

# **MORRISTOWN REGIONAL PLANNING COMMISSION**

## **Agenda**

**December 12, 2017**



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### **Call to Order**

- I.** Approval of November 14<sup>th</sup>, 2017 Minutes
- II.** Old Business: none
- III.** New Business: Approval of 2018 Meeting and Deadline Schedule (attached)

Ordinance Reviews:

Text-2144-2017: Amendment- Intermediate Business (IB)

### **Adjournment**

*The next meeting of the Morristown Regional Planning Commission is scheduled for January 9, 2018 at 4:00 pm.  
The deadline to submit applications for this meeting is December 19, 2017.*

# **Morristown Regional Planning Commission**

## **Minutes**

**November 14, 2017**

### **Members Present**

Chairman Jim Beelaert

Vice Chairman Bill Thompson

Commissioner Sylvia Hinsley

Commissioner Wanda Neal

Commissioner Jack Kennerly

Commissioner Bob Garrett

Secretary Rose Parella

Mayor Gary Chesney

### **Others Present**

Steve Neilson, Planning Director

Lori Matthews, Senior Planner

Josh Cole, Planner

Greg Ellison, Chief Building Official

David Hayes

Christina Hayes

Michael Price

Clint Harrison

Alice Westmoreland

Francine Trendler

Chairman Jim Beelaert called the meeting to order and invited anyone who wished to join the Commission in an Invocation and the Pledge of Allegiance to do so.

### **Members Absent**

Commissioner Frank McGuffin

**I. Chairman Beelaert called for the approval of the October 10<sup>th</sup>, 2017 minutes.**

Secretary Parella made a motion for approval of the October 12<sup>th</sup>, 2017 minutes and it was seconded by Mayor Chesney. Upon voice votes, all Ayes.

**II. Old Business: None**

**III. New Business:**

**MASD-2116-2017: Preliminary Plat-Southwood Phase I**

Senior Planner Lori Matthews discussed a request for preliminary and final subdivision plat approval that was received from Clint Harrison who was acting on behalf of property owners CDC Property Group LLC and Walter Cooper.

The property is 16 acres in size is located on the south side of Valley Home Road across from Millstone Golf and Country Club. The submitted plat which is zoned Planned Residential Development (RP-1), creates 18 lots from the existing 3 lots with Greenway Drive to remain private.

This is the third time this property has been before the Planning Commission. Initially platted for development of 20 duplex units in 2007, the owner had the property re-subdivided in 2014 into an existing right of way and 3 lots. The site currently has one house built and it is occupied. The applicant is wishing to build single-family residential homes in lieu of the originally approved duplex community.

As it will remain private, the plat submitted meets the City's Subdivision Regulations with the exception of sanitary sewer which will be provided by Morristown Utilities Commission. Staff recommended the Planning Commission grant final approval to the plat as submitted, contingent on a letter of service being submitted to City Staff for the sewer.

Chairman Beelaert called for a motion. Mayor Chesney made a motion for approval of this preliminary and final subdivision plat, contingent upon a letter of service from MUS being submitted to City Staff for the sewer and it was seconded by Commissioner Neal.

Chairman Beelaert asked if the letter of service had been requested. Ms. Matthews stated that the letter of service had been requested but not yet received.

Voting Results: 8 yes; 0 no. Motion carries.

**REZN-2111-2017: Rezone R-2 to OMP @ 304 West 2<sup>nd</sup> North Street**

Senior Planner Lori Matthews discussed a request that was received from Ms. Christina Hayes on behalf of property owner David Hayes for property located at 304 West 2<sup>nd</sup> North Street. It is currently zoned Medium Density Residential (R-2) and the applicant has requested that the

property be rezoned to Office, Medical, and Professional (OMP) to accommodate a financial business.

The properties on both sides of West 2<sup>nd</sup> Street from North Henry to Allison Street are zoned R-2 with properties behind the applicant's property being zoned OMP.

Professional standards dictate that requested changes in use must, at a minimum, mirror a permitted use by right use to qualify for a possible rezoning. Otherwise, the point of rezoning property is a moot point and all land uses would go through the Board of Zoning Appeals.

The use requested does not qualify as a permitted use by right and rezoning this property would be a detriment to adjoining properties as all adjoining properties are residential in nature. Rezoning this property could also be a case for "spot zoning." Because of this, Staff recommended denial of the rezoning request as submitted.

Chairman Beelaert called for a motion. Commissioner Kennerly made a motion for discussion and it was seconded by Vice Chairman Thompson.

Commissioner Kennerly stated that he did not think that allowing this rezoning would be in keeping with the character of the neighborhood.

Vice Chairman Thompson stated that even an approval of this rezoning request would not guarantee an approval of the requested use in that area because that would have to go before the Board of Zoning Appeals for a use-on-review.

Christina Hayes, the applicant came forward and stated that she wanted to place a financial office for her mortgage company business inside the home and that she did not want to change the character of the neighborhood. She also stated that they had put over \$150,000 into the home to fix it up and make it fit in better with the surrounding homes because it had fallen in disrepair. Mrs. Hayes pointed out that the Rose Center, an attorney's office, and several other businesses back right up to her property that she is seeking the rezoning for. She also stated that there would not be a lot of cars or traffic coming to and from the home.

Mrs. Hayes stated that she did not currently live there because it was being rented out and that she did plan on using the entire home for offices for her mortgage business.

Secretary Parella asked Mrs. Hayes if her mother's name was Mercy. Mrs. Hayes said that it was and Secretary Parella asked to abstain from voting on this issue due to a conflict of interest.

Cecilia Lingerfelt came forward and stated that she is one of the applicant's neighbors and that she had a signed petition from several of the adjoining neighbors who strongly oppose this rezoning request.

