount County pursuant to Sections 13-7-101, *et seq.*, of the Tennessee Code Annotated, also titled Zoning Resolution of Blount County, Tennessee, and

Resolution 00-06-011, Blount County Floodplain Zoning Resolution, a resolution adopted pursuant to Sections 13-7-110 through 13-7-115 of the Tennessee Code Annotated for the purpose of regulating the floodplain areas of Blount County, Tennessee to minimize danger to life and property and to establish eligibility in the National Flood Insurance Program.

INDEX – TABLE OF CONTENTS

ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE

	Page
Article 1. ENACTMENT.	1
Section 1.1. Title.	1
Section 1.2. Authority to Adopt and Amend.	1
Section 1.3 Purposes.	1
Section 1.4. Effect.	1
Section 1.5. Jurisdiction.	1
Section 1.6. Effective Date.	1
Section 1.7. Severability.	1
Article 2. EXEMPTIONS, EXCLUSIONS AND EXCEPTIONS.	2
Section 2.1. Agricultural Uses and Structures.	2
Section 2.2. Church Spires, Belfries and Domes.	2
Section 2.3. Communication Towers.	2
Section 2.4. Miscellaneous Structures.	2
Article 3. LOTS OF RECORD.	2
Section 3.1. Application for Variance.	2
Section 3.2. Multiple Lots.	2
Section 3.3. Lot Area Minimum Waiver.	2

Article 4. CONTINUATION OF PROJECTS IN PROGRESS. 3

Section 4.1. For construction in progress. 3

Section 4.2. For construction not yet in progress. 3

Section 4.3. For subdivision projects in progress 3

Article 5. NON-CONFORMING USES AND STRUCTURES. 3

Section 5.1. Continuation of Non-Conforming Uses and Structures. 3

Section 5.2. Destruction and Rebuilding in Relation to Non-Conforming Uses. 3

Section 5.3. Discontinuance and Abandonment of Non-Conforming Uses. 4

Section 5.4. Effective Beginning Date of Discontinuance or Abandonment. 4

Section 5.5. Change in Non-Conforming Use. 4

Article 6. EXPANSION OF EXISTING INDUSTRIAL, COMMERCIAL OR OTHER BUSINESS ESTABLISHMENTS. 4**Article 7. GENERAL PROVISIONS. 4**

Section 7.1. Application of other regulations. 5

Section 7.2. Site Plan Requirements. 5

Section 7.3. Planned Unit Development. 5

Section 7.4. Wireless Telecommunication Towers and Antennas. 6

Page

Section 7.5. Signs.	13
Section 7.6. Design Standards for Manufactured Home Parks and Multifamily Uses.	16
Section 7.8. Parking.	17
Section 7.9. Vision Clearance for Traffic.	18
Section 7.10. Family Commercial Enterprises	18
Article 8. ESTABLISHMENT OF DISTRICTS.	19
Article 9. REGULATIONS AND PROVISIONS FOR DISTRICTS.	19
Section 9.1. S – Suburbanizing District.	19
Section 9.2. R-1 – Rural District 1.	21
Section 9.3. R-2 – Rural District 2.	22
Section 9.4. C – Commercial District.	24
Section 9.5. IND – Industrial District.	25
Section 9.6. AIR – Airport District.	26
Section 9.7. NP – National Park District.	27
Section 9.8. AHO – Airport Hazard Overlay.	27
Section 9.9. Flood Hazard Overlay.	28
Article 10. ENFORCEMENT AND ADMINISTRATION.	28
Section 10.1. Permits.	28

	Page
Section 10.2. Other Modes of Enforcement.	29
Section 10.3. Building Commissioner.	29
Section 10.4. Planning Commission.	29
Article 11. BOARD OF ZONING APPEALS.	30
Section 11.1. Creation and Membership.	30
Section 11.2. Rules and Procedures.	30
Section 11.3. Power of the Board of Zoning Appeals.	30
Section 11.4. Appeals.	31
Section 11.5. Special Exceptions.	31
Section 11.6. Variances.	33
Section 11.7. Action of the Board of Zoning Appeals.	35
Article 12. AMENDMENTS TO ZONING MAP.	35
Article 13. DEFINITIONS.	35
BLOUNT COUNTY FLOODPLAIN ZONING RESOLUTION	40

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 become effective on September 1, 2000.

