

ZONING ORDINANCE

CITY OF MORRISTOWN, TENNESSEE

PREPARED BY
MORRISTOWN PLANNING COMMISSION

BY
PLANNING DEPARTMENT
CITY OF MORRISTOWN, TENNESSEE

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CHAPTER 1
ZONING ORDINANCE
OF THE
CITY OF MORRISTOWN

SECTION 14-101

An ordinance, in pursuance of the authority granted by Section 13-7-201 through Section 13-7-401 of the Tennessee Code Annotated, to regulate, within the corporate limits of the City of Morristown, Tennessee, by districts the location, height, bulk, number of stories and size of buildings or other structures, the percentage of the lot which may be occupied or covered, the size of yards, courts and other open spaces, the density of population, and the use of buildings, structures and land for trade, industry, residences, recreation, public activities and other purposes; to divide the municipality into districts or zones of such number, shape and areas as the chief legislative body may determine, and for said purposes to regulate the erection, construction, reconstruction, alteration and uses of buildings and structures, the uses of land, and the excavation or fill of land; to establish special districts or zones in those areas deemed subject to seasonal or periodic flooding, and such regulations to be applied therein as will minimize danger to life and property, and as will secure to the citizens of Morristown the eligibility for flood insurance under Public Law 1016, 84th Congress or subsequent related laws or regulations promulgated thereunder; and to provide method of administration of this ordinance and to prescribe penalties for the violation thereof.

CHAPTER 2
GENERAL ZONING PROVISIONS

SECTION

- 14-201. TITLE.
- 14-202. PURPOSE.
- 14-203. DEFINITIONS.
- 14-204. DISTRICTS ESTABLISHED.
- 14-205. DISTRICT BOUNDARIES.
- 14-206. INTERPRETATION OF DISTRICT BOUNDARIES.
- 14-207. ZONING AFFECTS EVERY STRUCTURE AND USE.
- 14-208. CONTINUANCE OF NONCONFORMING USES.
- 14-209. ONE PRINCIPAL BUILDING ON A LOT.
- 14-210. REDUCTION IN LOT AREA.
- 14-211. OBSTRUCTION TO VISION AT STREET INTERSECTIONS.
- 14-212. LOCATION OF DETACHED ACCESSORY BUILDINGS ON RESIDENTIAL LOTS.
- 14-213. LOCATION OF ATTACHED ACCESSORY STRUCTURES ON RESIDENTIAL LOTS.
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- 14-215. MOBILE HOMES ON INDIVIDUAL LOTS.
- 14-216. OFF-STREET PARKING PROVISIONS.
- 14-217. OFF-STREET LOADING AND UNLOADING PROVISIONS.
- 14-218. CONTROL OF ACCESS.
- 14-219. MODIFICATIONS OF FRONT YARD REQUIREMENTS.
- 14-222. MODIFICATIONS OF SIDE YARD REQUIREMENTS.
- 14-221. LOT OF RECORD.
- 14-222. PLANNED UNIT DEVELOPMENT.
- 14-223. PLANNED NONRESIDENTIAL DEVELOPMENT.
- 14-224. CLASSIFICATION OF NEWLY ANNEXED LANDS.
- 14-225. INTERPRETATION OF PERMITTED USES.
- 14-226. USES PERMITTED ON REVIEW.
- 14-227. GASOLINE SERVICE STATION CANOPIES.
- 14-228. HOME OCCUPATION.

SECTION 14-201

TITLE

This ordinance shall be known as the "THE ZONING ORDINANCE OF THE CITY OF MORRISTOWN, TENNESSEE." The map herein referred to, which is identified by the title, "Zoning Map of Morristown," is hereby adopted and made part of this ordinance.

SECTION 14-202

PURPOSE

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, general welfare, convenience and prosperity of the citizens of the City of Morristown, Tennessee. The regulations and the arrangement of districts have been designed to lessen congestion in the streets, to secure safety from fire, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of water, sewer, schools, parks and other public requirements, and to encourage the most appropriate use of land throughout the City.

Chapter 2
GENERAL ZONING PROVISIONS

14-203. DEFINITIONS (3116-10/01/2002)

GENERAL:

1. For the purpose of this ordinance, certain words and terms are defined in section 4-2. Please note that other words and terms may be defined in other sections of the Zoning Ordinance.
2. Words in the present tense include the future, the singular number includes the plural, and the plural the singular.

DEFINING TERMS:

1. **ABUTTING** means having a common border with, or being separated from such a common border by a right-of-way, alley, or easement. May also be referred as adjacent, adjoining, or contiguous.
2. **ACCESS** means the right to cross between public and/or private property, allowing pedestrians and/or vehicles to enter and leave property.
3. **ACCESS MANAGEMENT** means the process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.
4. **ACCESSORY BUILDING, ATTACHED** means a subordinate structure, the use of which is customarily incidental to the permitted use of the principal building on the same lot and which is physically attached to the principal building, either by being direct extension of the principal building or by being in any way joined to, other than by walkway, the principal building.
5. **ACCESSORY BUILDING, DETACHED** means a subordinate structure, the use of which is customarily incidental to the permitted use of the principal building on the same lot and which is not physically attached to the principal building.
6. **ADDITION** means any construction that increases the size of a building or other structure in terms of site coverage, height, length, width, or gross floor area.
7. **ADDRESS** means the number or other designation assigned to a housing unit, business establishment, or other structure for purposes of mail delivery, emergency services, and so forth.
8. **ADEQUATE PUBLIC FACILITIES ORDINANCE** means an ordinance adopted by the City of Morristown that ties or conditions development approvals to the availability and adequacy of public facilities. Adequate public facilities are those facilities relating to roads, sewer systems, water supply and distribution systems, and fire protection that meet adopted level of service standards.
9. **ADULT** means any person who is eighteen (18) years of age or older. (2488-11/04/1986).
10. **ADULT BOOK STORE** means an establishment having more than fifty percent (50%) of the face value of its stock in trade, books, magazines, motion pictures, periodicals, and other materials which are distinguished or characterized by their emphasis on matters depicting, describing or relating to a "Specified Anatomical Areas" (as defined below) or an establishment with a segment or section devoted to the sale or display or such material (2488-11/04/1986).

11. **ADULT MOTION PICTURE THEATER** means any public place, whether open or enclosed, used for presenting material distinguished or characterized by an emphasis on matter depicting describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” (as defined below) for observation by patrons therein (2488-11/04/1986).
12. **ADULT ORIENTED ESTABLISHMENT** means sexually explicit establishments which cater to an exclusively or predominantly adult clientele and including, but not limited to, adult bookstores, adult motion picture theaters, cabarets, and other enterprises which regularly feature materials, acts, or displays involving completion nudity or exposure of the “Specified Anatomical Areas” herein below defined and/or sexual excitement or enticement (2488-11/04/1986).
13. **ADVERSE IMPACT** shall mean a negative consequence for the physical, social, or economic environment resulting from an action or project.
14. **AIRPORT** (see airport zoning district guidelines)
15. **ALLEY** means any public or private way not a street.
16. **ALTERATION** means any change, addition, or modification in construction or occupancy of an existing structure.
17. **AMERICAN NURSERYMAN STANDARDS:** The standards related to size and planting for newly planted landscaping materials as referenced in The American Standard for Nursery Stock (ANSI 260.1-2004) prepared by the American Nursery and Landscape Association (3343-10/07/2008).
18. **AMUSEMENT ENTERPRISE** shall mean any indoor or outdoor facility that is maintained or operated for the amusement, entertainment, patronage, or recreation for the general public, which there is a fee, to include but not limited to, video arcades, miniature golf (putt-putt), batting cages, skating rinks, go-carts and/or other motorize rides, golf driving ranges, paint-ball, laser-tag, merry go-rounds, or any other recreational/ entertainment activities of similar nature. This may also be referred as recreational facility, an entertainment complex, entertainment facility, or an amusement park.
19. **ANNEX** shall mean to add territory to a governmental unit, usually an incorporated place, by an ordinance, a court order, or other legal, action.
20. **ARBORIST** shall mean an individual trained in arboriculture, forestry, landscape architecture, horticulture, or related fields and experienced in the conservation and preservation of native and ornamental trees. This person may also be referred as an urban forester.
21. **ARCHITECTURAL LIGHTING:** Exterior lighting that is designed to highlight structures, plantings or significant architectural features in a direct or indirect fashion (3343-10/07/2008).
22. **ASSEMBLY HALL** shall mean a meeting place at which the public or member groups are assembled regularly or occasionally, including, but not limited to, schools, churches, theaters, auditoriums, funeral homes, stadiums, and similar places of assembly. These facilities are provided for civic, educational, political, religious, or social purposes.
23. **ATHLETIC FIELD** shall mean outdoor sites, often requiring equipment, designed for formal athletic competition in field sports (e.g., baseball/softball, football, soccer, track (running), and other similar activities).

24. AUTOMOBILE shall mean any motorized vehicle that is used for the transportation of people and/or goods, merchandise, etc.
25. AUTOMOBILE PARTS STORE means the retail sales of new or reconditioned automobile parts; usually located within a store and organized in an orderly, inventory manner. Exterior storage of unpackaged parts is not permitted within this use (2646-09/17/ 1991).
26. AUTOMOBILE (AND TRUCK) REPAIR means rebuilding or reconditioning of engines or transmissions, vehicles, or trailers; repair and collision service, such as body, frame, or fender straightening, painting, upholstering, auto glass work, as well as auto inspection lanes, engine tune-ups, and adjusting lights and brakes.
27. AUTOMOBILE SERVICE STATION means a building or structure used for the retail sale and dispensing of fuel, and may also include the retail sale of any or all of the following: food, drinks, lubrication, tires, batteries, accessories, supplies, including installation and minor services customarily incidental thereto; facilities for washing chassis and gear lubrication.
28. AUTOMOBILE WRECKER SERVICE means the transporting and storage for a short time period (30 days) of wrecked or inoperative automobiles, trucks or other vehicles. This use does not include the disassemble or sale of such vehicles or parts of such (2646-09/17/1991).
29. AUTOMOBILE WRECKING YARD means the storage and sale of inoperable and wrecked automobiles and trucks. This use also includes the disassembly of such vehicles into component parts and the sale of such parts (2646-09/17/1991).
30. AUTO USED-PARTS STORE means the sale of used automobile and truck parts disassembled at this or other locations and stored either indoors or outdoors (2646-09/17/1991).
31. AWNING: A structure made of wood, cloth, vinyl or other flexible material affixed to a building for decoration or protection from the elements (3343-10/07/2008).
32. BAKERY, RETAIL shall mean an establishment primarily engaged in the retail sale of baked goods for consumption off and/or on-site.
33. BAKERY, WHOLESALE shall mean a place for preparing, cooking, baking, and selling of products for off-premise distribution.
34. BASE FLOOD ELEVATION (see Flood zoning district)
35. BED-AND-BREAKFAST shall mean a transient lodging establishment, generally in a single-family dwelling and/or guest-houses, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.
36. BERM: An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses (3343-10/07/2008).
37. BOARD OF ZONING APPEALS (BZA) shall mean a local body, appointed by the City Council, whose responsibility is to hear appeals from decisions of the director of community development and planning, or his designee, and to consider requests for variances and exceptions.

38. **BOARDING HOUSE** shall mean a single family dwelling where more than two (2) rooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests.
39. **BOOKSTORE** means a retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software, and/or any other printed or electronically conveyed information or media, excluding any “adult bookstore,” adult theatre,” “ theatre,” or “studio theatre.”
40. **BOUNDARY** shall mean a line, which may or may not follow a visible feature, that defines, the limits of a geographic entity including, but not limited to, block, block group, census tract, county, place, state, civil district line, block numbering area, and zoning district line.
41. **BUFFER:** Vegetative material, fences, berms, or any combination of these elements located on a linear strip of land that are used to separate and screen incompatible uses from one another (3343-10/07/2008).
42. **BUILDING** means any structure used or intended for supporting or sheltering any use or occupancy.
43. **BUILDING COVERAGE** means a percentage figure referring to that portion of a lot covered only with principal and accessory buildings. This may also be referred as building area.
44. **BUILDING LINE** means an alignment that establishes a certain distance from the property line to a line along which the building shall be built. When creating new building lots, the front building setback line as established by the zoning classification and Ordinance shall serve as the minimum building line. (3252-06/06/2006)
45. **BUILDING MATERIAL YARD** means businesses primarily engaged in retail or wholesale sales of building supplies and materials where greater than 25 percent of the material inventory is stored, displayed, or sold outdoors. (3573-01/03/2017)
46. **BUILDING OFFICIAL** shall mean the city official or employee responsible for implementing and enforcing the applicable building codes and standards of the city.
47. **BUILDING WIDTH** means the width of the lot that is to be built upon that is left after the side yards are provided.
48. **BUSINESS** shall mean any lawful commercial endeavor to engage in the manufacturing, purchase, sale, lease, or exchange of goods and/or the provision of services.
49. **BUSINESS HOURS, REGULAR** shall mean a business shall operate no more than twelve (12) contiguous hours during any given day, between the hours of 6:00 A.M. to 9:00 P.M.
50. **BUSINESS, PROFESSIONAL OR GOVERNMENTAL OFFICES** shall mean 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 staff. (3596-02/06/2018)

51. **BUSINESS, PROFESSIONAL OR GOVERNMENTAL OFFICE (LIMITED PRACTICE)** mean a Business, Professional or Governmental Office wherein no more than four (4) individuals, one or more of whom is licensed in the particular profession, engage in the practice of the profession or trade and a principal, ancillary support person or employee for that office during regular business hours (3602- 04/03/2018).
52. **BYLAWS** shall mean the rules adopted by a board and/or commission that govern its procedures.
53. **CABARET** means any restaurant, dance hall, nightclub, or other such place that features dancers exhibiting "Specified Anatomical Areas" strippers, male or female impersonators or similar entertainers. Anyone wishing to operate a cabaret must be in compliance with the most stringent zoning and/or municipal codes of the City of Morristown.
54. **CALIPER:** A horticultural method of measuring the diameter of the trunk of a nursery-grown tree for the purpose of determining size. The caliper of the trunk is measured six inches above the ground for trees up to and including four inches in diameter and 12 inches above the ground for trees greater than four inches in diameter (3343-10/07/2008).
55. **CANOPY** - A permanent, but not completely enclosed structure, that may be attached or adjacent to a building for the purpose of providing shelter to people or automobiles or a decorative feature on a building wall (3343-10/07/2008).
56. **CANOPY TREE:** See "Tree, Canopy" (3343-10/07/2008).
57. **CAR WASH** means the use of a site, either automated or by hand, for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment. The may also be referred as to car detailing or automotive detailing.
58. **CATERING SERVICE** means an establishment that serves and supplies food to be consumed off premises.
59. **CEMETERY** means the land used or dedicated to the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operated within the boundary of such cemetery.
60. **CERTIFICATE OF COMPLIANCE** shall mean a document signed by an administrative officer, setting forth that a building, structure, or use complies with the zoning ordinance and that the same may be used for the purposes stated on the permit. This may also be referred to as a certificate of zoning compliance.
61. **CERTIFICATE OF OCCUPANCY** shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ordinances.
62. **CHURCH** shall mean a building wherein person regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.
63. **CITY COUNCIL** shall mean the legislative or governing body for the City of Morristown, Tennessee.

64. CLUB, PRIVATE means a building and facilities for social, educational, or recreational purpose, generally open to members, but not primarily for profit or to render a service which is customarily carried on as a business.
65. CLUSTER DEVELOPMENT means a development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.
66. COMMON AREA shall mean any portion of a development that is not part of a lot or tract and is designed for the common usage of the development. These areas include green open spaces, and may include such other uses as parking lots, pedestrian walkways, and/or greenways.
67. COMMUNICATION FACILITIES shall mean a land use facility supporting antennas and microwave dishes that sends or receives radio frequency signals. The facilities include the structure, towers, and accessory buildings. Also see the Wireless Telecommunications Towers And Antennas Ordinance.
68. COMMUNITY FACILITIES shall mean a non-commercial use established primarily for the benefit and service of the population of the community in which it is located.
69. COMPREHENSIVE PLAN (or general plan) means the official document or any applicable element of the plan for the Morristown Region as approved by the Regional Planning Commission. The plan may consist of such elements as the transportation plan, major thoroughfare plan, general land use plan, community facilities plan, population and economics plan, and other maps, data, and descriptive matter for the physical development of the urban area or any portions thereof, including any amendments, extensions, or additions thereto as adopted by the Regional Planning Commission.
70. CONDOMINIUM shall mean a multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of Tennessee state law.
71. CONSTRUCTION: the erection of construction materials in a permanent position and fasten 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 (3592-12/05/2017).
72. CONVENIENCE STORE shall mean any retail establishment offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood.
73. COUNTRY CLUB shall mean a club with recreational facilities for members, their friends and invited guests.
74. CRITICAL ROOT ZONE (CRZ): A circular area measured outward from a tree trunk representing the essential area of the roots that shall be maintained for the tree's survival. The CRZ is measured one foot of radial distance for every inch of tree DBH (diameter at breast height) with a minimum of 10 feet. Also referred to as the "crown dripline" (3343-10/07/2008).
75. DBH: See "Diameter at Breast Height" (3343-10/07/2008).

76. DAY CARE CENTER shall mean any facility operated for the purpose of providing care, protection and guidance children during only part of a 24-hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full 24-hour period.
77. DECIDUOUS: Plants that drop their foliage annually before becoming dormant (3343-10/07/2008).
78. DEED RESTRICTION shall mean an agreement that binds and restricts the land in the hands of present owners and subsequent purchasers. They are enforced only by the landowners involved and not by the city or other public agency. This may also be referred to as a protective covenant.
79. DENSITY shall mean the number of dwelling units permitted per acre of land.
80. DEVELOPER: a landowner or any party, representative, agent, successor, or heirs of the landowner or developer (3592-12/05/2017).
81. DIAMETER AT BREAST HEIGHT (DBH): The measurement of the diameter of a tree trunk taken at a height of four-and-one-half feet (4½) above the ground. Trees with multiple trunks should be treated as multiple trees and the DBH for each trunk added to aggregate diameter measurement (3343-10/07/2008).
82. DOMICILE: A persons fixed, permanent and principal home for legal purposes. For purposes of interpretation as it pertains to this ordinance, a persons domicile shall be that address appearing on their valid drivers license and/or voter registration card or other legal document(s) deemed appropriate by the Board of Zoning Appeals. (3341-09/18/2008)
83. DRIVEWAY means a private roadway providing access for vehicles to a lot, parking space, garage, dwelling, or other structure.
84. DRIVEWAY, APPROACH means an area of the public right-of-way located between the roadway and property adjacent to the public right-of-way that is intended to provide access for vehicles from the roadway to the adjacent property.
85. DRIVEWAY, COMMON shall mean a driveway shared by adjacent property owners and privately owned and maintained.
86. DRIVEWAY OPENING means a way through which vehicular traffic is intended to, or does, pass from a street to a lot, or from a lot to a street.
87. DUPLEX shall mean a structure containing two dwelling units, each of which has direct access to the outside.
88. DWELLING means a house, apartment building, or other building used primarily as an abode except that the word “dwelling” shall not include boarding or rooming houses, tents, tourist camps, hotels, trailers, mobile home parks, etc., or other structures designed or used primarily for transient residents.
89. EASEMENT means a grant by the owner of land for the use of such land by others including the public for a limited and specifically named purpose or purposes.
90. EGRESS shall mean an exit.

91. EMINENT DOMAIN shall mean the authority of a government to take, or to authorize the taking of, private property for public use.
92. EROSION: The process of the gradual wearing away of land masses (3343-10/07/2008).
93. EVERGREEN: A plant with foliage that remains green year-round (3343-10/07/2008).
94. FAÇADE: The exterior wall on the front, side or rear elevation of the building regardless of whether the building side faces a street (3343-10/07/2008).
95. FENCE: A structure used to delineate a boundary or act as a barrier or means of protection, confinement or screening (3343-10/07/2008).
96. FEE SIMPLE shall mean a private property land right, whereby a property owner unconditionally owns a specified piece of land.
97. FLOOD (see the Flood Zone district ordinance)
98. FOOT-CANDLE: A unit of measurement referring to illumination incident to a single point at finished grade. One foot-candle is equal to one lumen uniformly distributed over an area of one square foot (3343-10/07/2008).
99. FRONT YARD AREA: The portion of a development site that qualifies as the front yard (building) setback area, the minimum horizontal distance between the building line and related front property line as established by the zoning classification (3343-10/07/2008).
100. GEOGRAPHIC INFORMATION SYSTEMS (GIS) shall mean a use and study of methods and tools for the capture, storage, distribution, analysis, display and exploitation of geographic information. Geographic information can be obtained from a variety of sources, including topographical maps, aerial and satellite photographs, and remote sensing technology.
101. GLARE: The reflection or harsh, bright light and the physical effect resulting from high luminance's or insufficiently shielded light sources to cause annoyance, discomfort or loss in visual performance and visibility (3343-10/07/2008).
102. GRADE means a reference plan representing the average of the finished ground level adjoining a building at all exterior walls.
103. GRADING: An operation or occurrence by which existing site elevations are changed or where ground cover, natural or man-made, is removed or a watercourse or body, natural or man-made, is relocated on a site, thereby creating an unprotected area. This includes stripping, cutting, filling, stockpiling, or any combination thereof and shall apply to the land in its cut or filled condition (3343-10/07/2008).
104. GREEN AREA shall mean the land shown on a development plan, master plan, or official map for preservation, recreation, landscaping, open space, or park.
105. GREENWAY means a corridor of land recognized for their ability to connect people and places together. These ribbons of open space are located within linear corridors that are either natural, such as rivers and streams, or manmade, such as abandoned railroad beds and utility corridors. Greenways as vegetated buffers protect natural habitats, improve water quality and reduce the impacts of flooding

in floodplain areas. Most greenways contain trails, which enhance existing recreational opportunities, provide routes for alternative transportation, and improve the overall quality of life in an area.