David Hayes came forward and stated that he is the husband of the applicant, Christina Hayes. He also stated that he and his wife had spent a lot of time and money on making sure that the

home keeps in character with the historical neighborhood. He also pointed out all of the surrounding commercial businesses close to their home.

Vice Chairman Kennerly wanted to clarify for some of the opposing residents that there is no way a “7-11” convenience store would ever be allowed in this district even if the OMP rezoning request was approved.

Francine Trendler came forward and stated that she is opposed to this rezoning request.

Voting Results: 1 yes; 6 no; 1 abstain. Motion fails.

### **TEXT-2116-2017: Vesting Amendment**

Planning Director Steve Neilson discussed the text amendment to regulate Vested Property Rights. In 2014, the State passed the legislation (Public Chapter 686) establishing new vesting rights extending the time a developer has to begin construction of a development. This legislation impacts both approved site plans and approved preliminary subdivisions. The term vesting means any development that has been approved by the City is allowed to continue regardless to any amendments to the City’s rules and regulations prior to the start of construction. The proposed text amendments bring the City’s Zoning Ordinance and Subdivision Regulations in conformance with the State requirements.

Under Public Chapter 686, an approved development (site plan/subdivision) is vested for three years from the date of approval provided the developer secures all necessary permits. The vesting period is extended an additional two years if the developer has begun site preparation. Site preparation is defined as excavation, grading, demolition, and infrastructure improvements such as water and sewer construction. Construction is defined as the erection of construction materials in a permanent position and fastens in a permanent manner. Where excavation, demolition, or removal of an existing building has been substantially begun prior to rebuilding, such excavation, demolition, or removal shall be deemed to be construction: provided that work shall be carried on diligently and complies with applicable requirements. If the development involves multiple phases, the vesting may be extended for an additional five years. However, the entire vesting period shall not extend more than fifteen years.

Staff recommended approval of the proposed text amendment.

Chairman Beelaert called for a motion. Vice Chairman Thompson made a motion for approval of the request for amendments to the Zoning Ordinance and to the Subdivision Regulations and it was seconded by Secretary Parella.

Mayor Chesney asked if this amendment had any impact on subdivisions that have already been approved. Mr. Neilson stated that if it was before 2014 it would not be affected.

Voting Results: 8 yes; 0 no. Motion carries.



The meeting was adjourned.

Respectfully submitted,

Rose Parella

Secretary

RP/jc

DRAFT



## MORRISTOWN REGIONAL PLANNING COMMISSION, BOARD OF ZONING APPEALS & UTILITY MEETING DATES

Application deadlines and scheduled meeting dates of the *Morristown Regional Planning Commission, Board of Zoning Appeals and Utility Meeting & Submission Dates for 2018:*

<b>MEETING DATE *</b>	<b>APPLICATION DEADLINE **</b>	<b>Utility Meeting Date</b>
12:00 PM Work Session 4:00 PM Public Meeting	Due by 9:00 AM on the date below	8:30 A.M in the Training Room
January 9, 2018	December 18, 2017	January 18, 2018
February 13, 2018	January 15, 2018	February 15, 2018
March 13, 2018	February 19, 2018	March 15, 2018
April 10, 2018	March 19, 2018	April 19, 2018
May 8, 2018	April 16, 2018	May 17, 2018
June 12, 2018	May 14, 2018	June 21, 2018
July 10, 2018	June 18, 2018	July 19, 2018
August 14, 2018	July 16, 2018	August 16, 2018
September 11, 2018	August 13, 2018	September 20, 2018
October 9, 2018	September 17, 2018	October 18, 2018
November 13, 2018	October 15, 2018	November 15, 2018
December 11, 2018	November 19, 2018	December 20, 2018

\* The Morristown Regional Planning Commission and Board of Zoning Appeals regularly meet on the second Tuesday of each month in the Council Chambers of the City Center. There is a work session at 12:00 p.m. on the scheduled meeting date to review items on the agenda. The public meeting begins at 4:00 p.m.

\*\* Deadline dates for the next month's meeting are commonly on the first Monday following a regularly scheduled Regional Planning Commission and Board of Zoning Appeals meeting. It is expected that all information (application, drawings, etc.) be complete at the time of submittal. If, after staff review, minor corrections or revisions are required, a second deadline date will be provided by staff in order to remain on that month's agenda. Complex projects such as **major subdivisions** require additional review time. Therefore, it is highly recommended that such projects be submitted at least two months prior to the requested planning commission date. Deadline dates that fall on a holiday shall be extended to the next business day.

# City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Regional Planning Commission  
FROM: Steve Neilson, Planning Director *SN*  
DATE: December 12, 2017  
SUBJECT: Text Amendment –IB-Immediate Business District

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## **BACKGROUND:**

On November 6<sup>th</sup>, the Planning Commission held a workshop to begin updating the commercial districts in the Zoning Ordinance. The Commission started with the IB-Immediate Business District. For the most part, the proposed changes are to make the district consistent with terminology used in other districts.

For example: the IB District listed uses such as Ice Cream Store, Candy Stores and Clothing Stores. In the Tourist Accommodation (TA) District, these uses are grouped together under “Retail Establishments”. Also office uses listed in the IB District such as doctors, dentists, and engineers are all group together under “Business, Professional or Governmental Offices.” To make the districts consistent, each individual retail use was deleted and replace with “Retail Establishment” and each individual office use was deleted with “Business, Professional or Governmental Offices.”

There are no new uses proposed and there are no changes proposed to the building height or setback requirements.

The Commission also reviewed the uses listed under the Uses on Review. All uses on reviews should have conditions or criteria for the Board of Zoning Appeals to judge their appropriateness. For example, for Kennel operations the following conditions are proposed:

- a. Kennel operation located on a minimum two (2) acre parcel;
- b. No structure or area occupied by animals shall be closer than five hundred (500) feet to any residential lot line; and
- c. The outside keeping of animals shall be between the hours of 8:00 a.m. to 10:00 p.m.