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.

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. Where two or more contiguous lots are under one ownership, one or more of which do not conform to the area or dimensional requirements of this Resolution, and which existed as lots of record prior to the adoption of this Resolution, 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.

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 adoption 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 adoption of this Resolution shall be allowed to proceed as previously planned to completion, notwithstanding non-conformity of use or structures, provided the following 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 copies of building and site plans for such project sealed by a registered architect or engineer, under Tennessee laws and regulations, and dated prior to the date of adoption of this Resolution;
- B. There is continuous progress to completion of the project as planned.

Section 4.2. For construction not yet in progress. Any project under long term planning but not in construction at the time of the adoption of this Resolution shall be considered as begun and in progress, and shall be allowed to proceed as planned to completion, notwithstanding non-conformity of use or structure, provided the following 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 and for permit copies of building and site plans for such project sealed by a registered architect or engineer, under Tennessee laws and regulations, and dated no less than 90 days prior to adoption of this Resolution;
- B. Construction commences no later than six months after the adoption of this Resolution and has continuous progress to completion of the project as planned.

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 adoption of this Resolution shall be allowed to proceed as planned to completion, notwithstanding non-conformity of plat design with regulations contained in this Resolution.

Article 5. NON-CONFORMING USES AND STRUCTURES.

Section 5.1. Continuation of Non-Conforming Uses and Structures. Uses and structures in existence at the time of the adoption of this Resolution, which are not in conformity with regulations and provisions contained in this Resolution, shall be allowed to continue in their original state as existing prior to adoption 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, the following shall apply:

- A. Such structure may be rebuilt and 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 of Non-Conforming Uses. When the following conditions have existed for a period of two years, it shall be evidence of an intent to abandon a non-conforming use of land or structure, and if such be the conditions, no use of land or structure shall be undertaken or established unless it is 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 that is considered to be essential to the character and operation of the non-conforming use, and no serious attempts were being made to market the property for sale, rent, lease or operation for its non-conforming use.

B. For residential uses: No residents, whether they be owners or tenants, were present, and no serious attempts were being made to market the property for sale, rent or lease for its non-conforming use.

Section 5.4. Effective Beginning Date of Discontinuance or Abandonment. The time period in Section 5.3 for determining discontinuance or abandonment of a non-conforming use shall commence on or after the date of adoption of this Resolution, or on or after the date of adoption of any amendment to this Resolution that has the effect of creating a non-conforming use.

Section 5.5. Change of Non-Conforming Use. A non-conforming use may be changed to another non-conforming use in the same building and at the same site upon approval as a special exception by the Board of Zoning Appeals under provisions in Section 11.5, provided that the Board finds that the new non-conforming use shall be of lesser non-conformity and lesser impact than the original non-conforming use.

Article 6. EXPANSION OF EXISTING INDUSTRIAL, COMMERCIAL OR OTHER BUSINESS ESTABLISHMENTS. Any industrial, commercial or other business establishment in operation immediately preceding the adoption of this Resolution shall be allowed to expand operations and construct additional facilities which involve actual continuance of and expansion of the activities of the industry or business that were being conducted prior to such adoption, provided the following shall apply: there is a reasonable amount of space for such expansion on the property owned by such industry or business; such expansion conforms to dimensional regulations contained in this Resolution; such expansion is in conformity with the purposes, intents and goals of this Resolution; and determination of the above shall be as a special exception under the jurisdiction of the Board of Zoning Appeals, also requiring a site plan as provided in Section 7.2.

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 the site is greater than three acres, or if more than 40 percent of the site is to be covered in non-permeable surface.
- F. An erosion control plan approved by an appropriate state agency if such plan is required by any applicable state 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.

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. 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 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.

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 under forty feet in height, 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 40 feet in height or greater 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 and Antennas 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 additional provisions and requirements.