106. GREENWAY TRAIL can be paved or unpaved, and can be designed to accommodate a variety of trail users, including bicyclists, walkers, hikers, joggers, skaters, horseback riders, and those confined to wheelchairs.
107. GROUND COVER: Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion. Also see “Mulch” (3343-10/07/2008).
108. GROUP HOME means, as per T.C.A. 13-24-102, the classification “single family residence” includes any home in which eight (8) or fewer unrelated mentally retarded mentally handicapped or physically handicapped persons reside, and may include three (3) additional persons acting as house-parents or guardians, who need not be related to each other or to any of the mentally retarded, mentally handicapped or physically handicapped persons residing in the home.
109. HEALTH CLUB shall mean a facility where members or non-members use equipment or space for the purpose of physical exercise.
110. HEDGE: A group of shrubs planted in a continuous compact, dense, living barrier that demarcates an area from on-site or off-site view (3343-10/07/2008).
111. HEIGHT OF BUILDING means the vertical distance from the established finished grade at the building line to the highest point of the building.
112. HELIPORT shall mean an area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.
113. HOME OCCUPATION: Any occupation, profession or business conducted within the premises of any occupied domicile or accessory structure thereto. Such businesses may only be conducted if the requirements stipulated in 14-228 of this Ordinance are met and a home occupation permit is received. (3341-09/18/2008)
114. HOSPITAL shall mean an establishment providing physical or mental health services, in-patient or overnight accommodations, and medical or surgical care of the sick or injured. This shall also include sanitariums.
115. HOTEL means an establishment that provides temporary lodging for generally less than one (1) month, in-guest rooms and that may provide meals, entertainment, and various personal services for the public but excludes “bed-and-breakfast” facilities.
116. HUE: The visible color emitted from an artificial source of exterior lighting (3343-10/07/2008).
117. IMPERVIOUS SURFACE: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water (3343-10/07/2008).
118. INFRASTRUCTURE shall mean all the facilities and services needed to sustain industry, residential, commercial, and all other land use activities, including water, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, schools, etc.

119. INGRESS shall mean the access or entry point or entrance.
120. INSTITUTION BUILDING shall mean a facility that provides a public service and is operated by a federal, state, or local government, public or private utility, public or private school or college, church, public agency, or tax-exempt organization.
121. KENNEL means any premises, where dogs, cats, or other animals over three (3) months of age are kept, raised, sold, boarded, bred, shown, treated, or groomed.
122. LANDSCAPE AREA: The portion of a development site that is occupied by, or is required to be occupied by, landscape materials. For the purpose of this ordinance, landscape materials include trees, shrubs, groundcovers, mulching materials and sod as well as fences, walls, or berms used to meet these requirements (3343-10/07/2008).
123. LANDSCAPE ISLAND: An area within a surface parking lot or street right of way that is designated for trees, shrubs, and/or ground cover (3343-10/07/2008)
124. LIGHTING, PRIVATE: Exterior lights and lighting fixtures intended to illuminate private on-site parking areas, access drives and other on-site areas (3343-10/07/2008).
125. LIGHTING, PUBLIC: Exterior lights and lighting fixtures intended to illuminate public street and other rights of way (3343-10/07/2008).
126. LIMITED PRACTICE OFFICE means an office wherein not more than four (4) individuals, one or more of whom is licensed in the particular profession or trade set forth in the Office, Medical Professional District (OMP) District, *or the Office Medical Professional- Restricted (OMP-R) District*, engage in the practice of the profession or trade and a principal, ancillary support person or employee for and at that office during regular business hours (2975-03/02/1999).
127. LIMITED SERVICE RESTAURANT is a restaurant which has gross revenue food sales of less than fifty percent (50%) of its total revenues which is allowed to serve beer. The limited service restaurant shall have a seating capacity of at least forty (40) people at tables and shall have a menu of prepared food available to patrons (3591-11/07/2017).
128. LOT means a portion of land separated from other portions by description as on a subdivision plat or record of survey map as described by metes and bounds and intended for transfer of ownership or for building development. For the purposes of the regulation, the term does not include any portion of a dedicated right-of-way.
129. LOT AREA means the computed ground area inside the lot lines, excluding any public right-of-way or public water bodies.
130. LOT OF RECORD shall mean a lot that is part of a recorded subdivision or a parcel of land that has been recorded at the county recorder's office containing property tax records.
131. LUMEN: A unit of luminous flux. One foot-candle is one lumen per square foot and is roughly equivalent to the light emitted by a 60 watt light bulb. Lumen output values shall be the initial lumen output ratings of a lamp (3343-10/07/2008).
132. MALL (see SHOPPING CENTER definition)

133. MANSARD shall mean an extension of an exterior wall or roof projection of a building that is architecturally integrated into the building design.
134. MANUFACTURED HOME means a structure having the same general appearance as required for site-built homes and transportable in two or more sections which in the traveling mode is eight (8) body feet or more in width or 40 body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term “Manufactured Home” includes any structure which meets all the requirements, except the size requirements, and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under T.C.A. section 68-126-202(4), (6), and (7).
135. MEDICAL CAMPUS shall mean a health care facility licensed by the Tennessee State Department of Health and hold accreditation by the Joint Commission on Accreditation of Healthcare organizations that has one or more structures on one or more adjacent parcels. (3243-04/18/2006)
136. METHADONE TREATMENT CLINIC OR FACILITY shall mean a licensed facility for the counseling of patients and the distribution of methadone, suboxone, or similar drug for outpatient, non-residential purposes only. (3431-02/07/2012)
137. MICROBREWERY is a small brewery and/or restaurant engaged in the manufacture of beer or alcoholic content of not more than eight percent (8%) by weight, and which sells the aforesaid beer for consumption on the premises and/or off the premises, provided that the aggregate sales shall not exceed twenty-five thousand (25,000) barrels of beer annually. Said microbrewery shall have a seating capacity of at least forty (40) people (3591-11/07/2017).
138. MOBILE HOME (see Mobile Home Park (MHP) District Ordinance).
139. MODULAR HOME shall mean a dwelling unit constructed on-site in accordance with state and local building codes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.
140. MORATORIUM shall mean a temporary halting or severe restriction on specified development activities.
141. MORRISTOWN UTILITY SYSTEMS (MUS): The governing agency of the Morristown Power Systems, Morristown Water Systems and FiberNet (3343-10/07/2008).
142. MOTEL shall mean an establishment that provides temporary lodging that is arranged in such a manner that individual guest rooms are directly accessible from the outside and/or an automobile parking area. This may also be referred as motor courts, motor lodges, or tourist homes.
143. MULCH: A layer of seasoned wood chips, dry leaves, straw, hay, plastic or other materials placed on the surface of the soil around plants to retain moisture, prevent the growth of weeds and to hold the soil in place or aid plant growth. Also see “Ground Cover” (3343-10/07/2008).
144. NONATTAINMENT means the condition of not achieving a desired or required level of performance. Frequently used in reference to air quality.

145. NON-CONFORMING USE means any building, structure, or land lawfully occupied at the time of the enactment of this ordinance or lawful at the time of amendment by a use that does not conform with the provisions of this ordinance for the district in which it is located.
146. NON-OWNER OCCUPIED SHORT-TERM RENTAL UNITS (NOSTRU) mean a short-term rental unit that is operated by an owner or lessee of the property who does not reside on the property. (3613- 07/17/2018)
147. NURSERY: Land or greenhouses used to raise trees, shrubs, and other plants for sale (3343-10/07/2008)
148. OCCUPANCY The use or possession, or the right to the use or possession, of any room, lodgings, or accommodations in any short-term rental unit. (3613- 07/17/2018)
149. OPAQUE SCREEN: A device or materials, unable to be seen through, that is used to conceal one element of a development from other elements or from adjacent or contiguous development or public rights of way (3343-10/07/2008).
150. OPEN SPACE is land that is not intensively developed for residential, commercial, industrial or institutional use. It serves many purposes, whether it is publicly or privately owned. It includes agricultural and forest land, undeveloped scenic lands, public parks, and preserves. It also includes water bodies such as lakes, ponds, creeks and drainage areas. A narrow corridor or pathway for walking or bicycling is open space even though it is surrounded by developed areas. It does not include landscaped islands within parking lots, landscape strips or landscape buffers required by the Landscape Ordinance. (3449-09/04/2012)
151. OPERATOR The person or entity, if applicable, offering a short-term rental unit, whether as the owner, lessee, or otherwise. (3613- 07/17/2018)
152. ORPHANAGE means 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 (3596-02/06/2018).
153. OWNER OCCUPIED SHORT-TERM RENTAL UNIT (OOSTRU) A dwelling unit where the property owner permanently resides in the principal residential unit with which the STRU is associated or on the same lot. An OOSTRU permit can only be issued to an owner of the property who resides on the property. A person can only hold one (1) OOSTRU permit in the city. The owner is not required to remain or be present at the short-term rental unit during the occupancy. The rental is limited to three (3) bedrooms. (3613- 07/17/2018)
154. PAIN MANAGEMENT CLINIC (as found in Tennessee Code Annotated at § 63-1-301) – means a privately-owned facility 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 carisoprodal, but not including suboxone, for more than ninety (90) days in a twelve-month period.

A pain management clinic does not include:

- a) A medical or dental school, an osteopathic medical school, a nursing school, a physician assistant program or an outpatient clinic associated with any of the foregoing schools or programs;
- b) A hospital as defined in TCA § 68-11-201, including any outpatient facility or clinic of a hospital;
- c) Hospice services as defined in TCA § 68-11-201;

- d) A nursing home as defined in TCA § 68-11-201;
 - e) A facility maintained or operated by the state government; or
 - f) A hospital or clinic maintained or operated by the federal government. (3431-02/07/2012)
155. PARCEL means a tract or plot of land of any size that may or may not be subdivided or improved.
 156. PARKING AISLE shall mean the clear space for either one-way (a minimum of 15 feet wide) or two-way (a minimum of 24 feet wide) traffic movement and maneuvering between rows of parking stalls.
 157. PARKING, SHARED shall mean a public or private parking area used jointly by two or more uses.
 158. PARKING, STACKED shall mean the parking of cars in a parallel line, one in back of the other.
 159. PARSONAGE shall mean the permanent place of residence of the pastor or minister of a church. This may also be referred as a parish house.
 160. PAVED SURFACE AREA shall mean the ground surface covered with cobblestones, clay-fired bricks, concrete precast paver units including but not limited to, grasscrete, poured concrete with or without decorative surface materials, blacktop, or other asphaltic or rubber mixture which may include sand or gravel as an ingredient and which creates a hard surface. A graded natural surface or one covered with rolled stone or overlaid with loose gravel is not considered a paved surface.
 161. PEDESTRIAN-SCALE LIGHTING: Devices intended to provide exterior lighting that are lower in height than typical street lighting and located proximate to pedestrian areas such as sidewalks, open space areas or plazas (3343-10/07/2008).
 162. PERFORMANCE BOND: Any securities that may be accepted by the City of Morristown as a guarantee that the improvements required as part of an application for development are satisfactorily completed (3343-10/07/2008).
 163. PLANNING COMMISSION shall mean the administrative body duly appointed by the Morristown City Council to approve subdivision plats and recommend plans, and regulations to enforce the future physical development of the City of Morristown and the planning region. The Planning Commission may also be referred to as the Regional Planning Commission, the Morristown Regional Planning Commission, the Morristown Municipal and Regional Planning Commission, or the RPC.
 164. PLANNING REGION shall mean the area composed of territory of the Morristown, Tennessee municipality together with the designated Morristown Planning Region (urban growth boundary) in Hamblen County.
 165. POPULATION DENSITY shall mean, as defined by the US Census Bureau, is a numerical method of expressing the extent to which people are clustered within a specific geographic area, usually in terms of people per square mile or per square kilometer. The population density of an area is derived by dividing the total population of the entity by the total land area of the entity.
 166. PRINCIPAL BUILDING means a building, or in special cases, a group of buildings, in which, is conducted the main or principal use of the lot on which said building is situated.
 167. PUBLIC PLACE means any place to which the public or a substantial group of persons has access and congregates, regardless of whether admission is charged thereto, and included, but is not limited

to, business open to the public, highways, transportation facilities, schools, places of amusement, parks, playgrounds, hotels, theaters, auditoriums, restaurants, nightclubs, (2488- 11/04/1986).

168. RESTAURANT means an eating establishment where food is served and consumed within the building or off the premises.
169. RESTAURANT (LIMITED SERVICE) means a Restaurant with a maximum of two thousand five hundred (2,500) square feet of floor area and total customer seating not to exceed forty (40) (3602- 04/03/2018).
170. RESTAURANT, DRIVE-IN means a building and adjoining parking area used for the purpose of furnishing food, soft drinks, ice cream, and similar confections to the public normally for consumption outside the confines of the principal permitted building, or in vehicles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided inside for the patrons. Services are effected principally while patrons remain in their vehicles.
171. RETAIL SALES ESTABLISHMENT means a place of business which provides goods and/or services directly to the consumer which are normally purchased on premise (3596-02/06/2018).
172. RETAIL SALES ESTABLISHMENT (LIMITED SERVICE) means a Retail Sales Establishment with a maximum of two thousand five hundred (2,500) square feet of floor area and total customer seating not to exceed forty (40) (3602- 04/03/2018).
173. RETENTION shall mean the permanent on-site maintenance of stormwater.
174. RETENTION BASIN shall mean a wet or dry stormwater holding area, either natural or manmade, which does not have an outlet to adjoining watercourses or wetlands other than an emergency spillway.
175. REZONING means an amendment to the Zoning Map and/or the text of the Zoning Ordinance to effect a change in the nature, density, or intensity of uses allowed in a zoning district and/or on a designated parcel or land area.
176. RIGHT-OF-WAY shall mean a portion of land dedicated for place of street, road, thoroughfare, or crosswalk, utilities, drainage facilities, and/or similar uses and designated by means of a right-of-way line or description of boundaries.
177. ROOMER shall mean a person who resides in a dwelling who is not a member of the family unit that is the primary occupant of the dwelling and who pays for or performs services in exchange for such services. A “roomer” does not include a person who has separate cooking facilities made available to him. This may also be referred to as a boarder or tenant.
178. SCHOOL means an academic learning center, whether public or private, from the level of nursery through twelfth grade (2488-11/04/1986).
179. SETBACK means the required minimum allowed horizontal distance between the building line and the related front, side, or rear property line.
180. SEVERE PRUNING: The pruning, cutting, or otherwise damaging of the natural form of a tree or shrub, whether existing or planted, such that a significant or noticeable portion of the crown system

is removed (e.g., 25 percent of the crown removed from a tree or the continued cutting/trimming of trees previously pruned illegally or pruning of trees that must grow naturally to meet the landscaping requirements) or if more than one-third of the overall circumference of a tree or shrub is exposed by pruning cuts (3343-10/07/2008).

181. **SHOP** means, as applied to a manufacturing operation, an establishment employing no more than twelve (12) employees.
182. **SHOPPING CENTER** means a retail business development, planned as a unit, and characterized by groups of retail uses having the common use of specifically designated off-street areas for access, parking and service.
183. **SHORT-TERM RENTAIL UNIT (STRU)** A dwelling unit, portion of a dwelling unit, or any other structure or space that is occupied or intended or designed for occupancy by transients for dwelling, lodging, or sleeping and which is offered to transients for consideration for a period of up to thirty (30) consecutive calendar days. "Short-term rental unit" shall not include hotels, inns, motels, bed and breakfasts properly approved by the city, or campgrounds; or dwelling units rented according to a landlord/tenant lease agreement. (3613- 07/17/2018)
184. **SHRUB:** A self-supporting woody plant, growing 18 inches to 15 feet in height at maturity characterized by multiple stems and branches continuous from the base, usually not more than ten feet in height at its maturity. Shrubs may be deciduous or evergreen (3343-10/07/2008).
185. **SIGHT DISTANCE TRIANGLE:** A portion of land formed by the intersection of two street right of way lines and points along each right of way a particular distance from the intersection. Nothing shall be erected, placed, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving an intersection or driveway connection. Sight distance is generally calculated at two times the design speed of the roadway. (Note – the posted speed is often less than the design speed.) The City engineer will review sight distance triangles (3343-10/07/2008).

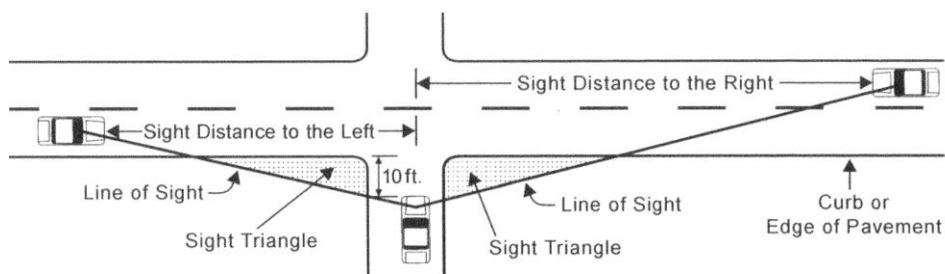


Illustration 1 – Sight Distance Triangle
From I.T.E. Transportation & Land Development, 2nd Edition

186. **SIGN** (see definition under the sign ordinance section).
187. **SITE PLAN** shall mean a plan, drawn to scale, showing uses and structures proposed for a parcel of land as required by regulations. It shall include, but not limited to: lot lines, streets with distance from centerline of streets to property line(s), buildings, accessory structures, easements, ingress/egress, drainage facilities, existing and proposed utility lines, landscaping, and parking areas. Please refer to the appropriate Site Plan Checklist as approved by the Planning Commission.

188. **SITE PREPARATION:** excavation, grading, demolition, removing excess debris to allow for proper grading, or providing a surface for a proper foundation, drainage, and settling for a development project, and physical improvements including, but not limited to, water and sewer lines, footings, or foundation installed on the site for which construction permits are required (3592-12/05/2017).
189. **SPECIFIED ANATOMICAL AREAS** (2488-11/04/1986)
- a. Less than completely and opaquely covered:
 - i. Human genitals, pubic region
 - ii. Buttocks
 - iii. Female breast below a point immediately above the top of the areola, and
 - iv. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
190. **SPECIFIED SEXUAL ACTIVITIES** (2488-11/04/1986)
- a. Human genitals in a state of actual or simulated sexual stimulation or arousal;
 - b. Acts of actual or simulated human masturbation, sexual intercourse or sodomy;
 - c. Actual or simulated fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
191. **STORY** means that portion of the building included between the upper surface of any floor and the upper surface of the floor above; or any portion of a building between the topmost floor and the roof which is used for human occupancy or in which the floor area with eight (8) feet or more of head clearance is fifty percent (50%) or more of the floor area of the story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance is less than fifty percent (50%) of the floor area of the story below shall be a “half-story”. A basement shall be considered a story if its ceiling is more than five (5) feet above the level from which the height of the building is measured or if it used for residential purposes other than for a janitor or domestic servant, including the families of the same, employed in the building.
192. **STREET** shall mean a term used to describe a right-of-way that provides a channel for vehicular or pedestrian movement between certain points in the community, which may provide for vehicular and pedestrian access to properties adjacent to it, and which may also provide space for the location or underground and aboveground utilities.
193. **STREET, CUL-DE-SAC** means a local street having one end open to vehicular traffic and the other end permanently closed with a vehicular turn-around.
194. **STREET FRONTAGE** means the distance along which a property line of a lot adjoins a public or private street.
195. **STREET YARD:** A designated landscape area (pervious surface) where private property abuts the public street right of way for the planting of shrubs and grass. (Typically reserved as a utility easement.) (3343-10/07/2008)
196. **STRUCTURE** means any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground including, among other things, signs, billboards, and fences.
197. **T.C.A.** shall mean the Tennessee Code Annotated, the state law(s) of Tennessee.
198. **TDEC** means the Tennessee Department of Environment and Conservation.

199. TDOT means the Tennessee Department of Transportation.
200. THEATER means a movie or theatrical, not to include adult motion picture theater or any other type of adult entertainment services (3596-02/06/2018).
201. TRAILER SALES AGENCY includes 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 (3596-02/06/2018).
202. TRANSIENT Any person who exercises Occupancy or is entitled to Occupancy of any rooms, lodging, or accommodation in a Short-Term Rental Unit for a period of less than thirty (30) consecutive calendar days. (3613- 07/17/2018)
203. TREE, CANOPY: Any plant having a central trunk, a minimum expected mature height of at least 35 feet and an expected minimum mature canopy spread of 20 feet (3343-10/07/2008).
204. TREE, REPLACEMENT: A tree that is required to be planted after the development of a site to replace either predevelopment existing trees that were removed accidentally or in violation of this ordinance during or as a result of the land disturbance process or a tree that has died and no longer meets landscape requirements (3343-10/07/2008).
205. TREE, SPECIMEN: Any canopy tree with a diameter of 24 inches or greater and any understory tree with a diameter of eight inches or greater measured four-and-one-half feet above grade. In the case of multi-stem trees, at least one of the stems or trunks shall meet applicable size requirements before the tree shall be considered a specimen tree (3343-10/07/2008).
206. TREE, STREET: Any existing tree located within a public street right of way. Street trees may not be credited toward landscape requirements (3343-10/07/2008).
207. TREE TOPPING: See “Severe Pruning” (3343-10/07/2008).
208. TREE, UNDERSTORY: Any plant having a central trunk, a maximum expected mature height of 25 feet and a minimum mature canopy spread of 10 feet (3343-10/07/2008).
209. TREE BANK: A fund to receive contributions from owners or developers who remain unable to successfully plant and maintain the required amount of replacement or required site landscaping on the site under development (3343-10/07/2008).
210. TREE CREDITS: Credits shall be awarded for retaining healthy trees on the property in accordance with the provisions of this ordinance (3343-10/07/2008).
211. TRIPLEX means a structure containing three dwelling units, each of which has direct access to the outside.
212. TOWNHOUSE means a single-family dwelling, attached or detached, with each dwelling designed and erected as a unit on a separate lot and separated from one another by a yard or a common wall.
213. TOTAL FLOOR AREA means the area of all floors of a building including finished attics and basements.