The Commission is proposing to delete some residential uses such as single-family, boarding housing and group homes. These uses are incompatible with the more intensive commercial uses in the IB and are more appropriate in the residential districts.

## **RECOMMENDATION:**

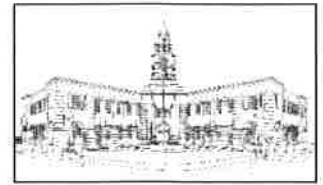
Staff recommends approval of the proposed text amendments.



# City of Morristown

Incorporated 1855

## DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Regional Planning Commission  
FROM: Steve Neilson, Planning Director  
DATE: December 12, 2017  
SUBJECT: Text Amendment –IB-Immediate Business District

### 14-203. DEFINITIONS

#### **Retail sales establishment –**

A place of business which provides goods and/or services directly to the consumer which are normally purchased on premise.

#### **Business, Professional or Governmental Offices -**

Structure or space wherein business services are performed involving predominantly managerial, administrative, or clerical operations such as accounting, real estate, financial consulting, manufacturers' representatives, insurance, employment services, advertising and public relations, business and other research firms, architecture, engineering, medical offices not including pain clinics or methadone treatment clinics or facilities, and others as may be determined by the staff.

#### **Theater –**

Movie or theatrical, not to include adult motion picture theater or any other type of adult entertainment establishment.

#### **Orphanage -**

A residential institution devoted to the care of *orphans*—children whose biological parents are deceased or otherwise unable or unwilling to take care of them.

#### **Trailer Sales Agency –**

Agencies involved in the sale of trailers, a long platform or box with wheels used for *hauling* equipment, bulk *materials*, perishable goods and consumer items. This does not include the sale of mobile homes.

CHAPTER 10  
(IB) INTERMEDIATE BUSINESS DISTRICT

SECTION

- 14-1001. IB INTERMEDIATE BUSINESS DISTRICT.
- 14-1002. USES PERMITTED.
- 14-1003. USES PERMITTED ON REVIEW.
- 14-1004. LOT AREA.
- 14-1005. LOT WIDTH.
- 14-1006. SETBACKS.
- 14-1007. BUILDING AREA.
- 14-1008. BUILDING HEIGHT.

CHAPTER 10  
IB INTERMEDIATE BUSINESS DISTRICT  
(3076-09/04/2001)

14-1001. IB INTERMEDIATE BUSINESS DISTRICT

This district is intended to provide for more intensive commercial activities within areas specifically designed to accommodate these activities.

14-1002. USES PERMITTED (3591-11/07/2017)

1. Accessory structures/buildings.
2. Amusement Enterprise. (3502-06/17/2014)
3. Automobile Detailing/Car Wash.
4. Automobile Rental Agencies. (2716-10/19/1993)
5. Bank.
6. Beauty Shops/Barber Shops.
7. Bed and Breakfast operations
8. Catering Services. (2851-09/17/1996)
9. Cemeteries. (2806-07/18/1995)
10. Childcare facilities with six (6) or more pupils
11. Churches, Synagogues, Temples, Parsonages and Parish Houses and other Places of Worship.
12. Convalescent and Nursing Homes, retirement homes, orphanages and assisted living facilities
13. Farm Equipment Sales
14. Mortuaries and Funeral Services (No Crematoriums)
15. Gasoline Service Station/Convenience Stores.
16. Health Salon.
17. Home Occupation.
18. Hotels and Motels
19. Laundry, Self-Service.
20. Limited Service Restaurants (3591-11/07/2017).
21. Microbreweries (3591-11/07/2017).
22. Mini-Storage Rental Warehouse Units.
23. Parking Lots and/or Parking Garages.
24. Plant and Flower Nurseries (retail and wholesale).
25. Landscaping Business
26. Private Clubs.
27. Restaurant.
28. Shopping Centers/Malls.
29. Theater
30. Trailer Sales Agency
31. Veterinarian Clinic/Hospital
32. Wholesale

14-1003. USES PERMITTED ON REVIEW (3583-8/01/2017)

1. Adult Oriented Establishments: Because adult oriented establishments have a deteriorating effect on property values, create higher crime rates in the area, create traffic congestion, and depress nearby residential neighborhood conditions these activities will only be permitted when minimum conditions can be met. (2488-11/04/1986) (3431-02/07/2012)

*P.O. Box 1499 • Morristown, Tennessee 37816-1499 • Phone (423) 585-4620 • Fax (423) 585-4679*

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

- a. The site shall not be less than one thousand (1,000) feet from any residentially zoned property at the time of approval for an adult entertainment activity.
- b. The site shall not be less than one thousand (1,000) feet from any amusement catering to family entertainment.
- c. The site shall not be less than one thousand (1,000) feet from any school, daycare center, park, church, mortuary or hospital.
- d. The site shall not be less than one thousand (1,000) feet from any area devoted to public recreation activity.
- e. The site shall not be less than one-half (1/2) mile from any other adult entertainment business site.
- f. Measurement shall be made from the nearest wall of the building in which the adult oriented establishment is situated to the nearest property line or boundary of the above mentioned uses, measuring a straight line on the Morristown Zoning Map.
- g. The site shall be located on a designated Principal Arterial street.
- h. The site shall comply with off-road parking requirements as regulated by Section 14-216 of the Municipal Code of the City of Morristown.
- i. Maps showing existing land use and zoning within one-quarter (1/4) mile of the proposed site should be submitted with an application for Use-on-Review approval along with site plans, surveys or other such special information as might reasonably be required by the Board of Zoning Appeals for use in making a thorough evaluation of the proposal.