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 no greater than 200 square feet of gross floor area 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.

Section 7.5. Signs. It is the intent of this Resolution to allow reasonable number and area of signs identifying properties, uses of properties, and events or businesses within the community. To this end, the following shall apply:

A. Any lot or parcel shall be permitted one property identification sign to be no greater than ten 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 structure or lot to be no greater than ten 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 or parcel fronting for at least 100 feet along an arterial status road as identified on the Major Road Plan for Blount County or any other planning region, shall be permitted one business identification sign fronting such road to be no greater than 300 square feet in area, with a height no greater than the maximum height limitation in the district.

2. Any commercial or industrial lot or parcel fronting less than 100 feet along an arterial status road, or fronting for at least 100 feet along a road other than an arterial status road as identified on the Major Road Plan for Blount County or any other planning region, shall be permitted one business identification sign fronting on such road to be no greater than 150 square feet in area, with a height no greater than the maximum height limitation in the district.

3. For a commercial or industrial lot or parcel with frontage along more than one road, one sign meeting the requirements in subsections 1 or 2 above may be established on each frontage, provided that each such sign is separated from the other sign by a distance greater than 100 feet. .

4. Any commercial or industrial lot or parcel shall also be permitted one ground sign to be no greater than 50 square feet in area, with height no greater than ten feet above the finished grade of the ground.

5. Signs of greater number and area may be permitted by the Board of Zoning Appeals as special exceptions for planned unit developments consisting of multiple commercial or industrial establishments.

6. 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 considered part of the principal structure and shall not be subject to regulations under this Section.

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 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 be regulated under this Section:

1. Signs relating to agricultural uses or sale of agricultural products on the site of such agricultural uses, and signs painted on barns or other agricultural structures.

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 each.

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, 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, 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.

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, providing 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 100 square feet in area, shall have height no greater than ten 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 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.

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.

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, except signs indicating the time, date or weather conditions.

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 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.

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 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.

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, and shall not extend into the required buffer under subsection A above.

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.

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

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), 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; 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.

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.

E. Uses Requiring Site Plan Review: All uses permitted as special exception in sub-sections 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 23,000 square feet if septic tank and field line is utilized, or 7,500 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 1.5 units per gross acre if septic tank and field line is utilized, or 4.6 units per gross acre if public utility sewer is utilized.

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 special exception.

3. Side Setback: the minimum building setback from the side property line shall be five 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 9.2 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), 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 lumber yards; 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, provided the following: 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 having a

gross floor area no greater than 4,000 square feet including accessory structures, 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.

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 23,000 square feet. For other than one unit per lot, or for planned unit development, the density shall be no greater than 1.5 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 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 special exception.

3. Side Setback: the minimum building setback from the side property line shall be five 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 (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, commercial rental cabins, 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.
- 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 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 special exception.

3. Side Setback: the minimum building setback from the side property line shall be five 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.

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.

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: the minimum building setback from the side property line shall be five feet, provided that the side setback shall be 20 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.

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 9.5 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.

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, 84th 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.

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. 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 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. 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 are beyond the immediate capacity of the County or any other governmental entity to address with public funds.

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. 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.

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, 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.

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.

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.

BLOUNT COUNTY FLOODPLAIN ZONING RESOLUTION

A RESOLUTION ADOPTED PURSUANT TO SECTIONS 13-7-101 THROUGH 13-7-115 OF THE TENNESSEE CODE ANNOTATED FOR THE PURPOSE OF REGULATING THE FLOODPLAIN AREAS OF BLOUNT COUNTY, TENNESSEE TO MINIMIZE DANGER TO LIFE AND PROPERTY AND TO ESTABLISH ELIGIBILITY IN THE NATIONAL FLOOD INSURANCE PROGRAM.

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-101 through 13-7-115, Tennessee Code Annotated delegated the responsibility to the county legislative body to adopt floodplain regulations designed to minimize danger to life and property and to allow its citizens to participate in the National Flood Insurance Program. Therefore, the Board of Commissioners of Blount County, Tennessee, does resolve as follows:

Section B. Findings of Fact

1. The Blount County Board of Commissioners wishes to establish eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(d) of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-88 Edition) and subsequent amendments.