214. **TRAFFIC CALMING** shall mean a concept fundamentally concerned with reducing the adverse impact of motor vehicles on built-up areas. Usually involves reducing vehicle speeds, providing more space for pedestrians and cyclists, and improving the local environment.
215. **TRAFFIC IMPACT ANALYSIS** shall mean an analysis or study of the effect of traffic generated by a development on the capacity, operations, and safety of the public street and highway system.
216. **UNDERSTORY TREE**: See “Tree, Understory” (3343-10/07/2008).
217. **UNIFORMITY RATIO**: A measurement of the relative difference in illumination values, at ground level, between differing exterior lighting sources on a single parcel of land (3343-10/07/2008).
218. **URBAN GROWTH BOUNDARY (UGB)** shall mean the municipality and contiguous territory where high density residential, commercial, and industrial growth is expected, or where the municipality is better able than other municipalities to provide urban services. This may also be referred to as urban growth area.
219. **URBANIZED AREA (UA or UZA)** shall mean an area consisting of a central place(s) and adjacent urban fringe that together have a minimum residential population of at least 50,000 people and generally an overall population density of at least 1,000 people per square mile of land area.
220. **USE** means the purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.
221. **USE, CHANGE OF** shall mean any alteration in the primary use of a lot for zoning purposes that may entail the need for additional parking, loading, landscaping, utilities, fire protection, screening, or any other applicable zoning requirements.\
222. **USE ON REVIEW** shall mean a use that meets the intent and purpose of the zoning district which requires the review and approval of the Board of Zoning Appeals or the Regional Planning Commission in order to ensure that any adverse impacts on adjacent uses, structures, or public services and facilities that may be generated by the use can be, and are, mitigated. This may also be referred to as a “special use” or “special exception”.
223. **UTILITY EASEMENT**: An easement conveyed, granted, or dedicated for utility purposes (stormwater, wastewater, electrical, water systems, etc.) (3343-10/07/2008).
224. **VARIANCE** means a grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.
225. **VEHICLE**: For the purpose of this chapter a vehicle is defined as a piece of rolling stock, including but not limited to automobiles, boats, trailers, trucks, motor homes and farm machinery (3343-10/07/2008).
226. **VEHICULAR USE AREA**: An area where motor vehicles are either stored or driven (surface parking lot) outside of a dedicated street right of way. Also referred to as a “surface parking lot” or “off-street parking” (3343-10/07/2008).
227. **VISION CLEARANCE**: A condition which is achieved when nothing is erected, placed, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving

an intersection or driveway, traffic signs or devices, or interfere with the use of sidewalks or pedestrian trails. Also see “Sight Distance Triangle” (3343-10/07/2008).

228. YARD means an open space on the lot with the main building, open, unoccupied, and unobstructed by buildings from the ground to the sky, except as otherwise provided in this ordinance.
- a. Front Yard extends across the entire width of the lot between the main building, including covered porches, and the front lot line or, if an official future street right-of-way line has been established between the main building, including covered porches, and the future right-of-way line.
 - b. Rear Yard extends across the entire width of the lot, between the main building, including covered porches, and the rear lot line.
 - c. Side Yard extends along the side lot line, from the front yard to the rear yard, between the main building, including covered porches, and each side lot line.
229. ZERO LOT LINE means the location of a building on a lot in such a manner that one or more of the building’s sides rest directly on a lot line.
230. ZONING means the division of a city by legislative regulations into zoning districts, which specify allowable uses for real property and size restrictions for buildings within these areas.
231. ZONING AMENDMENT means a change in the wording, context, or substance of this title or a change in the zoning or district boundaries of the official zoning map, to be made a part of this title.
232. ZONING DISTRICT shall mean a specifically delineated area or district in a municipality within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.
233. ZONING MAP means a map that graphically shows all zoning district boundaries and classifications within the city, as contained within the Zoning Ordinance, which is on file and maintained within the City of Morristown’s Community Development and Planning Department.
234. ZONING ORDINANCE means the duly approved, enacted, and amended ordinance that controls and regulates land use within the City of Morristown.

14-204. DISTRICTS ESTABLISHED

For the purpose of this ordinance the City of Morristown is hereby divided into twenty (20) types of districts, which are designated as follows:

1. Single-Family Residential District (R-1)
2. Planned Residential District (RP-1)
3. Moderate Density Single Family Residential District (RD-1)
4. Moderate Density Residential District (RD-2)
5. Medium Density Residential District (R-2)
6. High Density Residential District (R-3)
7. Office, Medical and Professional-Restricted District (OMP-R)
8. Office, Medical and Professional District (OMP)
9. Local Business District (LB)
10. Intermediate Business District (IB)
11. Central Business District (CB)

12. Light Industrial District (LI)
13. Airpark Light Industrial District (ALI)
14. Heavy Industrial District (HI)
15. Mobile Home Park District (MHP)
16. Tourist Accommodation District (TA)
17. Mixed Use District (MUD)
18. Planned Commercial Development District (PCD)
19. Agriculture-Forestry District (A-1)
20. Regional Gateway Commercial District (RGC)

In addition, the following district will overlay the above districts:

Municipal Floodplain Zoning Ordinance (Chapter 22)

14-205. DISTRICT BOUNDARIES

The boundaries of districts are hereby established as shown on Zoning Map of Morristown, Tennessee, which is adopted as a part of this ordinance and which is on file in the office of the City Recorder of Morristown, Tennessee.

14-206. INTERPRETATION OF DISTRICT BOUNDARIES

Unless otherwise shown on the Zoning Map the boundary lines of districts are lot lines, the center lines of streets or alleys, or such lines extended, railroad right-of-way lines, the center lines of creeks, or the corporate limit line as it existed at the time of the enactment of this ordinance.

Questions regarding the exact location of district boundary lines shall be determined by the Board of Zoning Appeals, in accordance with the provisions of this ordinance.

14-207. ZONING AFFECTS EVERY STRUCTURE AND USE

Except as otherwise provided, no structure or land shall be hereafter used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which such structure or land is located.

14-208. CONTINUANCE OF NONCONFORMING USES

Any structure or use existing at the time of enactment or subsequent amendment of this ordinance, but not in conformity with its provisions, may be continued with the following limitations.

1. Any industrial, commercial or business establishment in operation, permitted to operate prior to enactment or subsequent amendment of the ordinance, shall be allowed to continue in operation and be permitted, provided that no change in the use of the land is undertaken by such industry or business. Industrial, commercial, or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto in effect immediately preceding a change in zoning, shall be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the activities of the industry or business which were permitted and being conducted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion

on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners. No building permit or like permission for construction, or landscaping shall be denied to an industry or business seeking to expand and continue activities conducted by that industry or business which were permitted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

Industrial, commercial, or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto immediately preceding a change in zoning shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business subsequent to the zoning change, provided that no destruction and rebuilding shall occur which shall act to change the use classification of the land as classified under any zoning regulations, or exceptions thereto, in effect immediately prior to or subsequent to a change in the zoning of the land area on which such industry or business is located. No building permit or like permission for demolition, construction or landscaping shall be denied to an industry or business seeking to destroy and reconstruct facilities necessary to the continued conduct of the activities of that industry or business where such conduct was permitted prior to a change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

The provisions of this sub-section shall apply only to land owned and in use by such affected business, and shall not operate to permit expansion of an existing industry or business through the acquisition of additional land.

2. Any structure or use, other than those excluded by number one, which does not conform to the provisions of this ordinance or subsequent amendment may not be: changed to another nonconforming use; re-established after discontinuance for one year; extended except in conformity with this ordinance; or rebuilt or repaired after damage exceeding seventy-five (75) percent of the market sales value of the building immediately prior to damage.

14-209. PEDESTRIAN MOVEMENT

A pedestrian walkway is required to connect all buildings to a public right of way. A pedestrian walkway can be a concrete sidewalk, or a bright white-painted striped marking, or a five-foot paved hard asphalt surface. The asphalt surface may be recommended in order to connect to the City's Greenway Project, if applicable.

14-210. REDUCTION IN LOT AREA

No lot shall be reduced in area so that yards and other open spaces less than the minimums required under this ordinance shall result.

14-211. OBSTRUCTION TO VISION AT STREET INTERSECTIONS

In all districts except the Central Business District no fence, wall, shrubbery, sign or other obstruction to vision between the heights of three and one-half (3 1/2) feet and fifteen (15) feet shall be permitted within

twenty (20) feet of the intersection of two streets, or of two railroad right-of-way lines or of a street and a railroad right-of-way line.

14-212. LOCATION OF DETACHED ACCESSORY BUILDINGS ON RESIDENTIAL LOTS
(3360-04/07/2009)

A detached accessory building in any Residential District or on any lot containing a principal building whose ground floor is used for residential purposes shall conform to the following regulations:

- 1) No detached accessory building shall be within sixty (60) feet of the front property line.
- 2) No detached accessory building shall be more than two (2) stories in height or exceed the height of the principal structure.
- 3) No detached accessory building shall be located nearer than five (5) feet to any side lot line.
- 4) No detached accessory building shall be located nearer than ten (10) feet to any rear lot line.
- 5) No detached accessory building shall be located nearer than six (6) feet to the principal building.
- 6) No detached accessory building shall be located within platted or recorded easements or over underground utilities.

14-213. LOCATION OF ATTACHED ACCESSORY STRUCTURES ON RESIDENTIAL LOTS

An attached accessory structure in any Residential District or on any lot containing a principal building, the ground floor of which is used for residential purposes, shall be considered as an integral part of the principal building and shall be constructed, altered or otherwise be developed in accordance with the regulations governing side yard, rear yard, and front yard for principal buildings in the Residential District.

14-214. HABITATION OF ACCESSORY RESIDENTIAL DWELLING (3302-10/16/2007)

1. The accessory residential dwelling is at least 200 square feet, but shall not exceed the lesser of 800 square feet or thirty (30) percent of the gross floor area of the principal residence.
2. The accessory residential dwelling shall fit within the required side and rear yard building setbacks applicable to the principal residence, shall be located no closer than sixty (60) feet of the front lot line and shall not be located within any existing utility setback easement.
3. The accessory residential dwelling is constructed of durable exterior building materials that are of the same or higher quality as the principal residence and meets all applicable building codes for residential structures.
4. Accessory residential structures shall be limited to a maximum of one per lot, shall be included in the calculations for maximum lot coverage and shall not be sold, rented or leased apart from the principal residence.

5. Mobile homes, recreational vehicles or travel trailers are not permitted as an accessory residential dwelling.
6. Any accessory residential structure shall be served by at least one, but no more than two, off-street parking spaces (in addition to the required off-street parking serving the principal residence).

14-215. MOBILE HOMES ON INDIVIDUAL LOTS

1. Mobile homes and travel trailers used for temporary on-site offices for construction projects only shall be permitted for a period not to exceed twelve (12) months so long as the location of such structure does not violate setback requirements or impede ingress or egress from the construction site. If additional time is needed to complete construction of the project, an extension of twelve (12) months may be granted by the Planning Director. However, if construction activity has stopped for a period exceeding six (6) months, the building inspectors shall require removal of the mobile home or travel trailer from the construction site. This may include either on-site construction offices or temporary on-site offices for a firm which is to occupy the building under construction or reconstruction or expansion of an existing building (2425-05/13/1985). A temporary location permit must be secured from the Building Inspector prior to the location of any individual mobile home or travel trailer for temporary office use. The fee for a temporary location permit is \$50.00. (3223-07/19/2005)
2. Any residential or non-residential use of mobile homes outside mobile home parks except as provided in Subsection 1 is prohibited, regardless of the use of permanent foundation, masonry facade, or other alterations. Mobile homes not in use may be stored only in mobile home parks and authorized sales lots.

14-216. OFF-STREET PARKING PROVISIONS (3129-04/01/2003)

14-216-1. PARKING (GENERAL PROVISIONS):

1. Permanent off-street parking spaces equal in area to at least the minimum requirements for specific uses, shall be provided at the time of the erection of any building or when a structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area; or before conversion from one zoning use or occupancy to another use or occupancy. Such spaces shall be provided with vehicular access to a street or alley. The provisions of this section shall not apply to uses within the Central Business District.
2. Required off-street parking spaces assigned to one use may not be assigned to another use at the same time.
3. If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Zoning Appeals may permit such space to be provided on any lot, parcel, or tract of land, provided such space lies within four hundred (400) feet of the main entrance to such principal use. In such cases, the applicant for a permit for the principal use shall submit with his application for a building permit an instrument duly executed and acknowledged, which subjects said lot, parcel, or tract of land to parking use in connection with the principal use for which it is made available, so long as the lot upon which the principal use is located is occupied by a use required to provide off-street parking by the provisions of this ordinance. Upon the issuance of a building permit, the Building Inspector shall cause said instrument to be registered in the office of the Register of Deeds. Such space shall not thereafter be reduced or encroached upon in any manner unless equal space is made available on another lot, parcel, or tract

of land within four hundred (400) feet of the main entrance to the principal use, approved by the Board of Zoning Appeals, and subjected to the parking use in connection with the principal use for which it was made available by registering a duly executed and acknowledged instrument in the office of the Register of Deeds.

4. All off-street parking areas shall consist of a hard, dustless surface, made of asphalt, concrete, or any other hard surface that may be approved by the Planning Commission, or any combination of materials that may be approved by the Planning Commission. A developer shall turn in a site plan that meets all land disturbance ordinance requirements. Information pertaining to the land disturbance activities can be obtained from the Engineering Department. Any development (existing or new) that is proposing to pave an existing parking lot, or create a new parking lot, the proposed parking area shall come into compliance with any provisions of the Zoning Ordinance that may be applicable.

14-216-2. DIMENSIONS:

1. The requirements for each parking space shall be a minimum width of 9-1/2 feet by a minimum length of 18 feet.
2. The following minimum drive aisle widths for the design angles are:
 - a) 90 degree parking: 24 feet
 - b) 60 degree parking: 18 feet
 - c) 45 degree parking: 15 feet
3. The minimum grade of any parking lot shall be one percent (1%).
4. The maximum grade of any parking lot shall be twelve percent (12%).

14-216-3. OFF-STREET PARKING REQUIREMENTS:

- a. Residential Dwellings:
 1. Single Family: 2 parking spaces for each unit
 2. Duplex: 2 parking spaces for each unit
 3. Multi-Family: 2 parking spaces for each unit (3292-06/05/2007)
 4. Rooming or Boarding House: 1 parking space for each room to be rented.
- b. Medical Facilities:
 1. Convalescent or Nursing Home / Assisted Living Facility: 1 parking space per two hundred-fifty (250) square feet of total floor area.
 2. Hospitals: 1 parking space per 200 square feet of total floor area.
 3. Medical Clinics: 1 parking space per two hundred-fifty (250) square feet of total floor area.
- c. Offices:
 1. Architect's Offices: One (1) parking space per three hundred (300) square feet of usable floor area.
 2. Attorneys / Lawyers Offices: One (1) parking space per three hundred (300) square feet of usable floor area..

3. Business Offices: One (1) parking space per three hundred (300) square feet of usable floor area.
 4. Dentist's Offices: One (1) parking space per two hundred-fifty (250) square feet of total floor area.
 5. Doctor's Offices: One (1) parking space per two hundred-fifty (250) square feet of total floor area.
 6. Engineering Office: One (1) parking space per three hundred (300) square feet of usable floor area.
 7. Professional Offices (other): One (1) parking space per three hundred (300) square feet of usable floor area.
- d. Public Uses:
1. Auditoriums / Places of Assembly: One (1) parking space for each four seats provided in the main auditorium or hall. In places where seating is not a measure of capacity, at least one (1) parking space for each one hundred (100) square feet of floor area devoted to the particular use.
 2. Funeral Homes / Mortuaries: One (1) parking space for each four seats provided in the main auditorium or hall. In places where seating is not a measure of capacity, at least one (1) parking space for each one hundred (100) square feet of floor area devoted to the particular use.
 3. Places of Worship: One (1) parking space for each four seats provided in the main auditorium or hall. In places where seating is not a measure of capacity, at least one (1) parking space for each one hundred (100) square feet of floor area devoted to the particular use.
 4. Schools:
 - a. Elementary, Middle, Primary Schools: Two (2) spaces per classroom, plus 10 stacking spaces for loading/unloading of children, plus the requirements for Assembly Hall or Stadium, whichever is greater, if applicable.
 - b. High Schools: Ten (10) spaces per classroom, plus 10 stacking spaces for loading/unloading of children, plus 3 spaces for each administrative office, plus the requirements for Assembly Hall or Stadium, whichever is greater, if applicable.
 5. College or University: One (1) parking space per employee plus a sufficient number of spaces to accommodate students and visitors as determined by the Building Inspector.
 6. Theaters: One (1) parking space for each four seats provided in the main auditorium or hall. In places where seating is not a measure of capacity, at least one (1) parking space for each one hundred (100) square feet of floor area devoted to the particular use.
- e. Commercial Uses:
1. Amusement Enterprise / Recreational Facility / Entertainment Facility:
 - a. Unless stated specifically elsewhere in this ordinance, 1 parking space per four (4) customers, based on the maximum service capacity.
 2. Appliance Store: One (1) parking space for each eight hundred (800) square feet of floor area.
 3. Automobile Detailing / Car Wash:

- a. Three (3) stacking spaces, plus one (1) bay/stall space, plus two (2) drying spaces, plus 1 space per employee.
 - b. Five (5) stacking spaces per bay/stall for an automated establishment.
4. Automobile / Vehicle Sales: One (1) parking space for each eight hundred (800) square feet of showroom floor area. (This area shall be striped and/or marked differently than the area of vehicles for sale).
5. Automobile Repair Shop: Two (2) parking spaces per service stall, plus one (1) parking space per three hundred (300) square feet of total floor area.
6. Automobile Service Station: Two (2) parking spaces per service stall, plus one (1) parking space per three hundred (300) square feet of total floor area.
7. Banks: One (1) parking space per two hundred (200) square feet of usable floor area; and/or four (4) stacking spaces per drive-through window, and/or automated teller machine (ATM), if applicable.
8. Barber Shop / Beauty Salon: Two (2) parking spaces per barber or beauty salon chair.
9. Bowling Alleys: Four (4) parking spaces per alley.
10. Day-Care Centers/ Child Nurseries: One (1) parking space per five hundred (500) square feet of total floor area.
11. Hotels: One (1) parking space for each room for rent. For any additional use, follow the provisions for that use (i.e. restaurant, banquet hall, etc.).
12. Furniture Store: One (1) parking space for each eight hundred (800) square feet of floor area..
13. Household Equipment Repair Shop: One (1) parking space for each eight hundred (800) square feet of floor area.
14. Decorator's Showroom: One (1) parking space for each eight hundred (800) square feet of floor area.
15. Laundry Facility:
 - a. Self-Service Laundry-Mat: One (1) parking space for each three hundred (300) square feet of total floor area.
 - b. Dry Cleaners: A minimum of three (3) parking spaces, plus one (1) parking space per eight hundred (800) square feet of total floor area; and three (3) stacking spaces per drive-through window, if applicable.
16. Lodges: One (1) parking space per three (3) members, based on the design capacity of the facility.
17. Manufactured Home Sales: One (1) parking space per five hundred (500) square feet of total floor area of sales/service building.
18. Mini-Storage Warehouse: One (1) parking space per twenty-five units, or a minimum of four (4) parking spaces, whichever is greater.

