

# **MORRISTOWN REGIONAL PLANNING COMMISSION**

## **Agenda**

**January 9, 2018**



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### **Call to Order**

**I.** Approval of December 12<sup>th</sup>, 2017 Minutes

**II.** Old Business: none

**III.** New Business:

REZN-2145-2017: Rezoning request in the UGB @ 526 Panther Creek Road

Ordinance Reviews:

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

### **Adjournment**

*The next meeting of the Morristown Regional Planning Commission is scheduled for February 13, 2018 at 4:00 pm.  
The deadline to submit applications for this meeting is January 15, 2018.*

# **Morristown Regional Planning Commission**

## **Minutes**

**December 12, 2017**

### **Members Present**

Chairman Jim Beelaert  
Vice Chairman Bill Thompson  
Secretary Rose Parella  
Commissioner Wanda Neal  
Commissioner Jack Kennerly  
Commissioner Frank McGuffin  
Commissioner Bob Garrett  
Mayor Gary Chesney

### **Members Absent**

Commissioner Sylvia Hinsley

### **Others Present**

Steve Neilson, Planning Director  
Lori Matthews, Senior Planner  
Josh Cole, Planner  
Todd Carter  
Raymond Williams  
Todd and Dottie Wright  
Hix Masengill

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.

#### **I. Chairman Beelaert called for the approval of the November 14<sup>th</sup>, 2017 minutes.**

Mayor Chesney made a motion for approval of the November 14<sup>th</sup>, 2017 minutes and it was seconded by Commissioner Neal . Upon voice votes, all Ayes.

#### **II. Old Business: None**

### **III. New Business:**

#### **Approval of the 2018 Meeting Dates and Deadline Schedule**

Commissioner Neal made a motion for approval of the Meeting Dates and Deadline Schedule and it was seconded by Commissioner McGuffin. Upon voice votes, all Ayes.

#### **TEXT-2144-2017: Amendment to Intermediate Business (IB)**

Planning Director Steve Neilson stated that based upon the lunch work session earlier in the day; Staff recommended that this item be deferred for later discussion.

The meeting was adjourned.

Respectfully submitted,

Rose Parella

Secretary

RP/jc

# City of Morristown

Incorporated 1855

DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING



TO: Morristown Regional Planning Commission  
FROM: Lori Matthews, Senior Planner *[Signature]*  
DATE: January 9<sup>th</sup> 2018  
REQUEST: Rezoning request in Urban Growth Area

## **BACKGROUND:**

A rezoning request has been submitted for 526, 526B and 526C Panther Creek Road, all of which are located within the City's Urban Growth Boundary area. The property owner(s) are Donald and Karen Shockley. Per the passage of the Tennessee Growth Policy Act, the Morristown Regional Planning Commission is required to make recommendations to the Hamblen County Planning Commission for rezoning requests within the City's Urban Growth Boundary areas.



The graphic above shows properties in yellow (zoned R1 by Hamblen County) and properties in green (zoned A1 by Hamblen County) – all of which are within the City's Urban Growth Boundary area. The purple pins depict the three lots to be considered, the two to the north have existing single-wide mobile homes with the parcel along Panther Creek being vacant. The reason for the request is to replace a mobile home on the vacant lot that had lost its grandfathered status. Single-wide mobile homes are allowed within the County's Agricultural-Forest Districts but are prohibited within their residential districts.

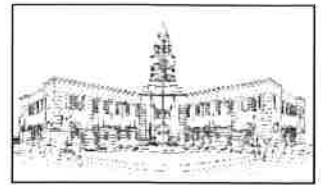
## **RECOMMENDATION:**

Staff does not object to the rezoning of this property as long as it meets the mandatory lot size requirements for those lots served by both water and sanitary sewer or those requirements for lands served by water but not sanitary sewer, however, agricultural districts are often reserved for large tracts of land utilized for farming, pastureland, etc.

# City of Morristown

*Incorporated 1855*

**DEPARTMENT OF COMMUNITY DEVELOPMENT & PLANNING**



TO: Morristown Regional Planning Commission  
FROM: Steve Neilson, Planning Director *SN*  
DATE: January 9, 2018  
SUBJECT: Text Amendment –IB-Intermediate Business District

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## **BACKGROUND:**

At the December 12<sup>th</sup> Planning Commission workshop there was a discussion about amending the requirements for “Methadone Treatment Clinics or Facilities” as part of the update of the IB-Intermediate Business District. This was discussed with Lauran Carroll, City Attorney who felt that this issue was currently being debated at the State and Federal level and in the medical profession. She felt that there would be new legislation governing the sale and use of methadone, suboxone, and other opioids and that it would be better to wait and address this issue at that time.

For the most part, the proposed changes are to make the district consistent with terminology used in other districts. There are no new uses proposed and there are no changes proposed to the building height or setback requirements.

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.

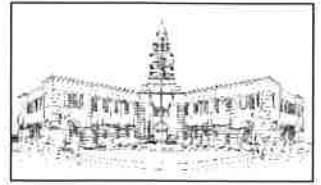
## **RECOMMENDATION:**

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

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## 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.
- ~~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 Recreational 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)~~

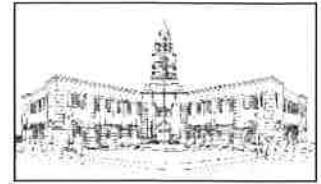
- ~~1. Size of Operation:
  - a. Home-stay operation (1-3 rooms involved).
  - b. Commercial operation (4-12 rooms involved requires Health Department Inspection and Approval).~~
- ~~2. Parking Requirements:~~

- 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.~~

# 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

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## 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.



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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)

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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.