2. Automobile Repair Shops.

- a. A site plan shall be submitted to meet requirements as put forth in Section 14-1903 APPROVAL OF PLANS AND ISSUANCE OF BUILDING PERMIT; and
- b. The vehicle storage areas shall be screened from all residential use and districts with a fence a minimum six (6) feet tall. The fencing may be wood, brick, or other material that is at least 75 percent opaque.

3. Automobile Sales:

- a. A site plan shall be submitted to meet requirements as put forth in Section 14-1903 APPROVAL OF PLANS AND ISSUANCE OF BUILDING PERMIT. Traffic aisles shall meet the requirements as stated under Chapter 2, Section 14-203 Definition of Parking Aisle for one way and two way traffic. All plans will include access as required by the Morristown Fire Department for emergency vehicles.
- b. In addition to parking as required for in Section 14-216-3.e, a minimum of three (3) customer spaces must be provided for and identified; a minimum of fifteen (15) parking stalls must be provided for sales stock. All parking shall meet the specifications of Section 14-216-2 requiring parking stalls to be 9.5 feet by 18 feet in size.
- c. Automobiles displayed along property lines must include a Staff approved physical barrier. New development sites require a 10 foot grassed strip along property lines which front rights-of-way. Existing or redeveloped sites may choose this option or provide a smaller grassed strip with barriers such as chain and bollard or wheelstops to prevent vehicles from encroaching into rights of way and/or prevent overlap onto adjacent properties. Either method will be shown on the site plan.
- d. All parking to include sales stock shall be composed of a hard surface material as stipulated under Section 14-216.4 and Section 14-203.209 of the Zoning Ordinance unless granted a variance by the Planning Commission.

4. Building Materials Yards. (3573-01/03/2017)
  - a. The storage yard shall be screened from all residential use and districts with a fence a minimum six (6) feet tall. The fencing may be wood, brick, or other material that is at least 75 percent opaque.
  - b. The property shall have access from a collector or arterial street.
5. Country Clubs and Golf Courses (public or private)
  - a. The golf course consists of a minimum of eight (8) acres open space;
  - b. The clubhouse, parking, and any accessory buildings are no closer than fifty (50) feet to any property line; and
  - c. One sign shall be permitted and shall be oriented to the street giving access to the property. The size, setbacks, and any lighting restrictions shall be the same as for other nonresidential uses permitted within the applicable zone; and H. Noise and glare are to be minimized as follows: loud speakers, juke boxes, public address systems, electric amplifiers, and similar electronic devices shall not be permitted.
6. Kennel operation. (2947-06/02/1998)
  - a. Kennel operation located on a minimum two (2) acre parcel;
  - b. No structure or area occupied by animals shall be closer than five hundred (500) feet to any residential lot line; and
  - c. The outside keeping of animals shall be between the hours of 8:00 a.m. to 10:00 p.m.
7. Hospitals or Medical Campus.
  - a. The property shall have access from a collector or arterial street.
8. Methadone Treatment Clinic or Facility (3169-03/02/2004) (3431-02/07/2012)
  - a. The consideration for approval by the Board of Zoning Appeals of a methadone treatment clinic or facility shall be contingent upon the receipt of the appropriate license and certificate of need by the State of Tennessee.
  - b. Maps showing existing land use and zoning within one-quarter (1/4) mile of the proposed site should be submitted with an application for Use of Review approval along with the license of the applicant, certificate of need, site plan, survey or other information deemed reasonable by the Board of Zoning Appeals for use in making a thorough evaluation of the proposal.
  - c. The clinic or facility shall be located on and have access to a Principal Arterial street.
  - d. Measurement shall be made in a straight line on the Morristown Zoning Map from the nearest wall of the building in which the methadone treatment clinic or facility is situated to the nearest property line of the following uses:
    1. The clinic or facility shall not be located within one thousand (1,000) feet of a school, day care facility, park, church, mortuary or hospital.
    2. The clinic or facility shall not be located within one thousand (1,000) feet of any establishment that sells alcoholic beverages for either on- or off- premises consumption.
    3. The clinic or facility shall not be located within one thousand (1,000) feet of any area devoted to public recreation activity.
    4. The clinic or facility shall not be located within one thousand (1,000) feet of any amusement catering to family entertainment.

5. The site shall not be less than one thousand (1,000) feet of any residentially zoned property at the time of approval.
  6. The site shall not be less than one-half (1/2) mile from any other methadone treatment clinic or facility.
  7. The site shall comply with off-road parking requirements as regulated by Section 14-216 of the Municipal Code of the City of Morristown.
9. Pain Management Clinic: (3431-02/07/2012)
- a. For the purposes of this ordinance, a pain management clinic means a privately-owned facility in compliance with the requirements of TCA § 63-1-302 through § 63-1-311 in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve month period.
  - b. This section does not apply to the following facilities as described in TCA § 63-1-302:
    1. A medical or dental school, an osteopathic medical school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs;
    2. Hospital as defined in TCA § 68-11-201, including any outpatient facility or clinic of a hospital;
    3. Hospice services as defined in TCA § 68-11-201;
    4. A nursing home as defined in TCA § 68-11-201;
    5. A facility maintained or operated by the State of Tennessee; or
    6. A hospital or clinic maintained or operated by the federal government.
  - c. Certification. Said facility shall maintain in good standing a certificate in compliance with TCA § 63-1-306 through § 63-1-309.
  - d. Receipts. A pain management clinic, in conformity with TCA § 63-1-310 may accept only a check, credit card or money order in payment for services provided at the clinic, except that a payment may be made in cash for a co-pay, coinsurance or deductible when the remainder of the charge for services is submitted to the patient's insurance plan for reimbursement.
  - e. Applicants for a Use on Review for a pain management clinic shall submit a site plan clearly depicting the following:
    1. Off-Street Parking and Vehicular Operation. Off-street parking shall be provided for the facility at a rate of one (1) space per two hundred square feet of total clinic floor area and there shall be no cuing of vehicles in the public right-of-way.
    2. Location. The clinic shall not be located within one thousand (1,000) feet, as measured from the closet wall of the proposed building to the nearest property line, of any school, day care facility, park, church, residential district, pharmacy or similar facility that sells or dispenses either prescription drugs or over the counter drugs or any establishment that sells alcoholic beverages for either on or off premises consumption.
    3. The site shall not be less than one-half (1/2) mile from any other pain management clinic.
    4. Access. The clinic shall be located on property that is adjacent to and has access to a principal arterial street as shown on the Morristown, Tennessee Transportation Plan.
    5. Maps showing existing land use and zoning within one-quarter (1/4) mile of the proposed site should be submitted with an application for Use on Review approval along with the license of the applicant, certificate of need, site plan, survey or other information deemed reasonable by the Board of Zoning Appeals for use in making a thorough evaluation of the proposal.
    6. In reviewing each application, the Board of Zoning Appeals may establish additional requirements or conditions of approval to further reduce the impact such facility may have on surrounding properties.