19. Motels, Motor Courts: One (1) parking space for each room to be rented. For any additional use, follow the provisions for that use (i.e. restaurant, banquet hall, etc.).
 20. Private Clubs: One (1) parking space per three (3) members, based on the design capacity of the facility.
 21. Plumber's Showroom: One (1) parking space for each eight hundred (800) square feet of floor area.
 22. Restaurants: One (1) parking space per one hundred (100) square feet of total floor area; and/or five (5) stacking spaces per drive-through window, if applicable.
 23. Retail Stores: One (1) parking space per two hundred (200) square feet of total floor area; and/or five (5) stacking spaces for each drive-through window, if applicable.
 24. Shoe Repair Shop: One (1) parking space for each eight hundred (800) square feet of floor area.
 25. Stadiums/ Race Tracks: One (1) parking space per four (4) seats.
 26. Swimming Pools: One (1) parking space per fifty (50) square feet of water area. Swimming pools provided as an on-site amenity for private residential developments shall require one (1) parking space per one hundred and fifty (150) square feet of surface water area. (3266-10/03/2006)
 27. Tourist Homes / Bed & Breakfast: Two (2) parking spaces for the existing residence, plus one (1) parking space for each room to be rented.
 28. Union Headquarters: One (1) parking space per three (3) members, based on the design capacity of the facility.
 29. Wholesale Business: Two (2) parking spaces for each employee..
- f. Industrial Uses: One and one quarter (1.25) parking spaces for every one (1) employee on the largest work shift, plus one space per company vehicle plus adequate visitor parking (3603- 04/03/2018).
- g. Warehouses and Distribution Centers: One (1) parking space for each three hundred (300) square feet of floor area used for clerical and/or administrative office space in addition to one (1) parking space per two thousand (2,000) square feet of floor area used for warehouse and/or storage area. (3172-03/02/2004)

14-217. OFF-STREET LOADING AND UNLOADING PROVISIONS (3129-04/01/2003)

1. Permanent off-street loading and unloading spaces equal in area to at least the minimum requirements for specific uses, shall be provided at the time of the erection of any building or structure, or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area; or before conversion from one zoning use or occupancy to another use or occupancy. Such spaces shall be provided with vehicular access to a street or alley. The provisions of this section shall not apply to uses within the Central Business District.

2. The minimum requirements for the provision of loading and unloading spaces for classes of uses are as follows:
 - a. Retail Business Uses: One (1) loading and unloading space, with dimensions of at least ten (10) feet wide by twenty-five (25) feet in length.
 - b. Wholesale and Industrial Uses: One (1) loading and unloading space, with dimensions of at least ten (10) feet wide by fifty (50) feet in length.

14-218. CONTROL OF ACCESS (2449-09/17/1985)

In order to promote the safety of motorists and pedestrians and to hold traffic congestion and conflict to a minimum, the following regulations shall apply to all uses and lots:

1. DEFINITION OF TERMS

- a. Frontage - the length along the highway right-of-way line of a single property tract or roadside development area between the edges of the property distance at each side. Corner property at a highway intersection has a separate frontage along each highway.
- b. Frontage Boundary Line (abbreviated as FB line) - a line normal to the highway centerline, at each end of the frontage, extending from the right-of-way line of the edge of through-traffic lane.
- c. Buffer Area - the border area along the frontage between the traveled way and the right-of-way line, and within the frontage boundary lines.
- d. Driveway Width (W) - narrowest width of driveway measured parallel with the edge of traveled way.
- e. Driveway Angle (Y) - the angle of 90° or less between the driveway centerline and the edge of the traveled way.
- f. Edge Clearance (E) - the distance measured along the edge of the traveled way, between the frontage boundary line and tangent projection of the nearest edge of driveway.
- g. Corner Clearance (C) - at an intersecting street or highway, the dimension measured along the edge of the traveled way between the frontage boundary line opposite the intersection of the two right-of-way lines and the tangent projection of the nearest edge of driveway.
- h. Outside Radius (R) - the outside or larger curve radius on edge of driveway.
- i. Distance between Double Driveways (D) - the distance measured along the right-of-way line between the tangent projections of the inside edges of two adjacent driveways to the same frontage.
- j. General - for simplicity, the above definitions are stated in terms of single radius curves of edge of driveways or intersecting highways. Where compound curves or tapers are used, an equivalent single radius curve may be used as a control guide.

2. RIGHT-OF-WAY ENCROACHMENT

No part of the street right-of-way should be used for servicing vehicles, displays, or the conducting of private business. The buffer area is to be kept clear of buildings, fences, business signs, parking areas, service equipment and appurtenances thereto. Parking may be permitted on the roadway, as at curbs on city streets, when permitted by police control. The buffer area may be graded and landscaped as approved by the City of Morristown, City Engineer.

Buffer Areas on Four-Lane Street - In the development of private property and the construction of driveways thereto, it may be necessary to regrade the buffer area by cutting or filling. Such work shall be done in a manner to insure adequate sight distance for traffic operations, proper drainage, suitable slopes for maintenance operations and good appearance. The buffer area outside the driveways should be treated to prevent use by vehicles. This may be accomplished by the grading, use of curbs, rails, guide posts, low shrubs, etc., in a manner that will not impair clear sight across the area.

Parking - Each roadside business establishment should provide parking or storage space off the right-of-way to prevent the storage of vehicles on the driveway or the backing up of traffic on the travel way. This is particularly needed for businesses where a number of vehicles will be leaving and entering at the same time.

Where there are one or more driveways to a corner establishment at a street intersection, parking should be restricted on each street between the intersection and the nearest driveway.

3. SIGHT DISTANCE

Where feasible within the frontage limits, any driveway shall be located so as to afford maximum sight distance along the street.

Where a driveway is provided to a commercial establishment, the buffer area and adjacent border area shall be reasonably cleared so that either the establishment itself or an appropriate sign located outside the right-of-way can be seen at a sufficient distance to enable proper maneuvers on the part of the drivers desiring to enter the establishment.

The profile of the driveway and the grading of the buffer area shall be such that a driver of a vehicle that is standing on the driveway may see a sufficient distance in both directions to enable him to enter the street without creating a traffic hazard.

Setbacks - Improvements on property adjacent to the right-of-way should be so located that parking, stopping and maneuvering on the right-of-way will not be necessary in order for vehicles or patrons to be served.

Location of Driveways - Driveways shall be so located that vehicles entering or leaving the establishment will not interfere with the free movement of traffic or create a hazard on the street. Where feasible, they shall be located where there are no sharp curves or steep grades, and where sight distance is adequate for safe traffic operation. Driveways should not be located within intersections, rotaries, and interchanges or on streets immediately approaching them. They shall be so located that they will not interfere with the placement of signs, signals or other devices that affect traffic operation.

4. NUMBER AND ARRANGEMENT OF DRIVEWAYS

For property tracts with a sizable frontage on the street, driveway location and arrangement largely will be governed by the position of installations thereon. Where driveways are provided to land areas only, i.e., areas with no developments sufficiently near the street to significantly control driveway arrangements, they shall be located to the best advantage with regard to the street alignment, profile, sight distance conditions, etc.

The permissible number, arrangement, and width of driveways shall be governed in part by the street frontage of abutting private property. The number of driveways provided shall be the minimum number required to adequately serve the needs of the adjacent property. Frontages of 50 feet or less shall be limited to one driveway. Normally, not more than two driveways will be provided to any single property tract or business establishment.

Where there are several adjacent roadside establishments, each with relatively limited frontage, or where there is probability of such development, consideration should be given to the provision of a frontage road for the several driveways so as to reduce the number of separate connections to the street. Where border width permits, the several driveways should be connected directly to such an outer road paralleling the highway, with connections to the through highway only at the extremities of the frontage road, or at well-spaced intervals along it.

Driveways shall be positioned to clear the frontage boundary lines by the specified minimum dimension. Where two driveways are provided for one frontage, the clear distance between driveways measured along the right-of-way line shall not be less than 25 feet.

At an intersection of two streets, a driveway connecting each street with a corner property will be permitted where essential to the conduct of business on the corner tract, provided such driveways comply with the control dimensions set out in section 11. Under urban conditions, and elsewhere, particularly where traffic in relation to capacity is high, the corner clearance on the approach to the intersection desirably should be greater than that on the far side of the intersection.

5. DRIVEWAY WIDTH AND EDGE RADIUS

The driveway width shall be adequate to handle properly the anticipated volume and type of traffic, and shall be within the limits specified for the particular conditions and type of establishment, as set out in section 11 of these rules and regulations.

Where space permits, the radius of curve connecting the edge of through-traffic lane and edge of driveway shall be the maximum radius to permit turns by the largest vehicle to be expected with frequency. For narrow frontage or narrow border conditions, the combination of driveway width and edge radius of smaller dimension should be adequate to this end. The radii for driveways on streets on which there are outer parallel parking lanes shall be based on turns from the edge of through lane, and parking should be regulated as necessary to keep the turning area free of standing vehicles.

6. DRIVEWAY ALIGNMENT AND PROFILE

Single driveways should be positioned at right angles to the roadway. Where two driveways are used on one frontage, and they are to be used for access to and from both directions of travel on the streets, each roadway shall be at right angles with the centerline of the roadway as specified in Sketches and Examples. The driveway angle may be between 45° (minimum.) and 60° (maximum) when the driveway is to be used by vehicles in only one direction of street travel (right turns only) on a divided street.

On uncurbed sections of street, the gradient of the driveway shall conform with the normal shoulder pitch from the edge of the traveled way to the outer shoulder line, and thence slope downward on a suitable grade to the gutter or low point over a culvert (swale where a culvert is not used). Thereafter it shall continue downward or roll upward, depending upon the level of its destination with respect to the shoulder.

Where curbs are used along the street and sidewalks are provided or contemplated, the gradient of the driveway usually shall fit the plane of the sidewalk. If the difference in elevation of the gutter and the sidewalk is such that this is not practical, then the sidewalk shall be lowered to provide a suitable gradient for the driveway. In such case, the surface of the sidewalk should be sloped gently from either side of the driveway.

Vertical curves on driveways should be flat enough to prevent dragging of central or overhang portions of passenger vehicles.

7. DRIVEWAY SURFACING

Where the driveway is to be paved with concrete or bituminous material, its depth shall be a minimum of six inches or the depth of the existing travel way, whichever is the greatest. This depth shall extend from the travel way to the back of the ditch line, or ten feet from the edge of the shoulder line as the case may be. Gravel surface may be suitable for some locations.

8. CURBS AND GUIDE POSTS

Curbs of the type specified by the City of Morristown shall be used on the driveways and on islands within the buffer area, but all such curbs shall be outside the limits of the shoulders where the traveled way is not curbed. Where the traveled way is curbed, the returns of the driveway shall join properly the curb of the traveled way.

9. DRAINAGE

All driveways and buffer areas shall be constructed so as not to impair drainage within the street right-of-way, nor alter the stability of the roadway sub-grade, and at the same time not impair or materially alter drainage of the adjacent areas. All culverts, catch basins, drainage channels, and other drainage structures required within the buffer area and under the driveways as the result of property being developed, shall be installed in accordance with standards of the City of Morristown.

10. SIGNING

All advertising structures, advertising signs or advertisements shall be located outside the street right-of-way limits, and shall in all cases comply with Morristown's Zoning Ordinance regulating outdoor advertising.

11. CONTROL DIMENSIONS

Edge Clearance, General: All portions of the driveway shall be within the frontage boundary line. For driveways with angles of about 90°, the edge clearance should not be less than the radius of curvature for the junction of the driveway and pavement (shoulder) edges.

Residential ----- 5 feet minimum
Commercial ---- 12.5 feet minimum

Width

Residential 10 feet minimum 20 ft. maximum
Commercial 20 feet maximum for one-way use
 40 feet maximum for two-way use

Driveway Angle (Y) (Rural & Urban)

Driveways for two-way operation: 90° to centerline of roadway

Driveways for one-way operation:

1. Driveways used by vehicles in both directions of travel on highway/same as for two-way operation (90° to centerline of roadway)
2. Driveways used by vehicles in one direction of travel on divided street (right turn only)
60° maximum; 45° minimum

Radius of curvature:

Residential ----- 5 feet minimum; 15 feet maximum
Commercial ---- 5 feet minimum; 20 feet maximum

NOTE: IN NO CASE SHALL THE DISTANCE (D) BE LESS THAN THE LARGEST ADJACENT WIDTH OPENING (W).

Corner Clearance

25 feet minimum---where there are traffic signals at the intersection, desirably the nearside clearance should be two or more times the far side.

12. DRIVEWAY PROFILE

No Street Edge Curb, cut section: a) from edge of traveled way to outer edge of shoulder; gradient same as shoulder pitch; b) from outer edge of shoulder to low point at ditch line or over culvert, maximum downward gradient 5 to 8 percent; c) beyond ditch line or over culvert, maximum gradient 5 to 8 percent for commercial driveways or 10 to 15 percent for others.

No Street Edge Curb, fill section: a) slope across shoulder, same as above; b) beyond outer edge of shoulder, maximum gradient 5 to 8 percent for commercial driveways or 10 to 15 percent for others.

With Street Edge Curbs: Driveway profile should slope upgrade from gutter line to meet the sidewalk, if any, with maximum difference between downward cross-slope of traveled way and upward slope of driveway of 8 to 10 percent; beyond outer edge of walk or equivalent, maximum gradient 5 to 8 percent for commercial driveways or 10 to 15 percent for others.

Vertical Curve: As flat as feasible; to prevent drag, vertical curves should avoid a hump or dip greater than about 6 inches within wheelbase length of ten (10) feet. For recent model passenger cars, to prevent center or overhang drag, with some allowance for load and bounce, crest vertical curves should not exceed a 3 1/4 inch hump in 10-foot chord, and sag vertical curves should not exceed a 2-inch depression in 10-foot chord.

13. No curb on any City street or right-of-way shall be cut or otherwise altered without an approved STREET CUT PERMIT issued by the City Engineer.
14. No driveway on any City street or right-of-way shall be constructed or altered without an approved DRIVEWAY ENTRANCE PERMIT issued by the Building Inspector.

14-219. MODIFICATIONS OF FRONT YARD REQUIREMENTS

The front yard requirements of this ordinance shall not apply on lots where the average depth of existing front yards on developed lots located within one hundred (100) feet on each side of a lot within the same block and zoning district as such lot, is greater or less than the minimum required front yard depth. In such cases the depth of the front yard on such lot shall not be less than the average front yard depths on such developed lots; provided however, that no new structure shall be erected closer than fifteen (15) feet to the front lot line.

14-220. MODIFICATIONS OF SIDE YARD REQUIREMENTS

For each foot by which a lot of official record at the time of enactment of this ordinance is less than sixty-five (65) feet in width, four (4) inches may be deducted from each of the required side yards; provided, however, that no side yard shall be less than four (4) feet in width.

14-221. LOT OF RECORD

Where the owner of a lot of official record at the time of adoption of this ordinance does not own sufficient land to enable him to conform to the yard and other requirements of this ordinance, such lot may be used by said owner or a subsequent owner as a building site provided the yard space and other requirements conform as closely as possible in the opinion of the Board of Zoning Appeals to the requirements for the district in which said lot is located.

14-222. PLANNED UNIT DEVELOPMENT

In the case of a multi-family residential development consisting of a group of two or more buildings to be constructed on a single plot of ground or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual buildings in such a Development, the application of such requirements to such a development shall be made by the Planning Commission in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy, and a density of a land use not higher and a standard of open space at least as high as required by this ordinance in the district in which the proposed project is to be located. Such deviation from the strict application of the provisions of the Zoning Ordinance may also be made for residential subdivisions in order to achieve economies in land development and maintenance, and to improve the environment of the community.

Approval of a site plan by the Planning Commission shall be required for any proposed planned unit development. The key test in evaluating a planned unit development proposal shall be equivalency with the provisions of the Zoning Ordinance. A proposed development should be approved if it complies with the intent of the Zoning Ordinance in meeting such goals as adequate open space, provision of needed public facilities, beneficial segregation of land uses, and protection of the environment. The area covered

by a planned unit development may include either a single parcel or multiple parcels, but in no instance shall the planned unit development provisions apply to structures which are unrelated in function.

14-223. PLANNED NONRESIDENTIAL DEVELOPMENT

In the case of a planned nonresidential development, two or more principal buildings may be constructed on a single lot, provided that the site plan for such development is approved by the Planning Commission. The requirements of this Ordinance shall be applied to such projects by the Planning Commission in such manner as to adhere as closely as possible to the intent of the Ordinance. In no case shall the Planning Commission authorize a use prohibited in the district in which the project is located.

14-224. CLASSIFICATION OF NEWLY ANNEXED TERRITORIES (3171-03/02/2004)

All new annexations of land to the City of Morristown shall be classified as Single Family Residential (R-1) upon annexation, unless said land is otherwise approved by ordinance to be classified as another zoning district having been reviewed and submitted to the City Council by the Morristown Regional Planning Commission.

14-225. INTERPRETATION OF PERMITTED USES

When any question arises in regard to the permissibility of a specific use in any zone, the question shall be decided by the Board of Zoning Appeals on the basis of the narrative description of the nature and purpose of the zone which is included at the beginning of the regulations governing each zone.

14-226. USES PERMITTED ON REVIEW

Uses requiring Board of Zoning Appeals permit are permissible if in the opinion of the Board of Zoning Appeals adequate conditions exist or can be imposed that will make such uses compatible with the purposes of this code. Uses which would have a material adverse effect upon the surrounding property, or interfere with vehicle and pedestrian traffic, or create noise, dirt, smoke, odor or other nuisances, which are detrimental to the health, safety, and general welfare of the surrounding area shall be denied.

14-227. GASOLINE SERVICE STATION CANOPIES

Canopies for gasoline service stations shall not be constructed closer than fifteen (15) feet to any street right-of-way.

14-228. HOME OCCUPATION (3584-08/01/2017)

1. A Home Occupation Permit is required for any business requiring a State Business license which is conducted within the premise of any occupied domicile or accessory structure.
2. An applicant for a home occupation permit shall submit an application to the Planning Staff in a form as required by the city administrator or his assignee along with the required fee for a USE ON REVIEW permit as approved by City Council.
3. A home occupation must comply with the following criteria:
 - a. The applicant(s) shall demonstrate that the location for the home occupation is their principal domicile,

- b. Not more than 25% of the gross floor area or 500 square feet, whichever is less, of the principal domicile or any accessory structure shall be used for the home occupation, including the storage of any materials or products related to the home occupation.
- c. No more than one employee affiliated with the home occupation who is not a permanent resident of the dwelling unit shall be employed at the site of the home occupation.
- d. No more than one home occupation may be permitted per dwelling unit.
- e. Products or materials shall not be visible on the premises from any street or sidewalk adjacent to the property on which the home occupation is situated.
- f. A home occupation shall be limited to one, wall-mounted sign, mounted flatly against the structure, that shall not exceed two (2) square feet in size and such sign shall not have lights, be illuminated, flash, glimmer, flutter, or have movement by any electronic, wind or other means.
- g. There shall be no significant increase in the use of utilities such as water, sewer, gas, garbage or electricity that would indicate the usage of the property other than the use for residential purposes.
- h. There shall be no external storage of materials incidental to the home occupation.
- i. No equipment or process associated with the home occupation shall generate noise, vibration, smoke, dust, glare, electrical interference, odors, fumes or other objectionable effect detectable to the normal senses beyond the property lines of the lot on which the business is situated, or if within a multi-family structure, beyond the confines of the individual dwelling unit.
- j. Off-street parking shall be provided on the premises in sufficient quantity to accommodate all residents of the domicile, delivery vehicles, employees, clients, customers, students, visitors, etc. affiliated with the residence and the home occupation.
- k. No activity related to the home occupation shall be permitted outdoors on the property.
- l. No new construction or alterations to any existing structure on the site shall be made to indicate from the exterior that the buildings are being used for other than residential purposes.
- m. There shall be no group instruction in connection with the home occupation. For the purposes of this subsection, instruction shall be group instruction if it involves more than two (2) students at any time.
- n. There shall be no group assembly involved with the home occupation.
- o. Deliveries to the premises shall be consistent with the intent and purpose of maintaining the residential character of the neighborhood and shall not exceed two business deliveries between the hours of 8:00 a.m. and 6:00 p.m. to the premises per day.
- p. One (1) commercial vehicle (one and one-half ton or less in size) owned by the residents of the domicile may be used in conjunction with the home occupation. The vehicle will be deemed in use for the home occupation if it advertises the home occupation and/or contains or stores materials including stock, wares, goods, samples or equipment. Such vehicle shall be stored in a garage or building or shall be concealed so as not to be visible from the street or sidewalk adjacent to the premises when it is parked at the residence.
- q. No earth moving equipment or heavy construction or hauling equipment or building materials shall be allowed on the premises.
- r. The Board of Zoning Appeals, when considering a permit for a home occupation, may render additional requirements specific to a particular application as it may deem necessary to protect the intent and purpose of maintaining the residential character of the neighborhood in which the application is being sought.
- s. Home Occupation permits shall not be transferrable. A new home owner, property owner, descendant, heir or individual other than that to whom the Board of Zoning Appeals issues a home occupation permit shall be required to apply for a new home occupation permit.
- t. The applicant(s) shall have signed a notarized Affidavit of Zoning Compliance for a Home Occupation, Section 14-228 Zoning Ordinance of the City of City of Morristown stating their agreement to comply with the standards set forth herein.

An applicant for a home occupation permit which involves the above listed criteria and involves employees, clients, or students must be approved by the Board of Zoning Appeals. All other home occupation permits may be approved administratively by staff.

4. Owner-Occupied Short-Term Rental Units (OOSTRU) (3613- 07/17/2018).

An OOSTRU is an owner occupied short-term rental unit (STRU). OOSTRUs are permitted only as a Use on Review in any district where single family uses are permitted:

- a. No person or entity shall operate an OOSTRU or advertise a residential property for use as an OOSTRU without the owner of the property first having obtained an OOSTRU permit issued by the Planning Department.
- b. The principal renter of an OOSTRU shall be twenty-one (21) years of age.
- c. With the exception of the Central Business District, the operator shall provide two (2) paved on-premise parking spaces for the principal single-family residence and one (1) paved on-premise parking space for each two guest bedrooms. Vehicles shall not be parked on front lawns.
- d. The maximum number of paying adult guests permitted on a STRU property at any one time shall not exceed more than twice the number of bedrooms plus four. Simultaneous rental to more than one party under separate contracts shall not be allowed.