2. Areas of Blount County are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

3. These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

Section C. Statement of Purpose

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

1. Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause damaging increases in erosion, flood heights, or velocities;

2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate flood waters;
4. Control filling, grading, dredging and other development which may increase erosion or flood damage, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards.

Section D. Objectives

The objectives of this Resolution are:

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

ARTICLE 2. DEFINITIONS

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

"Accessory Structure" shall represent a subordinate structure to the principal structure and, for the purpose of this Resolution, shall conform to the following:

1. Accessory structures shall not be used for human habitation.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

"Appeal" means a request for a review of the Building Commissioner's interpretation of any provision of this Resolution or a request for a variance.

"Area of Special Flood Hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, being either zone A or zone AE on the Blount County Flood Insurance Rate Maps (community-panel 470356 maps 0020 to 0225 consisting of 12 separate map sheets).

"Base Flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

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

"Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Building", for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See "structure")

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

"Elevated Building" means a non-basement building (i) built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), (ii) and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zone AE, A or X, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

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

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

"Existing Construction" any structure for which the "start of construction" commenced before the effective date of this Resolution.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this Resolution.

"Existing Structures" see "Existing Construction"

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

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

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

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

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

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the water surface elevation of the base flood.

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

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

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify

flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

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

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

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

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

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

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

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

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

"Map" means the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Resolution, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

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

"New Construction" any structure for which the "start of construction" commenced on or after the effective date of this Resolution. The term also includes any subsequent improvements to such structure.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Resolution.

"100-year Flood" see "Base Flood".

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

"Recreational Vehicle" means a vehicle which is:

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

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

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

"Special Hazard Area" means an area having special flood hazard, and shown on a FIRM as Zone A or AE.

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

"State Coordinating Agency" (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program in that state.

"Structure", for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

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

"Substantial Improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

"Variance" is a grant of relief from the requirements of this Resolution which permits construction in a manner otherwise prohibited by this Resolution where specific enforcement would result in unnecessary hardship.

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

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

ARTICLE 3. GENERAL PROVISIONS

Section A. Application

This Resolution shall apply to all areas within Blount County, Tennessee, outside corporate municipal limits.

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

The areas of special flood hazard identified on the Blount County, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community - Panel Numbers (470356) 0020 to 0225; Effective Date: June 3, 1991 and any subsequent amendments or revisions, are adopted by

reference and declared to be a part of this Resolution. These areas shall be incorporated into the Blount County, Tennessee Zoning Map.

Section C. Requirement for Development Permit

A development permit shall be required in conformity with this Resolution prior to the commencement of any development activity with the following exception: No development permit shall be required for any accessory structure, as defined in Article 2, of a value less than \$5000.00.

Section D. Compliance

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

Section E. Abrogation and Greater Restrictions

This Resolution is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, in the event that other regulations of Blount County or the State of Tennessee apply to the development or use of land, such development or use of 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 F. Interpretation

In the interpretation and application of this Resolution, all provisions shall be: (1) considered as minimum requirements; (2) construed to further the intent, purpose, goals and objectives of this Resolution, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

Section G. Warning and Disclaimer of Liability

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

Section H. Enforcement

Tennessee Code Annotated 13-7-110 allows for enforcement of zoning regulations by means of a building permit. A building permit shall be required for any development or construction to which this Resolution applies. 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 the 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.

ARTICLE 4. ADMINISTRATION

Section A. Designation of Building Commissioner

The Building Commissioner is hereby appointed to administer and implement the provisions of this Resolution.

Section B. Permit Procedures

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

1. Application stage
 - a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings.*
 - b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed, where base flood elevation data is available.*
 - c. Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Article 4. Section B.2, where base flood elevation data is available.*
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

* (see 2. below)

2. Construction Stage

Within unnumbered A zones, where flood elevation data are not available, the Building Commissioner shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building and the highest adjacent grade. USGS Quadrangle maps may be utilized when no more detailed reference exists to establish reference elevations.