10. Residential Dwellings (one-family, two-family, multi-family); with Planning Commission approval.
  - a. Located above the ground floor of commercial buildings.
11. Roomers, the taking of, provided that no more than two (2) rooms are used for such purposes.
12. Schools (public or private). Colleges or trade schools
  - a. The property shall have access from a collector or arterial street.

#### 14-1004. LOT AREA

There is no minimum lot size within the IB District, however, all other applicable provisions within the Zoning Ordinance must be in compliance for the proposed use.

#### 14-1005. LOT WIDTH

The minimum lot width, for any lot, shall be sixty-five (65) feet at the building line.

#### 14-1006. SETBACKS

1. Front-Yard: The minimum front yard setback shall be thirty-five (35) feet to the front yard line.
2. Rear-Yard:
  - a. The minimum rear yard setback shall be ten (10) feet; or
  - b. If the rear lot line is adjacent to a lot in any residential district, then the minimum rear yard setback shall be twenty (20) feet; or
  - c. If the rear yard lot line is adjacent to a right-of-way of an alley, then the rear yard setback shall be five (5) feet.
3. Side-Yard:
  - a. The minimum side yard setback shall be fifteen (15) feet; or
  - b. If the side lot line is adjacent to a right-of-way of an alley, then the minimum side yard setback shall be five (5) feet.

#### 14-1007. BUILDING AREA

The principal building and accessory building, on any lot, shall not cover more than seventy-five percent (75%) of the total area of said lot.

#### 14-1008. BUILDING HEIGHT

1. The maximum building height is four (4) stories or forty-five (45) feet.
2. Churches, schools, hospitals, sanatoriums, and other public and semi-public buildings may exceed the height limitations of the district if the minimum depth of the front, side, and rear yards required in the district is increased one (1) foot for each two (2) feet by which the height of such public or semi-public building exceeds the prescribed height limit.

CHAPTER 10  
(IB) INTERMEDIATE BUSINESS DISTRICT

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- 14-1007. BUILDING AREA.
- 14-1008. BUILDING HEIGHT.
- ~~14-1009. PROVISIONS GOVERNING BED AND BREAKFAST OPERATIONS.~~

CHAPTER 10  
IB INTERMEDIATE BUSINESS DISTRICT  
(3076-09/04/2001)

14-1001. IB INTERMEDIATE BUSINESS DISTRICT

This district is intended to provide for more intensive commercial activities within areas specifically designed to accommodate these activities.

14-1002. USES PERMITTED (3591-11/07/2017)

1. Accessory structures/buildings.
2. Amusement Enterprise. (3502-06/17/2014)
- ~~3. Appliance Stores.~~
- ~~4. Architects' and Artists' Studios.~~
- ~~5. Architectural Offices.~~
6. Automobile Detailing/Car Wash.
- ~~7. Automobile Parts Store. (2649-10/01/1991)~~
8. Automobile Rental Agencies. (2716-10/19/1993)
- ~~9. Bakery Goods Store.~~
10. Bank.
11. Beauty Shops/Barber Shops.
  12. Bed and Breakfast operations
  13. Catering Services. (2851-09/17/1996)
  14. Cemeteries. (2806-07/18/1995)
15. Childcare facilities with six (6) or more pupils
16. Churches, Synagogues, Temples, Parsonages and Parish Houses and other Places of Worship.
17. Convalescent and Nursing Homes, retirement homes, orphanages and assisted living facilities
- ~~18. Book Store.~~
- ~~19. Brokerage Companies.~~
- ~~20. Candy Store.~~
- ~~21. Clothing Store.~~
- ~~22. Delicatessen.~~
- ~~23. Dentists.~~
- ~~24. Doctors.~~
- ~~18. Drug Store/Pharmacies/Apothecaries.~~
- ~~19. Dry Cleaning Pick-up Station.~~
- ~~20. Engineers.~~
21. Farm Equipment Sales.
- ~~22. Feed and Farm Stores.~~
- ~~23. Florist Shop.~~
- ~~24. Fruit Market.~~
25. Funeral Homes. Mortuaries and Funeral Services (No Crematoriums)
26. Gasoline ~~Service~~ Station/Convenience Stores.
- ~~27. Grocery Store.~~
- ~~28. Hardware Store.~~
29. Health Salon.
30. Home Occupation.
30. Hotels and Motels