For example: a three (3) bedroom STRU would allow a maximum of ten (10) individuals (3 bedrooms x 2 plus 4 equals ten 10)

- e. Signs, advertising, or any other displays on the property indicating that the dwelling unit is being utilized, in whole or part, as a STRU are prohibited.
- f. All STRU occupants shall abide by all applicable noise restrictions listed in Section 11-202 of the Morristown Code of Ordinances.
- g. Each STRU shall provide the following life safety equipment on the premises. The equipment shall be installed to manufacturer specifications.

1. Smoke alarms shall be installed in all the following locations:
 - i. In all sleeping rooms;
 - ii. Outside of each separate sleeping area, in the immediate vicinity of the sleeping rooms; and
 - iii. On each occupiable level of the dwelling unit, including basements.
2. Carbon monoxide alarms or carbon monoxide detectors shall be installed where any of the following conditions exists:
 - i. Dwelling units with attached garages;
 - ii. Dwelling units containing fuel-burning appliances;
 - iii. Outside of each separate dwelling unit sleeping area in the immediate vicinity of the sleeping rooms; and
 - iv. On every occupiable level of the dwelling unit, including basements, but excluding attics and crawl spaces.

3. A fire extinguisher

Occupancy hazard protection shall be provided by fire extinguishers for such Class A, B, C, D, or K fire potentials as might be present with a minimum rating of 2A:10BC.

Fire extinguishers shall be conspicuously located where they are readily accessible and immediately available in the event of a fire. Fire extinguishers shall be located along normal paths of travel, including exits from areas.

4. Every smoke and carbon monoxide alarm must function properly with the alarm sounding after pushing the test button and the fire extinguisher must be tested annually by an authorized, licensed fire extinguisher contractor. It shall be unlawful to operate a short-term rental unit without a smoke alarm, carbon monoxide detector, or fire extinguisher as required by this section.
 - h. A local contact person shall be designated by the operator, who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of:
 1. Being able to physically respond, as necessary, within forty-five (45) minutes of notification of a complaint regarding the condition, operation, or conduct of occupants of the short-term rental unit;
 2. Taking remedial action necessary to resolve any such complaints; and
 3. The name and telephone number of the local contact person shall be conspicuously posted within the STRU unit.
 4. The dates of garbage/recycling bin pickup shall be conspicuously posted within the STRU unit. Ultimately, the owner of the property is responsible for proper and timely disposal of all garbage and recyclables.
 - i. Denial or Revocation of Permit.
 1. The operator failed to comply with permit conditions the previous year.
 2. The Code Enforcement Officer shall notify the permit holder of any complaints received. Upon the filing of three (3) or more complaints within a calendar year regarding a STRU, the Code Enforcement Officer may revoke the STRU permit.
 3. If the Codes Enforcement Officer determines that violations of this section or any other ordinance or law relating to STRUs have occurred, the permit to operate a STRU may be revoked.
 4. Before revoking any permit, the Codes Enforcement Officer shall give the permit holder fifteen (15) days written notice of the alleged violation(s) against him/her.
 5. Any revocation of a STRU permit may be appealed to the Board of Zoning Appeals as an administrative appeal pursuant to section 14-2004.1 of the Morristown Zoning Ordinance.
 6. The operator fails to pay applicable taxes, including but not limited to hotel occupancy privilege tax, sales tax, and gross receipt tax.
 - j. Nonconforming Use.

The owner of nonconforming STRU may continue to operate the unit provide they can submit documentation demonstrating they have paid at least six months of sales taxes on rentals during a 12-month period prior to enactment of rules. The owners must continue to maintain a valid Short-Term Rental Unit Permit.
5. The holder of a home occupation permit is required to continuously comply with all conditions of its issuance or suffer revocation as provided below:
 - a. A home occupation permit shall be revoked when it is determined that the conditions of its issuance are not being met.
 - b. The permit holder of the home occupation shall be notified in writing that the conditions of its issuance are not being met with the specific infractions noted.
 - c. The permit holder of the home occupation shall be given ten (10) calendar days from the postmark of written notification of non-compliance to contact the city to resolve the issue of non-compliance. Should the issue not be resolved, the City Administrator or his assignee shall notify the permit holder that the Home Occupation Permit has been revoked and all business activities associated with the home occupation shall terminate immediately upon receipt of the notice.
6. Appeals to the revocation of a home occupation permit shall be made in writing to the Board of Zoning Appeals within seven (7) calendar days of the date of the revocation notice. A timely filed

appeal shall result in the revocation action being held in abeyance pending the hearing by the Board of Zoning Appeals.

- a. A notice of application for appeal shall be posted by the city on the applicable property.
- b. A public notice shall be published in a newspaper of general circulation advertising the nature of the appeal and the date, time and location at which the Board of Zoning Appeals shall consider the issue.
- c. An appeal hearing before the Board of Zoning Appeals shall be limited to the issue of whether the applicant complies with the criteria to be issued a home occupation permit or whether a permit holder continuously meets the criteria required for the issuance of a home occupation permit.
- d. The Board of Zoning Appeals shall not grant a variance from the established criteria for the issuance of a home occupation permit.
- e. The Board of Zoning Appeals shall not hear an appeal that is not timely filed as provided in this Section.

Chapter 3
R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

SECTION

- 14-301. R-1 SINGLE FAMILY RESIDENTIAL DISTRICT.
- 14-302. USES PERMITTED.
- 14-303. USES PERMITTED ON REVIEW.
- 14-304. LOT WIDTH.
- 14-305. DEPTH OF FRONT YARD.
- 14-306. DEPTH OF REAR YARD.
- 14-307. WIDTH OF SIDE YARDS.
- 14-308. BUILDING AREA.
- 14-309. LOT AREA.
- 14-310. BUILDING HEIGHT.

Chapter 3
R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

14-301. SINGLE FAMILY RESIDENTIAL DISTRICT

This is the most restrictive residential district, intended to be used for single-family residential areas with low population densities. Additional permitted uses, by Review of the Board of Zoning Appeals, include related non-commercial recreational, religious and educational facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment.

14-302. USES PERMITTED

1. Accessory buildings.
2. One-family dwellings.
3. Parish houses.
4. Parsonages.
5. The taking of roomers provided that no more than two (2) rooms are used for such purposes.
6. Home Occupation with no additional employees, clients or students. (3584-08/01/2017)

14-303. USES PERMITTED ON REVIEW

1. Catering Service. (2851-09/17/1996)
 - a. Provisions governing a catering service:
 1. Not more than 20% of the floor area of the principal and accessory buildings shall occupy such use.
 2. No external alterations or evidence of such occupations existence shall be visible outside the residence.
 3. No trucks or service vehicles shall have signs or indication of such occupation or be parked outside the residence.
 4. Certification by the Hamblen County Health Department shall be required.
 5. 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.
2. Cemeteries. (2806-07/18/1995)
 - a. Cemeteries in Residential zones. Posting of Public Notices shall be placed: On public streets on which the proposed property fronts. Sign shall read: "This property is proposed for "Use on Review" as a cemetery by the Morristown Planning Commission on (Month), (Day), (Time) at City Hall Council Chambers". For more information call 581-0100. This sign shall be posted at least ten days prior to the Planning Commission meeting at which "Use on Review" is to be decided, and removed after the meeting.
3. Churches, Synagogues, Temples, and other places of Worship.
4. Crop and tree farming.
5. Home Occupation involving employees, clients and students. (3584-08/01/2017)
6. Public and private country clubs and golf courses.
7. Public buildings.
8. Public parks and other recreational facilities.
9. Public Schools.
10. Schools operated by religious organizations.

14-304. LOT WIDTH

Any lot shall be no less than ninety (90) feet at the building line.

14-305. DEPTH OF FRONT YARD

Any principal building on any lot shall be located no nearer than twenty-five (25) feet to the front lot line. (3009-09/07/1999)

Any lot within a newly proposed subdivision which does not have primary access on a road network internal to the newly proposed subdivision but has access on an already existing street network shall be subject to additional front yard requirements as determined by the Morristown Planning Commission for the purpose of safe vehicular ingress and egress. (3009-09/07/1999)

14-306. DEPTH OF REAR YARD

Any principal building on any lot shall be located no nearer than twenty-five (25) feet to the rear lot line. (3009-09/07/1999)

14-307. WIDTH OF SIDE YARDS

Any principal building on any lot shall be located no nearer to each side lot line than twelve (12) feet for a building of one (1) story in height; fifteen (15) feet for a building of two (2) stories in height; or twenty (20) feet for a building of three (3) stories in height; provided however, that in the case of a lot where a side lot line coincides with a street right-of-way line, any principal building shall be located no nearer than fifteen (15) feet to said lot line.

14-308. BUILDING AREA

The principal building and accessory building on any lot shall not cover more than thirty (30) percent of the total area of said lot.

14-309. LOT AREA

Any lot shall be no less than 15,000 square feet in area.

14-310. BUILDING HEIGHT

Buildings shall not exceed three (3) stories or thirty-five (35) feet in height.

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 4
(RP-1) PLANNED RESIDENTIAL DEVELOPMENT DISTRICT

SECTION

- 14-401. RP-1 PLANNED RESIDENTIAL DEVELOPMENT DISTRICT.
- 14-402. PURPOSE.
- 14-403. USES PERMITTED.
- 14-404. REQUIREMENTS FOR EACH DEVELOPMENT WITHIN A RP-1 DISTRICT.

Chapter 4
RP-1 Planned Residential Development District
(3615-09/04/2018)

14-401. PLANNED RESIDENTIAL DEVELOPMENT (RP-1) DISTRICT

14-402. PURPOSE

The purpose of this district is to encourage creativity and flexibility in planned residential developments. Higher development density may be obtained through the protection of scenic vistas, waterways, hillsides (mountains) while creating open spaces and promoting a pedestrian friendly atmosphere.

All development within the RP-1 must be approved by the Planning Commission. Any change of use, increase in density, or significant modification to the approved plan must be approved by the Planning Commission.

14-403. USES PERMITTED

1. Bed-and-Breakfast.
2. Clubhouse and amenities as an accessory to the overall development.
3. Day Care Centers.
4. Golf Courses (public or private).
5. Group Homes.
6. Home Occupations require Board of Zoning Appeals approval (3583-08/01/2017).
7. Marinas.
8. Churches, Synagogues, Temples, Parsonages and Parish Houses and other Places of Worship.
9. Convalescent and Nursing Homes, retirement homes, orphanages, and assisted living facilities.
10. Private Schools.
11. Public Buildings, Parks, other Public/Governmental Uses, and Utilities.
12. Residential Dwellings (one-family, two-family, multifamily).

14-404. REQUIREMENTS FOR EACH DEVELOPMENT WITHIN A RP-1 DISTRICT

1. Minimum Development Size: 5 acres
2. Minimum Frontage (For Development): 200 feet adjacent to a public right-of-way
3. RP-1 District Locations: Must be located adjacent to a public right-of-way that is classified as a collector or arterial street.
4. Minimum Lot Size: N/A
5. Minimum Lot Frontage per Residential Unit: N/A
6. Density Permitted: Twenty (20) dwelling units per acre.

7. The density permitted may be increased up to twenty-five (25) units per acre if two or more of the following enhancements are applied to the proposed development:
 - a. Preservation of hillside vistas on ridges or other steep topographic regions having a slope of 25% or greater (River Ridge, Crockett Ridge, Kidwells Ridge, Boatmans Ridge, and Bays Mountain). This can be achieved by clustering development away from scenic vistas.
 - b. Protect existing trees and/or other natural vegetation areas, preserve 75% of the existing, natural healthy hardwoods area when greater than seven (7) acres.
 - c. Clustering development within areas that have been previously disturbed (land grading) instead of developing onto undisturbed, pristine areas.
 - d. Preservation of scenic views of major water bodies by clustering development away from lake banks, streams, and rivers.
 - e. Increase the land area for wildlife, natural vegetation, or wetland (floodplain area) protection and enhancements.
 - f. Use and maintenance of permeable pavements.
 - g. Creation and maintenance of new recreational facilities such as playgrounds, trails, golf courses, and marinas.
8. Maximum Building Height: 45 feet, or what is determined by the height limitation within the Airport Overlay District, whichever is more strict.
9. Minimum Amount of Open Space: Twenty percent (20%).
10. Yard Setback Requirements:

Front:	Twenty-five (25) feet if adjacent to a public right-of-way, otherwise N/A.
Side:	If adjacent to a public right-of-way – twenty-five (25) feet If interior – zero lot line
Rear:	If adjacent to a public right-of-way – twenty-five (25) feet If interior – zero lot line
Perimeter:	Twenty-five (25) foot setback for all improvements along the perimeter of the development
11. Utilities: All proposed utilities, including but not limited to, cable, gas, electric, water, sewer, and telephone lines, for any new developments must be underground.
12. Building elevations/renderings are required for all proposed new developments.

CHAPTER 4A
(RD-1) MODERATE DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

SECTION

- 14-4A01. RD-1 MODERATE DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT.
- 14-4A02. USES PERMITTED.
- 14-4A03. USES PERMITTED ON REVIEW.
- 14-4A04. LOT WIDTH.
- 14-4A05. DEPTH OF FRONT YARD.
- 14-4A06. DEPTH OF REAR YARD.
- 14-4A07. WIDTH OF SIDE YARDS.
- 14-4A08. BUILDING AREA.
- 14-4A09. LOT AREA.
- 14-4A10. BUILDING HEIGHT.

Chapter 4A
RD-1 MODERATE DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT
(2787-03/21/1995)

14-4A01. RD-1 MODERATE DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT

This is a residential transition district developed to provide Single Family R-1 uses at a higher density.

14-4A02. USES PERMITTED (3584-08/01/2017).

Any use permitted and as regulated in the R-1 Single Family Residential District to include Home Occupations not involving employees, clients and students.

14-4A03. USES PERMITTED ON REVIEW

1. Churches, Synagogues, Temples, and other places of Worship.
2. Crop and tree farming.
3. Public buildings.
4. Public parks and other recreational facilities.
5. Public and private country clubs and golf courses.
6. Public schools.
7. Schools operated by religious organizations.

14-4A04. LOT WIDTH

Any lot shall be no less than eighty (80) feet at the building line.

14-4A05. DEPTH OF FRONT YARD

Any principal building on any lot shall be located no nearer than twenty-five (25) feet to the front lot line. (3009-09/07/1999)

Any lot within a newly proposed subdivision which does not have primary access on a road network internal to the newly proposed subdivision but has access on an already existing street network shall be subject to additional front yard requirements as determined by the Morristown Planning Commission for the purpose of safe vehicular ingress and egress. (3009-09/07/1999)

14-4A06. DEPTH OF REAR YARD

Any principal building on any lot shall be located no nearer than twenty-five (25) feet to the rear lot line. (3009-09/07/1999)

14-4A07. WIDTH OF SIDE YARDS

Any principal building on any lot shall be located no nearer to each side lot line than ten (10) feet; provided however, that in the case of a lot where a side lot line coincides with a street right-of-way line, any principal building shall be located no nearer than fifteen (15) feet to said lot line.

14-4A08. BUILDING AREA

The principal building and accessory building on any lot shall not cover more than forty (40) percent of the total area of said lot.

14-4A09. LOT AREA

Any lot shall be no less than 12,000 square feet in area where one residential unit occupies said lot.

14-4A10. BUILDING HEIGHT

Buildings shall not exceed three (3) stories or thirty-five (35) feet in height.

CHAPTER 5
(RD-2) MODERATE DENSITY RESIDENTIAL DISTRICT

SECTION

- 14-501. RD-2 MODERATE DENSITY RESIDENTIAL DISTRICT.
- 14-502. USES PERMITTED.
- 14-503. USES PERMITTED ON REVIEW.
- 14-504. LOT WIDTH.
- 14-505. DEPTH OF FRONT YARD.
- 14-506. DEPTH OF REAR YARD.
- 14-507. WIDTH OF SIDE YARDS.
- 14-508. BUILDING AREA.
- 14-509. LOT AREA.
- 14-510. BUILDING HEIGHT.

Chapter 5
RD-2 MODERATE DENSITY RESIDENTIAL DISTRICT
(2559-11/15/1988)

14-501. RD-2 MODERATE DENSITY RESIDENTIAL DISTRICT

This is a residential transition district developed to provide a transition between Single Family R-1 and Multi-Family R-2. In addition to single family and accessory uses, it also permits duplex and triplex units.

14-502. USES PERMITTED

1. Any use permitted and as regulated in the R-1 Single Family Residential District.
2. Two-family dwelling.
3. Three-family dwelling.

14-503. USES PERMITTED ON REVIEW

1. Churches, Synagogues, Temples, and other places of Worship.
2. Crop and tree farming.
3. Public buildings.
4. Public parks and other recreational facilities.
5. Public and private country clubs and golf courses.
6. Public schools.
7. Schools operated by religious organizations.

14-504. LOT WIDTH

Any lot shall be no less than eighty (80) feet at the building line.

14-505. DEPTH OF FRONT YARD

Any principal building on any lot shall be located no nearer than twenty-five (25) feet to the front lot line.
(3009-09/07/1999)

Any lot within a newly proposed subdivision which does not have primary access on a road network internal to the newly proposed subdivision but has access on an already existing street network shall be subject to additional front yard requirements as determined by the Morristown Planning Commission for the purpose of safe vehicular ingress and egress. (3009-09/07/1999)

14-506. DEPTH OF REAR YARD

Any principal building on any lot shall be located no nearer than twenty-five (25) feet to the rear lot line.
(3009-09/07/1999)

14-507. WIDTH OF SIDE YARDS

Any principal building on any lot shall be located no nearer to each side lot line than ten (10) feet for a building of one (1) story in height; fifteen (15) feet for a building of two (2) stories in height; or twenty (20) feet for a building of three (3) stories in height; provided however, that in the case of a lot where a side lot line coincides with a street right-of-way line, any principal building shall be located no nearer than fifteen (15) feet to said lot line.

14-508. BUILDING AREA

The principal building and accessory building on any lot shall not cover more than forty (40) percent of the total area of said lot.

14-509. LOT AREA

1. Any lot shall be no less than 10,000 square feet in area where one residential unit occupies said lot.
2. Any lot shall be no less than 11,000 square feet in area where two (2) residential units occupy said lot.
3. Any lot shall be no less than 14,500 square feet in area where three (3) residential units occupy said lot.

14-510. BUILDING HEIGHT

Buildings shall not exceed three (3) stories or thirty-five (35) feet in height.

CHAPTER 6
(R-2) MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION

- 14-601. R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT.
- 14-602. USES PERMITTED.
- 14-603. USES PERMITTED ON REVIEW.
- 14-604. LOT WIDTH.
- 14-605. DEPTH OF FRONT YARD.
- 14-606. DEPTH OF REAR YARD.
- 14-607. WIDTH OF SIDE YARDS.
- 14-608. BUILDING AREA.
- 14-609. LOT AREA.
- 14-610. BUILDING HEIGHT.
- 14-611. PROVISIONS GOVERNING BED AND BREAKFAST OPERATIONS.

Chapter 6
R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

14-601. R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

This is a residential district to provide for medium population density. The principal uses of land may range from single-family to medium density multi-family apartment uses. Certain uses which are more compatible functionally with intensive residential uses than with commercial uses are permitted. The recreational, religious, educational facilities, and other related uses in keeping with the residential character of the district may be permitted on Review by the Board of Zoning Appeals.

14-602. USES PERMITTED

1. Any use permitted and as regulated in the R-1 Single-Family Residential District.
2. 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.
3. Two-family dwelling.
4. Multiple-family dwelling.
5. Rooming or boarding house.

14-603. USES PERMITTED ON REVIEW

1. Any use permitted on review in R-1.
2. Bed and Breakfast Operations.
3. Convalescent and nursing homes.
4. Kindergartens and child nurseries with more than six (6) pupils.
5. Orphanages.
6. Plant and flower nurseries.
7. Truck gardening.

14-604. LOT WIDTH

Any lot shall be no less than sixty-five (65) feet at the building line.

14-605. DEPTH OF FRONT YARD

Any principal building on any lot shall be located no nearer than twenty-five (25) feet to the front lot line. (3009-09/07/1999)

Any lot within a newly proposed subdivision which does not have primary access on a road network internal to the newly proposed subdivision but has access on an already existing street network shall be subject to additional front yard requirements as determined by the Morristown Planning Commission for the purpose of safe vehicular ingress and egress. (3009-09/07/1999)

14-606. DEPTH OF REAR YARD

Any principal building on any lot shall be located no nearer than twenty-five (25) feet to the rear lot line.
(3009-09/07/1999)

14-607. WIDTH OF SIDE YARDS

Any principal building on any lot shall be located no nearer to each side lot line than ten (10) feet for a building of one (1) story in height; fifteen (15) feet for a building of two (2) stories in height; or twenty (20) feet for a building of three (3) stories in height; provided however, that in the case of a lot where a side lot line coincides with a street right-of-way line, any principal building shall be located no nearer than fifteen (15) feet to said lot line.

14-608. BUILDING AREA

The principal building and accessory building on any lot shall not cover more than thirty (30) percent of the total area of said lot.

14-609. LOT AREA

1. Any lot shall be no less than 7,500 square feet in area where one residential unit occupies said lot.
2. Any lot shall be no less than 11,000 square feet in area where two (2) residential units occupy said lot.
3. Any lot shall be no less than 14,500 square feet in area where three (3) or more residential units occupy said lot; and provided further, that any lot shall be increased in area by 3,500 square feet, in addition to 14,500 square feet for every residential unit of two bedrooms or more, and by 2,500 square feet in addition to 14,500 square feet for every residential unit of one bedroom or less in excess of three (3) occupying said lot.