Within all flood zones where base flood elevation data are utilized, the Building Commissioner shall require that upon placement of the lowest floor, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Commissioner a certification of the elevation of the lowest floor, or flood-proofed elevation,

whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by, or under the direct supervision of, a registered land surveyor, professional engineer, or architect and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Building Commissioner shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Section C. Duties and Responsibilities of the Building Commissioner

Duties of the Building Commissioner shall include, but not be limited to:

1. Review of all development permits to assure that the requirements of this Resolution have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Article 4. Section B.2.
5. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been flood-proofed, in accordance with Article 4. Section B.2.
6. When flood-proofing is utilized, the Building Commissioner shall obtain certification from a registered professional engineer or architect, in accordance with Article 4. Section B.2.
7. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Commissioner shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article 6.
8. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Building Commissioner shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community

FHBM or FIRM meet the requirements of this Chapter. Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Building Commissioner shall require the lowest floor of a building to be elevated or floodproofed to a level of at least (2) two feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article 2 of this Resolution). All applicable data including the highest adjacent grade elevation and the elevations of the lowest floor of flood-proofing shall be recorded as set forth in Article 4. Section B.

9. All records pertaining to the provisions of this Resolution shall be maintained in the office of the Building Commissioner and shall be open for public inspection. Permits issued under the provisions of this Resolution shall be maintained in a separate file or marked for expedited retrieval within combined files.

10. Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

9. Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this Resolution, shall meet the requirements of "new construction" as contained in this Chapter; and,

10. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this Resolution, shall be undertaken only if said non-conformity is not extended.

Section B. Specific Standards

These provisions shall apply to all areas of special flood hazard as provided herein:

In all areas of special flood hazard where base flood elevation data have been provided, including A zones and AE zones, and has provided a regulatory floodway, as set forth in Article 3. Section B, the following provisions are required:

1. **Residential Construction.** New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 5. Section B.3.

2. **Non-Residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Buildings located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Building Commissioner as set forth in Article 4. Section B.2.

3. **Elevated Building.** New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.

i. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

ii. The bottom of all openings shall be no higher than one foot above grade; and

iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article 5. Section B. of this Resolution.

4. Standards for Manufactured Homes and Recreational Vehicles

a. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.

b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

i. The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation on a permanent foundation;

ii. The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,

iii. In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Article 5. Section B.4.b.i. and ii. above.

c. All recreational vehicles placed on sites must either:

i. Be on the site for fewer than 180 consecutive days;

ii. Be fully licensed and ready for highway use; or

iii. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Article 5. Section B.4.a. or b.i. and ii, above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of Article 4. Section C.8. shall be utilized for all requirements relative to the base flood elevation or floodways.

Section C. Standards for Areas of Special Flood Hazard Zones AE With Established Base Flood Elevation But Without Floodways Designated

Located within the areas of special flood hazard established in Article 3. Section B, where streams exist with base flood data provided but where no floodways have been provided, (zones AE) the following provisions apply:

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

2. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article 5. Section B.

Section D. Standards for Areas of Special Flood Hazard With Established Base Flood Elevation And With Floodways Designated

Located within the areas of special flood hazard established in Article 3. Section B, where streams exist with base flood data and floodways provided, the following provisions apply:

1. No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

2. If Article 5. Section F. 1. above is satisfied, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article 5. Section B.

Section E. Standards for Subdivision Proposals

Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

1. All subdivision proposals shall be consistent with the need to minimize flood damage.

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty lots and/or five acres.

ARTICLE 6. VARIANCE PROCEDURES The provisions of this section shall apply exclusively to areas of special flood hazard within Blount County outside of any municipal corporate limits.

Section A. Board of Zoning Appeals

1. The Blount County Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.

2. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

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

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

- i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
- j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

4. Upon consideration of the factors listed above, and the purposes of this Resolution, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Resolution.

5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.

2. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Resolutions.

3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

4. The Building Commissioner shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

ARTICLE 7. EFFECTIVE DATE

This Resolution shall be in force and become effective on September 1, 2000, the public welfare demanding it.