- ~~31. Ice Cream Store.~~
- ~~32. Insurance Agencies.~~
- ~~33. Jewelry Store.~~
- ~~34. Laundry Pick-Up Station.~~
35. Laundry, Self-Service.
- ~~36. Lawyers.~~
37. Limited Service Restaurants (3591-11/07/2017).
- ~~38. Loan Company.~~
- ~~39. Masseurs.~~
- ~~40. Meat Market.~~
- ~~41. Medical Offices.~~
42. Microbreweries (3591-11/07/2017).
43. Mini-Storage Rental Warehouse Units.
- ~~44. Motels.~~
- ~~45. News Stand.~~
- ~~46. Optometrists.~~
47. Parking Lots and/or Parking Garages.
- ~~48. Pawnbroker.~~
49. Plant and Flower Nurseries (retail and wholesale).
50. Landscaping Business
50. Private Clubs.
- ~~51. Psychiatrists.~~
- ~~52. Psychologists.~~
- ~~53. Radio Store and/or Repair Shop.~~
- ~~54. Real Estate Agencies.~~
55. Restaurant.
- ~~56. Shoe Store and/or Repair Shop.~~
57. Shopping Centers/Malls.
- ~~58. Tailor Shop.~~
- ~~59. Television Store and/or Repair Shop.~~
60. Theater
61. Trailer Sales Agency
- ~~62. Truck Sales Agency.~~
- ~~63. Trust Companies.~~
- ~~64. Variety Store.~~
65. Veterinarian Clinic/Hospital
66. Wholesale

#### 14-1003. USES PERMITTED ON REVIEW (3583-8/01/2017)

1. Adult Oriented Establishments: Because adult oriented establishments have a deteriorating effect on property values, create higher crime rates in the area, create traffic congestion, and depress nearby residential neighborhood conditions these activities will only be permitted when minimum conditions can be met. (2488-11/04/1986) (3431-02/07/2012)  
The following minimum conditions must be complied with for a site to be approved for adult oriented establishments:
  - a. The site shall not be less than one thousand (1,000) feet from any residentially zoned property at the time of approval for an adult entertainment activity.

- b. The site shall not be less than one thousand (1,000) feet from any amusement catering to family entertainment.
  - c. The site shall not be less than one thousand (1,000) feet from any school, daycare center, park, church, mortuary or hospital.
  - d. The site shall not be less than one thousand (1,000) feet from any area devoted to public recreation activity.
  - e. The site shall not be less than one-half (1/2) mile from any other adult entertainment business site.
  - f. Measurement shall be made from the nearest wall of the building in which the adult oriented establishment is situated to the nearest property line or boundary of the above mentioned uses, measuring a straight line on the Morristown Zoning Map.
  - g. The site shall be located on a designated Principal Arterial street.
  - h. The site shall comply with off-road parking requirements as regulated by Section 14-216 of the Municipal Code of the City of Morristown.
  - i. Maps showing existing land use and zoning within one-quarter (1/4) mile of the proposed site should be submitted with an application for Use-on-Review approval along with site plans, surveys or other such special information as might reasonably be required by the Board of Zoning Appeals for use in making a thorough evaluation of the proposal.
2. ~~Amusement Enterprise. (3502-06/17/2014)~~
3. ~~Animal Clinics and/or Hospitals.~~
4. Automobile Repair Shops.
- a. A site plan shall be submitted to meet requirements as put forth in Section 14-1903 APPROVAL OF PLANS AND ISSUANCE OF BUILDING PERMIT; and
  - b. The vehicle storage areas shall be screened from all residential use and districts with a fence a minimum six (6) feet tall. The fencing may be wood, brick, or other material that is at least 75 percent opaque.
5. Automobile Sales:
- a. A site plan shall be submitted to meet requirements as put forth in Section 14-1903 APPROVAL OF PLANS AND ISSUANCE OF BUILDING PERMIT. Traffic aisles shall meet the requirements as stated under Chapter 2, Section 14-203 Definition of Parking Aisle for one way and two way traffic. All plans will include access as required by the Morristown Fire Department for emergency vehicles.
  - b. In addition to parking as required for in Section 14-216-3.e, a minimum of three (3) customer spaces must be provided for and identified; a minimum of fifteen (15) parking stalls must be provided for sales stock. All parking shall meet the specifications of Section 14-216-2 requiring parking stalls to be 9.5 feet by 18 feet in size.
  - c. Automobiles displayed along property lines must include a Staff approved physical barrier. New development sites require a 10 foot grassed strip along property lines which front rights-of-way. Existing or redeveloped sites may choose this option or provide a smaller grassed strip with barriers such as chain and bollard or wheelstops to prevent vehicles from encroaching into rights of way and/or prevent overlap onto adjacent properties. Either method will be shown on the site plan.
  - d. All parking to include sales stock shall be composed of a hard surface material as stipulated under Section 14-216.4 and Section 14-203.209 of the Zoning Ordinance unless granted a variance by the Planning Commission.
6. ~~Bed and Breakfast operations (see section 14-1009).~~
7. ~~Bonding companies.~~
8. ~~Bottling Works.~~
9. Building Materials Yards. (3573-01/03/2017)
- a. The storage yard shall be screened from all residential use and districts with a fence a minimum six (6) feet tall. The fencing may be wood, brick, or other material that is at least 75 percent opaque.