14-610. BUILDING HEIGHT

Buildings shall not exceed three (3) stories or thirty-five (35) feet in height.

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.

14-611. 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 Requirement

- a. (1-3 rooms) 2 spaces for the existing residence and one (1) space for each room for rent. The spaces for rental rooms shall be landscaped and/or screened from the neighbors and street.
- b. (4-12 rooms) 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 square 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 be 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 (1-3 rooms) home-stay operation no visible outside evidence of a non-residential nature should be seen from the street or neighbors.
- c. Food served on large operation (4-12 rooms) inspected by Hamblen County Health Department.
- d. Food served on 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 stretch shall be seven (7) days.

7. Prohibited Uses

The small (1-3 rooms) operation shall not be utilized for the following functions:

- a. Receptions.
- b. Parties.
- c. Weddings.
- d. Club Meetings.
- e. Serving meals to other than overnight borders.

CHAPTER 7
(R-3) HIGH DENSITY RESIDENTIAL DISTRICT

SECTION

- 14-701. R-3 HIGH DENSITY RESIDENTIAL DISTRICT.
- 14-702. USES PERMITTED.
- 14-703. USES PERMITTED ON REVIEW.
- 14-704. LOT WIDTH.
- 14-705. DEPTH OF FRONT YARD.
- 14-706. DEPTH OF REAR YARD.
- 14-707. WIDTH OF SIDE YARDS.
- 14-708. BUILDING AREA.
- 14-709. LOT AREA.
- 14-710. OPEN SPACE

Chapter 7
R-3 HIGH DENSITY RESIDENTIAL DISTRICT
(3615-09/04/2018)

14-701. R-3 HIGH DENSITY RESIDENTIAL DISTRICT

This residential district is intended to promote and encourage the establishment of a suitable environment for urban residence in areas appropriate by location and character for occupancy by high-density, zero lot-line development.

14-702. USES PERMITTED

1. Any use permitted and as regulated in the R-1 and R-2 Residential Districts.
2. Zero lot line town homes.

14-703. USES PERMITTED ON REVIEW

1. Any use permitted on review in the R-1 and R-2 Residential Districts.
2. Convalescent and Nursing Homes, retirement homes, orphanages, and assisted living facilities.
 - a. The property shall have access from a collector or arterial street.

14-704. LOT WIDTH

Minimum lot width shall be no less than fifty (50) feet at the building line, corner lots shall have a minimum lot width of fifty-five (55) feet at the building line.

14-705. DEPTH OF FRONT YARD

Minimum depth of front yard for a principal building shall be no less than twenty-five (25) feet to the front lot line. Minimum depth of front yard shall apply to all public right-of-ways.

Any lot within a newly proposed subdivision which does not have primary access on a road network internal to the newly proposed subdivision but has access on an already existing street network shall be subject to additional front yard requirements as determined by the Morristown Planning Commission for the purpose of safe vehicular ingress and egress. (3009-09/07/1999)

14-706. DEPTH OF REAR YARD

Minimum depth of rear yard for a principal building shall be no less than twenty (20) feet to the rear lot line.

14-707. WIDTH OF SIDE YARDS

Other than zero-lot line development, the minimum depth of side yard for a principal building shall be no less than ten (10) feet to the side lot line.

14-708. BUILDING AREA

The principal building and accessory building on any lot shall not cover more than thirty (30) percent of the total area of said lot.

14-709. LOT AREA

1. Minimum lot size for a single-family dwelling shall be no less than 5,500 square feet in area.
2. Minimum lot size for two (2) family dwellings shall be no less than 11,000 square feet in area.
3. Minimum density for three (3) or more dwelling units is twenty (20) units per acre.

14-710. OPEN SPACE

Minimum open space of twenty (20) percent for all multi-family developments of three (3) or more dwelling units.

CHAPTER 8B
(OMP-R) OFFICE, MEDICAL AND PROFESSIONAL-RESTRICTED DISTRICT

SECTION

- 14-8B01. OMP-R OFFICE, MEDICAL AND PROFESSIONAL-RESTRICTED DISTRICT.
- 14-8B02. USES PERMITTED.
- 14-8B03. USES PERMITTED ON REVIEW.
- 14-8B04. LOT AREA.
- 14-8B05. LOT WIDTH.
- 14-8B06. SETBACKS.
- 14-8B06. BUILDING AREA.
- 14-8B07. BUILDING HEIGHT.

CHAPTER 8B
OMP-R OFFICE, MEDICAL, PROFESSIONAL -- RESTRICTED DISTRICT
(3115-10/01/2002)

14-8B01. OMP-R OFFICE, MEDICAL, PROFESSIONAL -- RESTRICTED DISTRICT

This district is intended to provide areas for professional, medical, and related businesses requiring separate buildings and building groups. It is the intent of the Office, Medical, and Professional- Restricted District to provide a transition area in which offices may co-exist with Medium Density Residential areas. In order to promote this mixed-use environment, traffic and signage should be maintained at a minimal level. This zoning can only occur if:

1. The property that is proposed to be zoned OMP-R is adjacent to an existing OMP-R District, and/or an existing OMP District; OR
2. The OMP-R District can stand alone if there is a minimum of 5 acres of land area, and it is adjacent (with a minimum of 200 feet of street frontage) to a collector and/or arterial (principal or minor) classified street.

14-8B02. USES PERMITTED

1. Accessory structures/ buildings.
2. Architects' and Artists' Studios (limited practice).
3. Beauty Shops/ Barber Shops (limited practice).
4. Dentists (limited practice).
5. Doctors (limited practice).
6. Engineers (limited practice).
7. Group Home (see definition).
8. 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.
9. Lawyers (limited practice).
10. Optometrists (limited practice).
11. Parish houses.
12. Parsonages.
13. Psychiatrists (limited practice).
14. Psychologists (limited practice).
15. Residential Dwelling (single family).
16. Residential Dwelling (two-family).
17. Residential Dwelling (multi-family).
18. Roomers (the taking of) provided that no more than two (2) rooms are used for such purposes.
19. Rooming or boarding house.

14-8B03. USES PERMITTED ON REVIEW

1. Bed and Breakfast operations (see Chapter 24, Other Zoning Provisions).
2. 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.
3. Cemeteries (2806-07/18/1995)
- a. Cemeteries in residential zones. Posting of Public Notices shall be placed: On public streets on which the proposed property fronts. Sign shall read: "This property is proposed Use on Review as a Cemetery by the Morristown Planning Commission on (Month), (Day), (Time) at City Hall Council Chambers. For more information call 581-0100." This sign shall be posted at least ten (10) days prior to the Planning Commission meeting at which "Use on Review" is to be decided, and removed after the meeting.
- 4. Churches, Synagogues, Temples, and other Places of Worship.
 - 5. Convalescent and Nursing Homes.
 - 6. Country Clubs and Golf Courses (public or private).
 - 7. Crop and Tree Farming.
 - 8. Governmental (or Public) Buildings and/or Uses as approved by the Planning Commission, as per T.C.A. Section 13-4-104.
 - 9. Home Occupation.
 - 10. Kindergartens and Child Nurseries with more than six (6) pupils.
 - 11. Non-Owner Occupied Short-Term Rental Units (3613- 07/17/2018)
 - a. Meet all conditions under 14-228.4
 - 12. Orphanages.
 - 13. Plant and Flower Nurseries.
 - 14. Public Parks and other Recreational Facilities.
 - 15. Schools (public or private).
 - 16. Truck Gardening.

14-8B04. LOT AREA

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

14-8B05. LOT WIDTH

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

14-8B06. SETBACKS

- 1. Front-Yard: The minimum front yard setback shall be thirty-five (35) feet to the front yard line.
- 2. Rear-Yard: The minimum rear yard setback shall be thirty (30) feet.
- 3. Side-Yard:
 - a. The minimum side yard setback shall be ten (10) feet; or
 - b. If the side lot line is adjacent to a street right-of-way, then the side yard setback shall be a minimum of fifteen (15) feet; or
 - c. If the side lot line is adjacent to a lot within any residential district, then the minimum side yard setback shall be fifteen (15) feet; or

- d. 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.

14-8B07. BUILDING AREA

The maximum amount of land area, on any lot, the principal building(s) and the accessory building(s) shall cover is thirty-five percent (35%).

14-8B08. BUILDING HEIGHT

1. The maximum building height is three (3) stories or 35 feet.
2. Churches, schools, 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 8
(OMP) OFFICE, MEDICAL AND PROFESSIONAL DISTRICT

SECTION

- 14-801. OMP OFFICE, MEDICAL AND PROFESSIONAL DISTRICT.
- 14-802. USES PERMITTED.
- 14-803. USES PERMITTED ON REVIEW.
- 14-804. LOT AREA.
- 14-805. LOT WIDTH.
- 14-806. SETBACKS.
- 14-807. BUILDING AREA.
- 14-808. BUILDING HEIGHT.
- 14-809. PROVISIONS GOVERNING RESTAURANTS.
- 14-810. PROVISIONS GOVERNING A MEDICAL CAMPUS.

CHAPTER 8
(OMP) OFFICE, MEDICAL AND PROFESSIONAL
(3114-10/01/2002)

14-801. OMP OFFICE, MEDICAL, PROFESSIONAL DISTRICT

This district is intended to provide areas for professional, medical, and related businesses requiring separate buildings and building groups. It is the intent of the Office, Medical, and Professional District to provide a transition area in which offices may co-exist with Medium Density Residential areas. In order to promote this mixed-use environment, traffic and signage should be maintained at a minimal level.

14-802. USES PERMITTED

1. Accessory structures/buildings.
2. Architects' and Artists' Studios (limited practice).
3. Beauty Shops/ Barber Shops (limited practice).
4. Dentists (limited practice).
5. Doctors (limited practice).
6. Engineers (limited practice).
7. Group Home (see definition).
8. 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.
9. Lawyers (limited practice).
10. Medical Campus with the provisions in Section 14-810. (3243-4/18/2006)
11. Optometrists (limited practice).
12. Parish houses.
13. Parsonages.
14. Psychiatrists (limited practice).
15. Psychologists (limited practice).
16. Residential Dwelling (single family).
17. Residential Dwelling (two-family).
18. Residential Dwelling (multi-family).
19. Roomers (the taking of), provided that no more than two (2) rooms are used for such purposes.
20. Rooming or boarding house.

14-803. USES PERMITTED ON REVIEW

1. Architectural Offices.
2. Barber shops.
3. Beauty shops.
4. Bed and Breakfast operations (see Chapter 24, Other Zoning Provisions).
5. Bonding companies.
6. Brokerage companies.
7. Business signs.
8. 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.
9. Cemeteries. (2806-07/18/1995)
- a. Cemeteries in residential zones. Posting of Public Notices shall be placed: On public streets on which the proposed property fronts. Sign shall read: "This property is proposed Use on Review as a Cemetery by the Morristown Planning Commission on (Month), (Day), (Time) at City Hall Council Chambers. For more information call 581-0100." This sign shall be posted at least ten (10) days prior to the Planning Commission meeting at which "Use on Review" is to be decided, and removed after the meeting.
- 10. Churches, Synagogues, Temples, and other Places of Worship.
 - 11. Convalescent and Nursing Homes.
 - 12. Country Clubs and Golf Courses (public or private).
 - 13. Dentist Offices.
 - 14. Doctor Offices.
 - 15. Drug Stores/Pharmacies/Apothecaries.
 - 16. Engineering Offices.
 - 17. Florist Shops.
 - 18. Governmental (or Public) Buildings and/or Uses as approved by the Planning Commission, as per T.C.A. Section 13-4-104.
 - 19. Home Occupation.
 - 20. Human Care Clinics and/or Hospitals.
 - 21. Institutions for Medical Education.
 - 22. Insurance Agencies.
 - 23. Kindergartens and Child Nurseries with more than six (6) pupils.
 - 24. Law Offices.
 - 25. Loan Companies.
 - 26. Masseurs.
 - 27. Medical Offices.
 - 28. Mortuaries.
 - 29. Non-Owner Occupied Short-Term Rental Units (3613- 07/17/2018)
 - a. Meet all conditions under 14-228.4
 - 30. Optometrist Offices.
 - 31. Orphanages.
 - 32. Plant and Flower Nurseries.
 - 33. Psychiatrist/Psychologist Offices.
 - 34. Public Parks and other Recreational Facilities.
 - 35. Real Estate Agencies.
 - 36. Restaurants. (2492-12/16/1986) (see section 14-809)
 - 37. Schools (public or private).
 - 38. Uniform Specialty Shops.

14-804. LOT AREA

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

14-805. LOT WIDTH

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

14-806. SETBACKS

1. Front-Yard: The minimum front yard setback shall be thirty-five (35) feet to the front yard line.
2. Rear-Yard: The minimum rear yard setback shall be thirty (30) feet.
3. Side-Yard:
 - a. The minimum side yard setback shall be ten (10) feet; or
 - b. If the side lot line is adjacent to a street right-of-way, then the side yard setback shall be a minimum of fifteen (15) feet; or
 - c. If the side lot line is adjacent to a lot within any residential district, then the minimum side yard setback shall be fifteen (15) feet; or
 - d. 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.

14-807. BUILDING AREA

The maximum amount of land area, on any lot, the principal building(s) and the accessory building(s) shall cover is thirty-five percent (35%).

14-808. BUILDING HEIGHT

1. The maximum building height is four (4) stories or 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.

14-809. PROVISIONS GOVERNING RESTAURANTS (2492-12/16/1986)

1. Types of Restaurants Permitted:
 - a. Small, sit-down, eat-in, types of restaurants, tea rooms or similar type facilities, without drive-in windows and without delivery, which are located in converted existing structures or in new structures which conform to the surrounding neighborhood in design.
 - b. Small restaurants or internal cafeterias that are incorporated into the overall designs of a medical or office complex; the principal purpose is to serve the tenants of the complex.
2. Off-Street Parking: It shall conform to the parking requirements for restaurants as adopted in the Zoning Ordinance, and shall be incorporated into the overall design so as to cause the least possible conflict with the general area. When possible, it shall be located in the rear or center of the overall development and shall use screening where possible to prevent conflict with the adjoining properties.

14-810. PROVISIONS GOVERNING A MEDICAL CAMPUS. (3243-4/18/2006)

1. A Medical Campus shall be comprised of no less than 7 acres which may be one or more parcels that have the same ownership or ownership of the organizations associations, foundations or other applicable affiliates including long term land lease properties.
2. A Medical Campus shall have a Master Plan approved by the Morristown Regional Planning Commission that contains the following:
 - a. Boundary and total acreage of entire campus
 - b. All existing and proposed buildings
 - c. Existing and proposed parking and traffic circulation
 - d. Existing and proposed landscaping
 - e. Additional items determined to be necessary by the Morristown Planning Director
3. A Medical Campus shall meet the current Office, Medical and Professional requirements regarding lot size, lot width and building height. However, the following shall be specific regulations regarding a Medical Campus:
 - a. The maximum amount of land area of the Medical Campus that may be covered by structures is thirty-five percent (35%) based on the entire campus.
 - b. Setbacks of a Medical Campus shall meet the following:
 - i. Zero lot line between parcels under the same ownership or land lease agreement by the organization and its affiliated associations, foundations or other applicable affiliates.
 - ii. If adjacent to a public right-of-way 15 feet on local streets as classified by the thoroughfare plan. All other streets shall maintain the existing front and side yard setbacks as is required by the Office, Medical and Professional District.
 - iii. If adjacent to property not under the same ownership or land lease agreement as the organizations or its affiliated association, foundations or other applicable affiliates a 10 feet setback to any principle structure shall be required.

Chapter 9
(LB) LOCAL BUSINESS DISTRICT

SECTION

- 14-901. LB LOCAL BUSINESS DISTRICT.
- 14-902. USES PERMITTED.
- 14-903. USES PERMITTED ON REVIEW.
- 14-904. DEPTH OF FRONT YARD.
- 14-905. DEPTH OF REAR YARD.
- 14-906. DEPTH OF SIDE YARDS.
- 14-907. BUILDING AREA.
- 14-908. BUILDING HEIGHT.
- 14-909. PROVISIONS GOVERNING PARKING.
- 14-910. PROVISIONS GOVERNING PLACEMENT OF STRUCTURES.

Chapter 9
LB LOCAL BUSINESS DISTRICT
(3602- 04/03/2018)

14-901. LB LOCAL BUSINESS DISTRICT

The Local Business (LB) District is located to provide limited commercial and personal service facilities of a convenience nature, servicing persons residing in adjacent residential areas without adversely impacting the residential character of the area. Commercial uses should be in scale and character with the adjacent residential uses and do not encourage the generation of additional traffic from outside the area.

14-902. USES PERMITTED

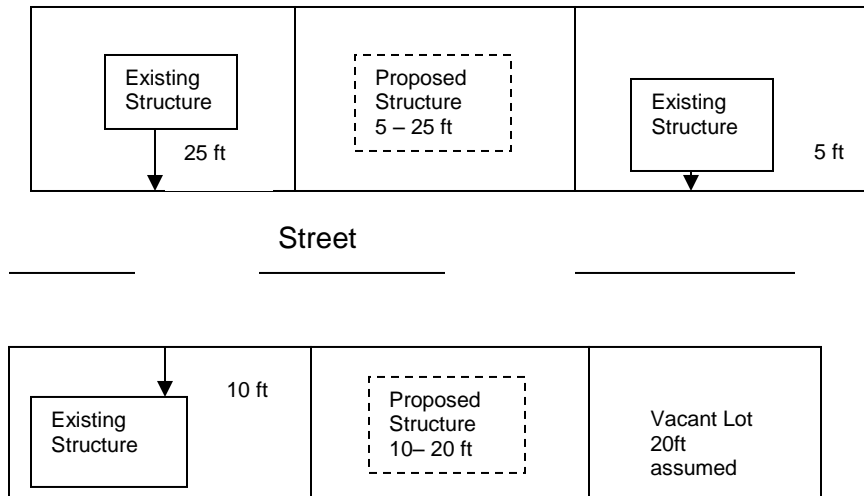
1. Accessory structures/buildings.
2. Bank.
3. Beauty Shops/Barber Shops/Health Salons (Limited Practice).
4. Bed and Breakfast Operations
5. Business, Professional or Governmental Offices (Limited Practice) (3602- 04/03/2018)
6. Churches, Synagogues, Temples, Parsonages and Parish Houses, and other Places of Worship
7. Gasoline Service Station
8. Home Occupations (subject to Section 14-228) (3602- 04/03/2018)
9. Kindergartens and child nurseries
10. Plant and Flower nurseries
11. Residential (single family, two-family, and multi-family) (3602- 04/03/2018)
12. Restaurant (Limited Service) (3602- 04/03/2018)
13. Retail Sales Establishment (Limited Service) (3602- 04/03/2018)
14. Rooming or Boarding House
15. Self-service laundry

14-903. USES PERMITTED ON REVIEW

1. Car Washes (3602- 04/03/2018)
 - a. Must be a minimum of 75' from all residential dwellings
 - b. Must provide a buffer if a residential district or use is adjacent to this property
 - c. Must follow the exterior lighting ordinance (Chapter 32) in order to minimize light trespass onto residential areas.
 - d. Hours of operation must be limited to 7 am to 11 pm.
2. Cemeteries (3602- 04/03/2018)
 - a. The Cemetery must be an accessory use.
3. Convalescent and Nursing Homes, retirement homes, orphanages and assisted living facilities (3602- 04/03/2018).
 - a. Must be located on a Collector or Arterial Street
 - b. Must be licensed by the State
4. Non-Owner Occupied Short-Term Rental Units (3613- 07/17/2018)
 - a. Meet all conditions under 14-228.

14-904. DEPTH OF FRONT YARD

The depth of the front yard setback shall be determined by measuring the front yard setback of the adjacent properties from the front property line to the principal building to determine a minimum and maximum setback from the front property line. Any principal building on any lots shall be located no nearer or farther than the front yard setbacks of the adjacent property. If adjacent property is vacant then a front yard setback of adjacent property shall be twenty (20) feet so that minimum and maximum can be set (See Figure Below).



14-905. DEPTH OR REAR YARD

1. The case of a lot where the rear lot line coincides with the lot line of a lot in a residential district, any principal building shall be located no nearer than twenty (20) feet to said rear lot line.
2. In the case of a lot where the rear lot line coincides with a right-of-way line of an alley, any principal building shall be located no nearer than five (5) feet to said rear lot line.
3. Any principal building on any lot shall be located no nearer than ten (10) feet to the rear lot line, in cases other than those as set forth above in subsections 1 and 2.

14-906. DEPTH OF SIDE YARDS

1. In the case of a lot where the side lot line coincides with the lot line of a lot in a residential district, any principal building shall set back from said lot line in accordance with the provisions governing width of side yards in the residential district.
2. In the case of a lot where the side lot line coincides with a right-of-way line of an alley, any principal building shall be located no nearer than five (5) feet to said side lot line.
3. Any principal building on any lot shall be located no nearer than ten (10) feet to the side lot line, in cases other than those as set forth above in subsections 1 and 2.

14-907. BUILDING AREA

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

14-908. BUILDING HEIGHT

Buildings shall not exceed three (3) stories or thirty-five (35) feet in height.

14-909. PROVISIONS GOVERNING PARKING

Parking shall generally be located to the side and rear of buildings. On-street parking shall be encouraged where applicable.

14-910. PROVISIONS GOVERNING PLACEMENT OF STRUCTURES

All Structures shall have the main entrance of the building facing the commercial street. Other entrances may be adjacent to parking.

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 (3596-02/06/2018)

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. Business, Professional or Governmental Offices. (3596-02/06/2018).
9. Catering Services. (2851-09/17/1996)
10. Cemeteries. (2806-07/17/1995)
11. Childcare facilities with six (6) or more pupils
12. Churches, Synagogues, Temples, Parsonages and Parish Houses and other Places of Worship.
13. Convalescent and Nursing Homes, retirement homes, orphanages and assisted living facilities.
14. Farm Sales Equipment.
15. Mortuaries and Funeral Services (No Crematoriums).
16. Gasoline Service Station/ Convenience Stores.
17. Health Salon.
18. Home Occupation.
18. Hotels and Motels.
20. Landscaping Business
21. Laundry, Self Service
22. Limited Service Restaurants. (3591-11/07-2017)
23. Microbreweries. (3591-11/07/2017)
24. Mini-Storage Rental Warehouse Units.
25. Parking Lots and/or Parking Garages.
26. Plant and Flower Nurseries (retail and wholesale).
27. Private Clubs.
28. Restaurant.
29. Retail Sales Establishment. (3596-02/06/2018)
30. Shopping Centers/Malls.
31. Theater.
32. Trailer Sales Agency.
33. Veterinarian Clinic/Hospitals
34. Wholesale

14-1003. USES PERMITTED ON REVIEW (3596-02/06/2018)

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. 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 shall be the same as for other nonresidential uses permitted within the applicable zone; and
 - d. 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 (2946-06/02/1998).
 - 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. and 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. Non-Owner Occupied Short-Term Rental Units (3613- 07/17/2018)
 - a. Meet all conditions under 14-228.4
10. 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.
11. Residential Dwellings (one-family, two-family, multifamily); needs Planning Commission approval.
 - a. Located above the ground floor of commercial buildings
12. Roomers, the taking of, provided that no more than two (2) rooms are used for such purposes.
13. Schools (public or private), Colleges or Trade school
 - 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 11
(CB) CENTRAL BUSINESS DISTRICT

SECTION

- 14-1101. CB CENTRAL BUSINESS DISTRICT.
- 14-1102. USES PERMITTED.
- 14-1103. USES PERMITTED ON REVIEW.
- 14-1104. BUILDING SETBACKS
- 14-1105. MINIMUM SIZE OF APARTMENT UNITS.

Chapter 11
CBD- CENTRAL BUSINESS DISTRICT
(3662-11/20/2018)

14-1101. CB CENTRAL BUSINESS DISTRICT

This district forms the urban center for commercial, financial and professional activities. The intent is to protect and improve the Central Business District for the performance of its primary functions. Uses requiring a central location are particularly encouraged.

The Central Business District (CBD) is comprised of two distinct development styles. The historic buildings along East and West Main Street and North and South Cumberland are urban, pedestrian oriented developments predominately characterized by multi-story buildings, set close to the street. The newer properties along East and West Morris are more automobile oriented, suburban style development with the buildings setback from the street surrounded by on-site parking lots.

14-1102. USES PERMITTED

1. Accessory structures/buildings.
2. Bank
3. Beauty Shops/Barber Shops
4. Business, Professional or Governmental Offices
5. Catering Services
6. Churches, Synagogues, Temples, Parsonages, Parish Houses and Other Places of Worship
7. Kindergartens and Child Nurseries with more than six (6) pupils
8. Mortuaries and Funeral Services (No Crematoriums)
9. Health Salon
10. Hotels and Motels
11. Limited Service Restaurants
12. Microbreweries
13. Parking Lots and/or Parking Garages
14. Private Clubs
15. Public Parks and other Recreational Facilities
16. Residential Dwellings (one-family, two-family, and multifamily) located above the ground floor of commercial buildings
17. Restaurant
18. Retail Sales Establishments
19. Roomers, the taking of, provided that no more than two (2) rooms are used for such purposes
20. Theater

14-1103. USES PERMITTED ON REVIEW

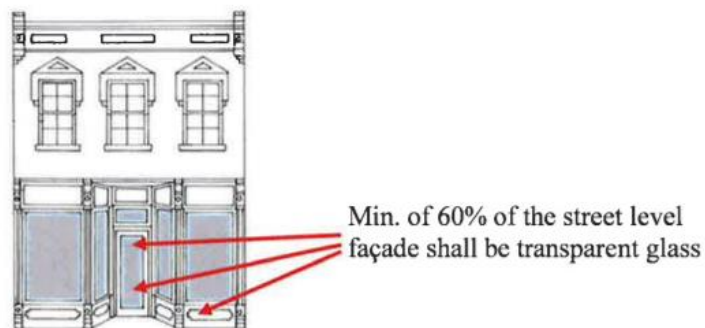
1. Amusement Enterprise
 - a. The property shall have access from a collector or arterial street.
2. Animal Clinics and/or Hospitals
 - a. The property shall have access from a collector or arterial street.
3. Bed and Breakfast Operations
 - a. The proposed use must meet the requirements under Section 14-611.
4. Convalescent and Nursing Homes, Retirements Homes, and Assisted Living Facilities
 - a. The property shall have access from a collector or arterial street.

5. Home Occupation
 - a. The proposed use must meet the requirements under Section 14-228.
6. Human Care Clinics and/or Hospitals and Institutions for Medical Education
 - a. The property shall have access from a collector or arterial street.
7. Light Printing
 - a. The property shall have access from a collector or arterial street.
8. Schools (public or private)
 - a. The property shall have access from a collector or arterial street.

14-1104. BUILDING SETBACKS

To reflect the uniqueness of these two distinct areas, two separate sets of development standards have been established. Standards for the CBD as a whole and standards for those in the urban areas referred to as the Urban Corridor.

1. CENTRAL BUSINESS DISTRICT
 - a. Depth of Rear Yard
 - i. In the case of a lot where the rear lot line coincides with a right-of-way line of an alley, no rear yard for a non-residential building shall be required.
 - ii. In all other cases any principal building shall be located no nearer than ten (10) feet to the rear lot line.
 - b. Depth of Side Yards
 - i. In the case of a lot where the side lot line coincides with the lot line of a lot in an R-1 or R-2 District, any principal building shall be located no nearer than five (5) feet to the side lot line.
2. Urban Corridor
 - a. Depth of Front Yard
 - i. All buildings shall be set back no further than five (5) feet from the front lot line. Corner lots shall be considered to have front lot lines for all sides of the lot adjoining a public right-of-way, excluding alleys.
 - b. Building Height
 - i. The maximum building height is four (4) stories or forty-five (45) feet.
 - ii. The minimum building height is two (2) stories.
 - c. Exterior Building Treatment
 - i. A minimum of sixty (60) percent of the street level façade of all buildings shall be windows, door, display areas, or similar architectural features. All buildings adjoining the SkyMart shall provide a second entrance off of the SkyMart.



14-1105. MINIMUM SIZE OF APARTMENT UNITS (2742-06/07/1994)

Apartment units located in the Central Business District (CBD) zone shall be 500 square feet or larger. This shall not include exterior halls, storage areas or garages. These may be efficiency one, two or more bedroom apartments. All converted apartments must meet all city, state and federal codes, ordinances and regulations.

CHAPTER 12
(LI) LIGHT INDUSTRIAL DISTRICT

SECTION

- 14-1201. LI LIGHT INDUSTRIAL DISTRICT.
- 14-1202. USES PERMITTED.
- 14-1203. USES PERMITTED ON REVIEW.
- 14-1204. DEPTH OF FRONT YARD.
- 14-1205. DEPTH OF REAR YARD.
- 14-1206. DEPTH OF SIDE YARDS.
- 14-1207. BUILDING AREA.
- 14-1208. BUILDING HEIGHT.

Chapter 12
LI LIGHT INDUSTRIAL DISTRICT

14-1201. LI LIGHT INDUSTRIAL DISTRICT

The Light Industrial District is established in order to provide areas in which the principal use of land is for light manufacturing and assembly plants, processing, storage, warehousing, wholesaling and distribution. No residential use is permitted in this district.

14-1202. USES PERMITTED

1. Animal hospital.
2. Automobile repair shop.
3. Automobile wrecking yard.
4. Bakery.
5. Bottling works.
6. Building materials yard.
7. Business signs.
8. Cabinet making shop.
9. Carpenter shop.
10. Clothing manufacturing plant.
11. Component lumber and truss manufacturing. (2782-02/07/1995)
12. Contractor's yard.
13. Dairy.
14. Dog grooming operation/kennel operation. (2947-06/02/1998)
15. Dry cleaning works.
16. Electronics assembly plant.
17. Engraving plant.
18. Exterminators-pest control agencies. (2495-03/17/1987)
19. Laundry
20. Machine shop.
21. Monument sales & service. (2427-05/13/1985)
22. Optical goods manufacturing plant.
23. Packing shed.
24. Printing plant.
25. Public utility installations.
26. Towing as an accessory use for automobile repair shops. (2983-04/23/1999)
27. Truck stop (service stations containing an acre or more in area and catering predominately to trucks). (2562-01/03/1989)
28. Truck terminal.
29. Upholstery shop.
30. Used automobile parts store. (2650-10/01/1991)
31. Warehouse.
32. Welding shop.
33. Welding supply. (2427-05/13/1985)

14-1203. USES PERMITTED ON REVIEW

Uses permitted in the Intermediate Business (IB) District shall be permitted on review in the Light Industrial (LI) District including those uses permitted on review in the Intermediate Business (IB) District with the exception of residential uses. New residential uses shall be prohibited in the Light Industrial (LI) District. (3170-03/02/2004)

1. Accessory structures/buildings.
2. 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.
3. Amusement Enterprise. (3502-06/17/2014)
4. Appliance Stores.
5. Architects' and Artists' Studios.
6. Architectural Offices.
7. Automobile Detailing/Car Wash.
8. Automobile Parts Store. (2649-10/01/1991)
9. Automobile Rental Agencies. (2716-10/19/1993)
10. Automobile Sales Agencies (New and Used)
 - 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.
- 11. Automobile wrecker service (2651-10/01/1991 2-a). Shall have the storage area which contains inoperative vehicles to be enclosed by an opaque fence of either natural or manmade materials. The fence shall be at least six (6) feet tall and except for a gate block vision of the vehicles to the outside area.
- 12. Bank.
- 13. Beauty Shops/Barber Shops.
- 14. Bed and Breakfast operations (see section 14-1009).
- 15. Bonding companies
- 16. Book Store.
- 17. Brokerage Companies.
- 18. Candy Store.
- 19. 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.
- 20. Cemeteries. (2806-07/18/1995)
- 21. Churches, Synagogues, Temples, and other Places of Worship.
- 22. Convalescent and Nursing Homes.
- 23. Country Clubs and Golf Courses (public or private)
- 24. Delicatessen
- 25. Dentists
- 26. Doctors
- 27. Dog Grooming operation/Kennel operation. (2947-06/02/1998)
- 28. Drug Store/Pharmacies/Apothecaries.
- 29. Dry Cleaning Pick-up Station.
- 30. Engineers.
- 31. Exterminators/Pest Control Agencies.
- 32. Farm and Implement Sales Agencies.
- 33. Feed and Farm Stores.
- 34. Flea Markets (2254-04/07/1982 1 a-e): provided that the overall site plan for such development has been reviewed and approved by the Morristown Planning Commission for the following physical conditions and improvements.
 - a. Adequate ingress and egress which will not create an unsafe or congested traffic condition.
 - b. Sufficient off-street parking to insure all parties, sellers, buyers, etc. will be provided parking spaces.

- c. Adequate restroom facilities to accommodate both male and female persons, with both regular and handicapped fixtures.
 - d. Adequate refuse receptacles and regular refuse maintenance of the area.
 - e. The solution of any site specific problem(s) which may determined by the Commission
- 35. Florist Shop.
 - 36. Fruit Market.
 - 37. Funeral Homes.
 - 38. Gasoline Service Station/Convenience Stores.
 - 39. Governmental (or Public) Buildings
 - 40. Grocery Store.
 - 42. Hardware Store.
 - 43. Health Salon.
 - 44. Hotels.
 - 45. Human Care Clinics and/or Hospitals.
 - 46. Ice Cream Store.
 - 47. Institutions for Medical Education
 - 48. Insurance Agencies.
 - 49. Jewelry Store.
 - 50. Kindergartens and Child Nurseries with more than six (6) pupils
 - 51. Lawyers.
 - 52. Light Printing.
 - 53. Loan Company.
 - 54. Masseurs.
 - 55. Meat Market.
 - 56. Medical Offices.
 - 57. Methadone Treatment Clinic or Facility (3169-03/02/2004) (4331-02/07/2012)
 - 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.

58. Mini-Storage Rental Warehouse Units.
59. Monument Sales and Service. (2426-05/13/1985)
60. Mortuaries.
61. Motels.
62. News Stand
63. Optometrists.
64. 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. A site plan of the proposed clinic clearly depicting:
 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 property line to 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.
 3. 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.
 4. 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.
65. Parking Lots and/or Parking Garages.
66. Pawnbroker.
67. Plant and Flower Nurseries (retail and wholesale).
68. Private Clubs.
69. Psychiatrists.
70. Psychologists.
71. Public Parks or other Recreational Facilities
72. Radio Store and/or Repair Shop.
73. Real Estate Agencies.
74. Restaurant

75. Schools (public or private).
76. Shoe Store and/or Repair Shop.
77. Shopping Centers/Malls.
78. Tailor Shop.
79. Television Store and/or Repair Shop.
80. Theater.
81. Trailer Sales Agency.
82. Truck Sales Agency.
83. Trust Companies.
84. Uniform Specialty Shops.
85. Upholstery Shops. (2240-10/07/1980)
86. Variety Store
87. Welding Supply. (2426-05/13/1985)
88. 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.

14-1204. DEPTH OF FRONT YARD

1. In the case of a lot where the front line is across a street from a Residential District, any principal building shall be located no nearer than fifty (50) feet to the front lot line.
2. Any principal building on any lot shall be located no nearer than thirty-five (35) feet to the front lot line, in cases other than that set forth above in subsection (1).

14-1205. DEPTH OF REAR YARD

Any principal building on any lot shall be located no nearer than twenty (20) feet to the rear lot line.

14-1206. DEPTH OF SIDE YARDS

1. In the case of a lot where the side lot line coincides with the lot line of a lot in a residential district, any principal building shall set back from said lot line in accordance with the provisions governing width of side yards in the residential district.
2. In the case of a lot where the side lot line coincides with a right-of-way line of an alley, any principal building shall be located no nearer than five (5) feet to said side lot line.
3. Any principal building on any lot shall be located no nearer than ten (10) feet to the side lot line, in cases other than those as set forth above in subsections 1 and 2.

14-1207. BUILDING AREA

The principal building and accessory buildings on any lot shall not cover more than fifty (50) percent of the total area of said lot.

14-1208. BUILDING HEIGHT

Buildings shall not exceed four (4) stories or forty-five (45) feet in height.

CHAPTER 13
(ALI) AIRPARK LIGHT INDUSTRIAL DISTRICT

SECTION

- 14-1301. ALI AIRPARK LIGHT INDUSTRIAL DISTRICT.
- 14-1302. OBJECTIONABLE AND PROHIBITED USES.
- 14-1303. USES PERMITTED.
- 14-1304. USES PERMITTED ON REVIEW.
- 14-1305. DEPTH OF FRONT YARD.
- 14-1306. DEPTH OF REAR YARD.
- 14-1307. DEPTH OF SIDE YARD.
- 14-1308. BUILDING AREA.
- 14-1309. BUILDING HEIGHT.

Chapter 13
ALI AIRPARK LIGHT INDUSTRIAL DISTRICT
(2571-03/21/1989)

14-1301. ALI AIRPARK LIGHT INDUSTRIAL DISTRICT

The purpose of the Airpark Light Industrial District is to provide selective areas associated with the Morristown Airport for highly specialized manufacturing, processing, warehousing and distribution uses which require direct access to the airport taxiway.

14-1302. OBJECTIONABLE AND PROHIBITED USE

The uses which are defined as objectionable and prohibited in the protective covenant of the Industrial Development Board of Morristown, Tennessee: shall not be allowed as permitted uses or uses on review.

14-1303. USES PERMITTED

The manufacturing, storage and distribution of products such as, but not limited to: scientific and precision instruments, photographic equipment, communication equipment, computer equipment, drugs, medicines, pharmaceuticals, electronic equipment, research and development activities and airtaxi and shipment services.

14-1304. USES PERMITTED ON REVIEW

Light Industrial uses not included in Section 14-1302 (objectionable and prohibited uses) or permitted in 14-1303 uses permitted may be reviewed by the Industrial Development Board of Morristown, Tennessee and the Morristown Board of Zoning Appeals and approved as uses permitted on review, with such conditions as specified to safeguard the public welfare.

14-1305. DEPTH OF FRONT YARD

No building or structure shall be located closer than fifty (50) feet to any front lot line, except where such line is common with the taxiway or apron of the airport. It is hereby declared that the area between the building line and property line shall be used as green area or off-street parking area.

14-1306. DEPTH OF REAR YARD

Any principal building on any lot shall be located no nearer than twenty (20) feet to the rear lot line, except where such line is common with the taxiway or apron of the airport.

14-1307. DEPTH OF SIDE YARD

Any principal building on any lot shall be located no nearer than twenty (20) feet to the side lot line, except where such line is common with the taxiway or apron of the airport.

14-1308. BUILDING AREA

The principal building and accessory buildings on any lot shall not cover more than fifty (50) percent of the total area of said lot.

14-1309. BUILDING HEIGHT

No structure hazardous to moving aircraft shall penetrate the imaginary surface established by the Federal Aviation Administration (FAA) as necessary for aircraft safety on runway approaches and take-offs. These surfaces are shown on the approach and clear zone plan of the Moore-Murrell Field Airport master plan.

CHAPTER 14
(HI) HEAVY INDUSTRIAL DISTRICT

SECTION

- 14-1401. HI HEAVY INDUSTRIAL DISTRICT.
- 14-1402. USES PERMITTED.
- 14-1403. USES PERMITTED ON REVIEW.
- 14-1404. DEPTH OF FRONT YARD.
- 14-1405. DEPTH OF REAR YARD.
- 14-1406. DEPTH OF SIDE YARDS.
- 14-1407. BUILDING AREA.
- 14-1408. BUILDING HEIGHT.

Chapter 14
HI HEAVY INDUSTRIAL DISTRICT

14-1401. HI HEAVY INDUSTRIAL DISTRICT

The Heavy Industrial District is established to provide areas in which the principal use of land is for manufacturing and other heavy uses with which there are associated adverse effects on surrounding property. No other use, with the exception of light industrial uses, is permitted in this district without being reviewed by the Board of Zoning Appeals.

14-1402. USES PERMITTED

1. Animal hospital.
2. Automobile repair shop.
3. Automobile wrecking yard.
4. Bakery.
5. Boiler or tank works.
6. Bottling works.
7. Brick plant.
8. Brick storage yard.
9. Building materials yard.
10. Business signs.
11. Cabinet making shop.
12. Carpenter shop.
13. Chemical manufacturing plant.
14. Clothing manufacturing plant.
15. Component lumber and truss manufacturing. (2782-02/07/1995)
16. Contractor's yard.
17. Dairy.
18. Dog grooming operation/kennel operation. (2947-06/02/1998)
19. Dry cleaning works.
20. Electronics assembly plant.
21. Engraving plant.
22. Exterminators-pest control agencies. (2495-03/17/1987)
23. Feed mills.
24. Fruit cannery.
25. Furniture manufacturing plant.
26. Gasoline or oil storage plant.
27. Laundry
28. Machine shop.
29. Monument sales & service. (2427-05/13/1985)
30. Optical goods manufacturing plant.
31. Packing shed.
32. Printing plant.
33. Public utility installations.
34. Publishing plant.
35. Railroad car repair shop.
36. Slaughterhouse.
37. Towing as an accessory use for automobile repair shops. (2983-04/23/1999)

38. Truck stop (service stations containing an acre or more in area and catering predominately to trucks). (2562-01/03/1989)
39. Truck terminal.
40. Upholstery shop.
41. Used automobile parts store. (2650-10/01/1991)
42. Warehouse.
43. Welding shop.
44. Welding supply. (2427-05/13/1985)

14-1403. USES PERMITTED ON REVIEW

A Use on Review proposed within a designated industrial park, under the authority of the Morristown Industrial Development Board, shall first receive the approval by said Board to conduct their proposal within such park prior to submission of an application for a Use on Review by the Morristown Board of Zoning Appeals. (3502-06/17/2014)

Any use permitted in the Light Industrial District as a Use on Review may be permitted as a Use on Review in the Heavy Industrial District.

1. Accessory structures/buildings.
2. 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.
3. Amusement Enterprise. (3502-06/17/2014)
4. Appliance Stores.
5. Architects' and Artists' Studios.
6. Architectural Offices.
7. Automobile Detailing/Car Wash.