- b. The property shall have access from a collector or arterial street.
- 10. ~~Catering Services. (2851-09/17/1996)~~
  - a. ~~Not more than twenty percent (20%) of the floor area of the principal and accessory buildings shall occupy such use.~~
  - b. ~~No external alterations or evidence of such occupations existence shall be visible outside the residence.~~
  - c. ~~No trucks or service vehicles shall have signs or indication of such occupation or be parked outside the residence.~~
  - d. ~~Certification by the Hamblen County Health Department shall be required.~~
  - e. ~~Upon complaint of any neighbor within viewing distance of this residence, a review to show cause shall be conducted by the Board of Zoning Appeals with revocation of the "Use on Review" status being the consideration at hand.~~
- 11. ~~Cemeteries. (2806-07/18/1995)~~
- 12. ~~Churches, Synagogues, Temples, and other Places of Worship.~~
- 13. ~~Convalescent and Nursing Homes.~~
- 14. Country Clubs and Golf Courses (public or private)
  - a. The golf course consists of a minimum of eight (8) acres open space;
  - b. The clubhouse, parking, and any accessory buildings are no closer than fifty (50) feet to any property line; and
  - c. One sign shall be permitted and shall be oriented to the street giving access to the property. The size, setbacks, and any lighting restrictions shall be the same as for other nonresidential uses permitted within the applicable zone; and H. Noise and glare are to be minimized as follows: loud speakers, juke boxes, public address systems, electric amplifiers, and similar electronic devices shall not be permitted.
- 15. ~~Dog Grooming operation/Kennel operation. (2947-06/02/1998)~~
  - a. Kennel operation located on a minimum two (2) acre parcel;
  - b. No structure or area occupied by animals shall be closer than five hundred (500) feet to any residential lot line; and
  - c. The outside keeping of animals shall be between the hours of 8:00 a.m. to 10:00 p.m.
- 16. ~~Exterminators/Pest Control Agencies.~~
- 17. ~~Governmental (or Public) Buildings.~~
- 18. ~~Group Home.~~
- 19. Home Occupation.
- 20. ~~Human Care Clinics and/or Hospitals~~ or Medical Campus.
  - a. The property shall have access from a collector or arterial street.
- 21. ~~Institutions for Medical Education.~~
- 22. ~~Kindergartens and Child Nurseries, provided that there are not more than six (6) pupils and provided that said activities are conducted as a customary home occupation.~~
- 23. ~~Kindergartens and Child Nurseries more than six (6) pupils. six (6) or more pupils.~~
- 24. ~~Light Printing.~~
- 25. Methadone Treatment Clinic or Facility (3169-03/02/2004) (3431-02/07/2012)
  - a. The consideration for approval by the Board of Zoning Appeals of a methadone treatment clinic or facility shall be contingent upon the receipt of the appropriate license and certificate of need by the State of Tennessee.



- b. Maps showing existing land use and zoning within one-quarter (1/4) mile of the proposed site should be submitted with an application for Use of Review approval along with the license of the applicant, certificate of need, site plan, survey or other information deemed reasonable by the Board of Zoning Appeals for use in making a thorough evaluation of the proposal.
- c. The clinic or facility shall be located on and have access to a Principal Arterial street.
- d. Measurement shall be made in a straight line on the Morristown Zoning Map from the nearest wall of the building in which the methadone treatment clinic or facility is situated to the nearest property line of the following uses:
  - 1. The clinic or facility shall not be located within one thousand (1,000) feet of a school, day care facility, park, church, mortuary or hospital.
  - 2. The clinic or facility shall not be located within one thousand (1,000) feet of any establishment that sells alcoholic beverages for either on- or off- premises consumption.
  - 3. The clinic or facility shall not be located within one thousand (1,000) feet of any area devoted to public recreation activity.
  - 4. The clinic or facility shall not be located within one thousand (1,000) feet of any amusement catering to family entertainment.
  - 5. The site shall not be less than one thousand (1,000) feet of any residentially zoned property at the time of approval.
  - 6. The site shall not be less than one-half (1/2) mile from any other methadone treatment clinic or facility.
  - 7. The site shall comply with off-road parking requirements as regulated by Section 14-216 of the Municipal Code of the City of Morristown.

~~26. Monument Sales and Service. (2426-05/13/1985)~~

~~27. Mortuaries.~~

~~28. Orphanages.~~

29. Pain Management Clinic: (3431-02/07/2012)

- a. For the purposes of this ordinance, a pain management clinic means a privately-owned facility in compliance with the requirements of TCA § 63-1-302 through § 63-1-311 in which a medical doctor, an osteopathic physician, an advanced practice nurse, and/or a physician assistant provides pain management services to patients, a majority of whom are issued a prescription for, or are dispensed opioids, benzodiazepine, barbiturates, or carisoprodol, but not including suboxone, for more than ninety (90) days in a twelve month period.
- b. This section does not apply to the following facilities as described in TCA § 63-1-302:
  - 1. A medical or dental school, an osteopathic medical school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs;
  - 2. Hospital as defined in TCA § 68-11-201, including any outpatient facility or clinic of a hospital;
  - 3. Hospice services as defined in TCA § 68-11-201;
  - 4. A nursing home as defined in TCA § 68-11-201;
  - 5. A facility maintained or operated by the State of Tennessee; or
  - 6. A hospital or clinic maintained or operated by the federal government.
- c. Certification. Said facility shall maintain in good standing a certificate in compliance with TCA § 63-1-306 through § 63-1-309.
- d. Receipts. A pain management clinic, in conformity with TCA § 63-1-310 may accept only a check, credit card or money order in payment for services provided at the clinic, except that a payment

may be made in cash for a co-pay, coinsurance or deductible when the remainder of the charge for services is submitted to the patient's insurance plan for reimbursement.

- e. Applicants for a Use on Review for a pain management clinic shall submit a site plan clearly depicting the following:
  - 1. Off-Street Parking and Vehicular Operation. Off-street parking shall be provided for the facility at a rate of one (1) space per two hundred square feet of total clinic floor area and there shall be no cuing of vehicles in the public right-of-way.
  - 2. Location. The clinic shall not be located within one thousand (1,000) feet, as measured from the closet wall of the proposed building to the nearest property line, of any school, day care facility, park, church, residential district, pharmacy or similar facility that sells or dispenses either prescription drugs or over the counter drugs or any establishment that sells alcoholic beverages for either on or off premises consumption.
  - 3. The site shall not be less than one-half (1/2) mile from any other pain management clinic.
  - 4. Access. The clinic shall be located on property that is adjacent to and has access to a principal arterial street as shown on the Morristown, Tennessee Transportation Plan.
  - 5. Maps showing existing land use and zoning within one-quarter (1/4) mile of the proposed site should be submitted with an application for Use on Review approval along with the license of the applicant, certificate of need, site plan, survey or other information deemed reasonable by the Board of Zoning Appeals for use in making a thorough evaluation of the proposal.
  - 6. In reviewing each application, the Board of Zoning Appeals may establish additional requirements or conditions of approval to further reduce the impact such facility may have on surrounding properties.

~~30. Parish houses.~~

~~31. Parsonages.~~

~~32. Public Parks and other Reereational Facilities.~~

~~33. Residential Dwellings (one-family); needs Planning Commission approval.~~

~~34. Residential Dwellings (two-family); needs Planning Commission approval.~~

~~35. Residential Dwellings (one-family, two-family, multi-family); with Planning Commission approval.~~

~~a. Located above the ground floor of commercial buildings.~~

36. Roomers, the taking of, provided that no more than two (2) rooms are used for such purposes.

~~37. Rooming or boarding house.~~

38. Schools (public or private). Colleges or trade schools

a. The property shall have access from a collector or arterial street.

~~39. Towing as an accessory use for an automobile repair shop. (2983-04/23/1999)~~

~~40. Truck Terminals, provided that the overall site plan for such development be reviewed and approved by the Morristown Planning Commission and is found not to conflict with the intent of this zoning district. (2558-11/15/1988)~~

~~41. Uniform Specialty Shops.~~

~~42. Upholstery Shops. (2240-10/07/1980)~~

~~43. Welding Supply. (2426-05/13/1985)~~

~~44. Wholesale and distributing centers not involving over 5,000 square feet for storage of wares to be wholesaled or distributed, nor the use of any delivery vehicle rated at more than 1 1/2 ton capacity, nor a total of more than five (5) delivery articles.~~

#### 14-1004. LOT AREA

There is no minimum lot size within the IB District, however, all other applicable provisions within the Zoning Ordinance must be in compliance for the proposed use.

#### 14-1005. LOT WIDTH

The minimum lot width, for any lot, shall be sixty-five (65) feet at the building line.

#### 14-1006. SETBACKS

1. Front-Yard: The minimum front yard setback shall be thirty-five (35) feet to the front yard line.
2. Rear-Yard:
  - a. The minimum rear yard setback shall be ten (10) feet; or
  - b. If the rear lot line is adjacent to a lot in any residential district, then the minimum rear yard setback shall be twenty (20) feet; or
  - c. If the rear yard lot line is adjacent to a right-of-way of an alley, then the rear yard setback shall be five (5) feet.
3. Side-Yard:
  - a. The minimum side yard setback shall be fifteen (15) feet; or
  - b. If the side lot line is adjacent to a right-of-way of an alley, then the minimum side yard setback shall be five (5) feet.

#### 14-1007. BUILDING AREA

The principal building and accessory building, on any lot, shall not cover more than seventy-five percent (75%) of the total area of said lot.

#### 14-1008. BUILDING HEIGHT

1. The maximum building height is four (4) stories or forty-five (45) feet.
2. Churches, schools, hospitals, sanatoriums, and other public and semi-public buildings may exceed the height limitations of the district if the minimum depth of the front, side, and rear yards required in the district is increased one (1) foot for each two (2) feet by which the height of such public or semi-public building exceeds the prescribed height limit.

#### ~~14-1009. PROVISIONS GOVERNING BED AND BREAKFAST OPERATIONS (2630-06/18/1991)~~

- ~~1. Size of Operation:~~
  - ~~a. Home-stay operation (1-3 rooms involved).~~
  - ~~b. Commercial operation (4-12 rooms involved-requires Health Department Inspection and Approval).~~
- ~~2. Parking Requirements:~~

- a. ~~(1-3 rooms): Two (2) spaces for the existing residence and one (1) space for each room for rent. The spaces for the rental rooms shall be landscaped and/or screened from the neighbors and street.~~
  - b. ~~(4-12 rooms): One (1) space for each two employees and one space for each room for rent. All spaces shall be included in an overall site plan of the development.~~
3. ~~Signage: A two-foot maximum non-illuminated sign in the style of the unique or historic nature of the structure or area will be allowed.~~
4. ~~Traffic: Traffic generated is a function of the size of the operation. This shall be judged in accordance with the nature of the neighborhood, street capacity and existing traffic congestion.~~
5. ~~Neighborhood Compatibility: This must be reviewed on a case by case basis and must take into consideration but not limited to the following:~~
- a. ~~Utilize the unique or historic nature of the dwelling or area as a theme of the operation.~~
  - b. ~~On a small home-stay operation (1-3 rooms), no visible outside evidence of a non-residential nature should be seen from the street or neighbors.~~
  - c. ~~Food served on large operations (4-12 rooms) inspected by the Hamblen County Health Department.~~
  - d. ~~Food served on a small operation (1-3 rooms) should contain no homemade, grown or produced milk, vegetables, meats, fowl or fish; and all kitchen utensils, work areas, and plates and glasses must be clean and sanitary.~~
6. ~~Length of Stay: The maximum length of stay by one individual at one continuous stretch shall be seven (7) days.~~
7. ~~Prohibited Uses: The small operation (1-3 rooms) shall not be utilized for the following functions:~~
- a. ~~Receptions~~
  - b. ~~Parties~~
  - c. ~~Weddings~~
  - d. ~~Club Meetings~~
  - e. ~~Servings meals to other than overnight borders.~~