8. Automobile Parts Store. (2649-10/01/1991)
9. Automobile Rental Agencies. (2716-10/19/1993)
10. Automobile Sales Agencies (New and Used)
 - 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.
11. Automobile wrecker service (2651-10/01/1991 2-a). Shall have the storage area which contains inoperative vehicles to be enclosed by an opaque fence of either natural or manmade materials. The fence shall be at least six (6) feet tall and except for a gate block vision of the vehicles to the outside area.
12. Bank.
13. Beauty Shops/Barber Shops.
14. Bed and Breakfast operations (see section 14-1009).
15. Bonding companies
16. Book Store.
17. Brokerage Companies.
18. Candy Store.
19. 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.
20. Cemeteries. (2806-07/18/1995)
21. Churches, Synagogues, Temples, and other Places of Worship.
22. Convalescent and Nursing Homes.
23. Country Clubs and Golf Courses (public or private)
24. Delicatessen
25. Dentists
26. Doctors
27. Dog Grooming operation/Kennel operation. (2947-06/02/1998)

28. Drug Store/Pharmacies/Apothecaries.
29. Dry Cleaning Pick-up Station.
30. Engineers.
31. Exterminators/Pest Control Agencies.
32. Farm and Implement Sales Agencies.
33. Feed and Farm Stores.
34. Flea Markets (2254-04/07/1982 1 a-e): provided that the overall site plan for such development has been reviewed and approved by the Morristown Planning Commission for the following physical conditions and improvements.
 - a. Adequate ingress and egress which will not create an unsafe or congested traffic condition.
 - b. Sufficient off-street parking to insure all parties, sellers, buyers, etc. will be provided parking spaces.
 - c. Adequate restroom facilities to accommodate both male and female persons, with both regular and handicapped fixtures.
 - d. Adequate refuse receptacles and regular refuse maintenance of the area.
 - e. The solution of any site specific problem(s) which may be determined by the Commission
35. Florist Shop.
36. Fruit Market.
37. Funeral Homes.
38. Gasoline Service Station/Convenience Stores.
39. Governmental (or Public) Buildings
40. Grocery Store.
42. Hardware Store.
43. Health Salon.
44. Hotels.
45. Human Care Clinics and/or Hospitals.
46. Ice Cream Store.
47. Institutions for Medical Education
48. Insurance Agencies.
49. Jewelry Store.
50. Kindergartens and Child Nurseries with more than six (6) pupils
51. Lawyers.
52. Light Printing.
53. Loan Company.
54. Masseurs.
55. Meat Market.
56. Medical Offices.
57. Methadone Treatment Clinic or Facility (3169-03/02/2004) (4331-02/07/2012)
 - 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.
58. Mini-Storage Rental Warehouse Units.
 59. Monument Sales and Service. (2426-05/13/1985)
 60. Mortuaries.
 61. Motels.
 62. News Stand
 63. Optometrists.
 64. 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. A site plan of the proposed clinic clearly depicting:
 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 property line to 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.
 3. 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.

4. 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.
65. Parking Lots and/or Parking Garages.
66. Pawnbroker.
67. Plant and Flower Nurseries (retail and wholesale).
68. Private Clubs.
69. Psychiatrists.
70. Psychologists.
71. Public Parks or other Recreational Facilities
72. Radio Store and/or Repair Shop.
73. Real Estate Agencies.
74. Restaurant
75. Schools (public or private).
76. Shoe Store and/or Repair Shop.
77. Shopping Centers/Malls.
78. Tailor Shop.
79. Television Store and/or Repair Shop.
80. Theater.
81. Trailer Sales Agency.
82. Truck Sales Agency.
83. Trust Companies.
84. Uniform Specialty Shops.
85. Upholstery Shops. (2240-10/07/1980)
86. Variety Store
87. Welding Supply. (2426-05/13/1985)
88. 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.

14-1404. DEPTH OF FRONT YARD

1. In the case of a lot where the front line is across a street from a Residential District, any principal building shall be located no nearer than fifty (50) feet to the front lot line.
2. Any principal building on any lot shall be located no nearer than thirty-five (35) feet to the front lot line, in cases other than that set forth above in subsection (1).

14-1405. DEPTH OF REAR YARD

Any principal building on any lot shall be located no nearer than twenty (20) feet to the rear lot line.

14-1406. DEPTH OF SIDE YARDS

1. In the case of a lot where the side lot line coincides with the lot line of a lot in a residential district, any principal building shall set back from said lot line in accordance with the provisions governing width of side yards in the residential district.

2. In the case of a lot where the side lot line coincides with a right-of-way line of an alley, any principal building shall be located no nearer than five (5) feet to said side lot line.
3. Any principal building on any lot shall be located no nearer than ten (10) feet to the side lot line, in cases other than those as set forth above in subsections 1 and 2.

14-1407. BUILDING AREA

The principal building and accessory buildings on any lot shall not cover more than eighty (80) percent of the total area of said lot.

14-1408. BUILDING HEIGHT (3587-10/03/2017)

Buildings shall not exceed fifty-five (55) feet in height.

CHAPTER 15
(MHP) MOBILE HOME PARK DISTRICT

SECTION

- 14-1501. PURPOSE AND SCOPE.
- 14-1502. DEFINITIONS.
- 14-1503. APPLICATION FOR A MOBILE HOME PARK DISTRICT.
- 14-1504. DIMENSIONAL AND SITE DEVELOPMENT REQUIREMENTS.
- 14-1505. GENERAL REQUIREMENTS.
- 14-1506. DEVELOPMENT COMPLIANCE.
- 14-1507. SALE OF MOBILE HOMES.
- 14-1508. EXISTING MOBILE HOME PARKS.
- 14-1509. RECREATION/OPEN SPACE AREA.
- 14-1510. HANDICAPPED REQUIREMENT.

Chapter 15
(MHP) MOBILE HOME PARK DISTRICT
(2817-09/05/1995)

14-1501. PURPOSE AND SCOPE

The regulations set forth in this section are designed to provide for planned mobile home parks. These areas should be developed and located so as to provide safe and sanitary living conditions for mobile home occupants; and to be convenient to employment, shopping centers, schools and other community facilities. The regulations set forth in this section are designed to provide for planned mobile home park development in an urban environment.

14-1502. DEFINITIONS

1. Mobile Home. (A structure which is portable or movable), and is designed, constructed and intended for year-round dwelling purposes, whether on wheels, jacks, or a permanent foundation.
2. Mobile Home Park. A plat of ground upon which permission has been granted for the construction of facilities for the location of at least twenty mobile homes in a planned development.
3. Mobile Home Lot. A parcel of land, in a planned mobile home park, for the exclusive use of the occupants of a single mobile home.

14-1503. APPLICATION FOR A MOBILE HOME PARK DISTRICT

When all provisions of this ordinance have been met, the Planning Commission may recommend a planned mobile home park district to the City Council for final approval. An application and all accompanying plans and supporting data shall be filed in triplicate with the Planning Commission at least ten days prior to a regular meeting of the Commission. The application shall include the following:

1. The name and address of the applicant.
2. The location and description of the boundaries of the property proposed for planned mobile home park development.
3. A complete "Mobile Home Park Plan" showing all existing conditions and proposed site development as required in this section including preliminary plans of all buildings, improvements and facilities constructed or to be constructed within the planned mobile home park (on a topographic map).
4. Any other information requested by the Planning Commission to determine the proposed park's compliance with legal requirements, the effect which the proposed park may have on its environment, and the compatibility of the adjacent area for park development within the framework of long-range land development objectives.

14-1504. DIMENSIONAL AND SITE DEVELOPMENT REQUIREMENTS

The Mobile Home Park Plan shall show or propose all requirements listed in this ordinance and in addition, all said requirements shall be complied with before a Certificate of Occupancy can be issued.

1. Minimum Number of Mobile Home Spaces. No park will be permitted with less than twenty (20) spaces.
2. Required Lot Area. Well-defined mobile home spaces shall be provided consisting of a minimum of 4,500 square feet of space.
3. Yard Requirements. Each space shall be at least forty-five (45) feet wide and clearly defined. There shall be at least a 30 foot side yard clearance between mobile homes, including mobile homes parked end-to-end. No mobile home shall be located closer than thirty (30) feet to any building within the park, within twenty-five (25) feet of any exterior street or boundary line of the park, and no closer than twenty (20) feet to the edge of any interior drive.
4. Drainage. The park shall be located on a well-drained and properly graded site. Necessary site drainage improvements as approved by the City Engineer of the City of Morristown shall be provided and shall comply with all regulations related to stormwater detention and erosion control.
5. Interior Drives and Walkways. All mobile home spaces shall abut upon an interior drive, which shall have unobstructed access to a public street or highway in accordance with ordinances of the City of Morristown. Walkways no less than three (3) feet wide shall be provided from mobile home spaces to service buildings. All interior drives and walkways within the park shall be paved and continuous and shall be adequately maintained by the owner. Drives shall be constructed to residential subdivision standards, except that curbs are not required, minimum width is twenty (20) feet and maximum grade cannot exceed 15%.
6. Off-Drive Parking. Each mobile home space shall be provided with at least one adequately marked paved off-drive parking space. In addition, the developer shall provide one (1) additional off-drive parking space for each three (3) mobile home spaces in the park.
7. Special Conditions and Safeguards in recommending any planned park district. The Planning Commission may attach special conditions and safeguards to protect both the occupants of the park and the occupants of surrounding property, including such matters as protection against noise, lights, and dust. Where required to serve these ends, walls, plantings, surfacing or other natural or artificial means of protection may be required as a part of such special conditions on which the recommendation of the Mobile Home Park District is based. Failure to meet such conditions shall be grounds for refusal of issuance of the Certificate of Occupancy.

14-1505. GENERAL REQUIREMENTS

1. Minimum Size of Mobile Homes. No mobile home shall be placed in a Mobile Home District which has less than 250 square feet of floor space and does not contain a built-in bathroom with water closet, lavatory and shower or tub which are in working condition. (Travel trailers not permitted)

2. Water, Sewerage and Electricity. Each mobile home space shall be provided with and each mobile home connected to the sanitary sewage system of the City of Morristown in accordance with Appendix C of the Standard Plumbing Code. Each mobile home space shall be provided with water supplied by the Morristown Water System in accordance with current Rules and Regulations and in accordance with Appendix C of the Standard Plumbing Code. Plans and specifications for the water distribution system within the Mobile Home District shall be approved by the Morristown Water System. The Mobile Home District Secondary Electrical Distribution System to each mobile home space shall be 120/240 V, single phase, 3-wire AC service with an approved meter base attached to a 18'-0" service pole or with an underground distribution system with approved meter pedestals. A minimum 100 amp rated disconnect main circuit breaker shall be provided for each mobile home space with no more than six meter bases ganged at a single location. Meter locations must be approved by the Morristown Power System. Electrical installations shall be in accordance with Article 550 of the National Electrical Code.
3. Lighting. All interior drives and walkways within the park shall be lighted at night with electric lamps of no less than 100 watts each, spaced at intervals of no more than 100 feet or equivalent lighting.
4. Refuse Collection Facilities. At least one approved city garbage can with tightly-fitting cover shall be provided for each mobile home space. The refuse collection facilities shall be kept in sanitary condition at all times and adequately screened with either an evergreen wooden or other approved walls.
5. Service, Administrative and Other Business. Within a mobile home park one (1) mobile home may be used as an administrative office. Other administrative and service buildings, housing sanitation and laundry facilities, or any other such facilities shall be of permanent structure, complying with all applicable ordinances and statutes regarding buildings, electrical and heating installations and plumbing and sanitation systems of the City of Morristown.
 - a. Service building shall be well-lighted at all times of the day and night, shall be well-ventilated, with screened openings, shall be constructed of such moisture-proof material including painted woodwork, as shall be maintained at a temperature of at least 68 degrees Fahrenheit during the period of October 1 to May 1. The floors of service buildings shall be of water impervious material.
 - b. No building shall be located closer than thirty (30) feet to any mobile home.
 - c. All service buildings and the ground of the park shall be maintained in a clean, sightly condition and kept free from any condition that will menace the health of any occupancy or the public or constitute a nuisance.
 - d. Structural Additions. All structural additions to mobile homes, other than those which are built into the unit and designed to fold out or extend from it, shall be erected only after a building permit shall have been obtained, and such additions shall conform to the building code of the City of Morristown where applicable, or shall meet the standards of special regulations adopted with respect to such additions. The structural addition must be removed within thirty (30) days after the mobile home is removed.
 - e. Fire Protection. Shall be in accordance with the latest edition, as adopted by the City of Morristown, of the National Fire Protection Association, Section 501A Manufactured Home Installations, Sites and Communities.

- f. Fuel Storage. Individual fuel containers and outdoor storage facilities and connections shall be inspected and approved by the Building Inspector of the City of Morristown.
- g. Animal and Pets. No owner or person in charge of any dog, cat or other pet animal residing in a mobile home park district shall permit it to run at large or commit any nuisance.
- h. Management. In each mobile home park, the duly authorized attendant or caretaker shall be charged at all times to keep the mobile home park and its facilities and equipment in a clean, orderly, safe and sanitary condition.
- i. Register of Occupants. It shall be the duty of the attendant or caretaker to keep a register containing a record of all mobile home owners and occupants located within the park, including the date of arrival.
- j. Certificate of Occupancy. The Building Inspector shall issue a Certificate of Occupancy when all provisions of this Ordinance have been met and before any mobile home is parked.

14-1506. DEVELOPMENT COMPLIANCE

The mobile home park, consisting of at least twenty (20) spaces, must be completely constructed according to the development plan approved by the Planning Commission and the City Council within eighteen (18) months after the mobile home district is established. If not completely constructed within the specified period of time, the Planning Commission may, after a public hearing, recommend to the City Council the rezoning of the mobile home park district to the district from which it was created.

14-1507. SALE OF MOBILE HOMES

The use of mobile home parks as retail sales outlets is prohibited. Individual renters may sell their units and mobile home owners may sell their used stock on a unit by unit basis.

14-1508. EXISTING MOBILE HOME PARKS

All mobile home parks in existence and compliance at the time of the enactment of these revised regulations shall be classed as non-conforming. If these non-conforming parks expand or are reconstructed after destruction, all rebuilt sections must conform to these regulations. If improvements exceed 50%, the entire park shall meet these regulations.

14-1509. RECREATION/OPEN SPACE AREA

Each mobile home park shall have an area developed as a recreational and/or open space area. Because of the diverse characteristics of the clientele of different mobile home parks within Morristown, the design, size and equipment of individual open space/recreational areas shall be matched with the age and activity levels of the citizens of the park. The design of the area shall be approved by the Morristown Planning Commission as a portion of the mobile home park. A bond for 1½ times the cost of the area development shall be posted as a condition of plan approval.

14-1510. HANDICAPPED REQUIREMENTS

All facilities within the park shall meet federal standards. And if rental units are incorporated into the park, one (1) of the first twenty (20) units shall be handicapped accessible and 25% of all rental units over twenty (20) shall be handicapped accessible.

CHAPTER 16
(TA) TOURIST ACCOMMODATION DISTRICT

SECTION

- 14-1601. TA TOURIST ACCOMMODATION DISTRICT.
- 14-1602. USES PERMITTED.
- 14-1603. USES PERMITTED ON REVIEW.
- 14-1604. DEPTH OF FRONT YARD.
- 14-1605. DEPTH OF REAR YARD.
- 14-1606. DEPTH OF SIDE YARDS.
- 14-1607. BUILDING AREA.
- 14-1608. BUILDING HEIGHT.
- 14-1609. SIGNS.

Chapter 16
TA TOURIST ACCOMMODATION DISTRICT
(2788-03/21/1995)

14-1601. TA TOURIST ACCOMMODATION DISTRICT

This district provides the traveling public with convenient services, but only adjacent to major highway interchanges.

14-1602. USES PERMITTED (3591-11/07/2017)

1. Automobile Service Stations
2. Business, Professional or Governmental Offices
3. Church, school, college or trade school
4. Convalescent home, nursing home, retirement home or sanitarium
5. Convenient store
6. Gift shops
7. Governmental uses.
8. Hospital or Medical Campus
9. Hotel or Motel
10. Limited Service Restaurant (3591-11/07/2017).
11. Lounges
12. Microbreweries (3591-11/07/2017).
13. Mortuary or Funeral Parlor
14. Public Parks
15. Residential (Single Family, two family and multi-family)
16. Retail Establishments
17. Restaurants
18. Utilities

14-1603. USES PERMITTED ON REVIEW (3451-09/04/2012)

1. Automobile Sales and repairs
2. Farm, Garden, Lawn Supplies and Equipment Sales
3. Hotel Apartments
4. Non-Owner Occupied Short-Term Rental Units (3613- 07/17/2018)
 - a. Meet all conditions under 14-228.4
5. Nursery, gardening center or produce market
6. Overnight camping/trailer facilities
7. Places of Assembly
8. Research and Development Facilities

14-1604. DEPTH OF FRONT YARD

Any principal building shall be located no nearer than thirty-five (35) feet to the front lot line.

14-1605. DEPTH OF REAR YARD

Any principal building shall be located no nearer than thirty (30) feet to the rear lot line.

14-1606. DEPTH OF SIDE YARDS

Any principal building shall on any lot shall be located no nearer than twenty (20) feet to any side lot line.

14-1607. BUILDING AREA

The principal building and all accessory buildings shall cover no more than thirty-five (35) percent of the total lot area.

14-1608. BUILDING HEIGHT

Buildings shall not exceed three (3) stories or thirty-five (35) feet in height.

14-1609. SIGNS

Signs permitted in the Tourist Accommodation (TA) District:

- a. No more than two (2) freestanding signs per lot provided:
 1. The lot meets or exceeds the minimum requirements of the Zoning District and the lot frontage is on an arterial or collector street.
 2. One (1) sign shall be designated as a "Highway Identification Sign" and shall be oriented towards the major highway (Interstate 81). The secondary sign shall be for identification on the arterial or collector street the lot fronts.
 3. The "Highway Identification Sign" may be permitted up to one hundred twenty-five (125) feet in height, and four hundred (400) square feet per sign face with a maximum of two sign faces. If the visibility is such that a sign less than one hundred twenty-five (125) feet in height or four hundred (400) square feet can be identified 1,275 feet from the exit ramp, the Planning Commission may direct the sign height and dimensions be less than stated.
 4. The secondary freestanding sign shall not exceed one (1) square foot per one (1) linear foot of road frontage with a maximum of one hundred (100) square feet per sign face, or two hundred (200) square feet total for all sides. The maximum height limit shall not exceed thirty (30) feet.
- b. Wall Signs may be located anywhere on the surface of the building, but shall not project into any required yard, nor beyond a property line; and no wall sign shall extend beyond the building envelope in any direction or the roof line (see section 2905-1-d).

CHAPTER 19
ADMINISTRATION AND ENFORCEMENT

SECTION

- 14-1901. ENFORCING OFFICERS.
- 14-1902. BUILDING PERMIT REQUIRED.
- 14-1903. APPROVAL OF PLANS AND ISSUANCE OF BUILDING PERMIT.
- 14-1904. CERTIFICATE OF OCCUPANCY REQUIRED.
- 14-1905. PENALTIES.
- 14-1906. REMEDIES.
- 14-1906. VESTING RIGHTS.

Chapter 19
ADMINISTRATION AND ENFORCEMENT

14-1901. ENFORCING OFFICERS

The provisions of this ordinance shall be administered and enforced by the City Administrator or their designee. This official shall have the right to enter upon premises for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

14-1902. BUILDING PERMIT REQUIRED

It shall be unlawful to commence the excavation for or the construction of any building or other structure including accessory structures or to commence the moving, alteration, or repair of any structure including accessory structures, until the City Administrator or their designee has issued for such work a building permit including a statement that the plans, specifications, and intended use of such structure in all respects conform with the provisions of this ordinance. Application for a building permit shall be made in writing to the City Administrator or their designee on forms provided for that purpose. Building permits shall be void after six months from date of issue unless substantial progress on project has been made by that time.

14-1903. APPROVAL OF PLANS AND ISSUANCE OF BUILDING PERMIT (3406-12/07/2010)

It shall be unlawful for the City Administrator or their designee to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this ordinance. To this end, the City Administrator or their designee shall require that every application for building permit for excavation, construction, moving or alteration be accompanied by a site plan in sufficient detail to enable the City Administrator or their designee to ascertain whether the proposed excavation, construction, moving, or alteration is in conformance with this ordinance.

The **residential site plan** shall at a minimum include the following:

- a. Location of all existing and proposed structures.
- b. Location of all existing and proposed utilities.
- c. Location of sidewalk if required by the Sidewalk Master Plan.

The **commercial or high density residential site plan** shall include a minimum the following plans drawn to scale:

1. Existing Site Plan:
 - a. Shall show the existing buildings, topography, landscaping and utilities.
2. Proposed Site Layout:
 - a. Shall show the actual shape, location, and dimensions of the lot, the shape size and location of all buildings or other structures to be erected, altered or moved, state the intended use of any building or structure as well as the current zoning, show the proposed parking and parking calculations, the location of any signage, garbage or mail collection facilities.
3. Grading and Drainage Plan:
 - a. Shall show any proposed grading, provide the stormwater calculations meeting the current federal

requirements, and show any stormwater improvements to be constructed.

4. Utility Plan:
 - a. Show the location of all proposed and existing utilities per the requirements of the utility provider.
5. Landscaping Plan:
 - a. Show any proposed or existing landscaping to be retained per Chapter 33 LANDSCAPE, BUFFERS, AND SCREENING.
6. Lighting Plan:
 - a. Show the layout and type of lighting per the requirements of Chapter 32 EXTERIOR LIGHTING.
7. Pedestrian Plan:
 - a. Any development located along a corridor or pedestrian district as identified within the master sidewalk plan shall provide sidewalks in accordance with the current development standards of the city of engineer.
 - b. Any development over ten acres must provide a plan illustrating pedestrian movement across the site.
 - c. Any development less than ten acres and located outside of a pedestrian district or corridor as identified on the Master Sidewalk Plan or granted a variance from constructing the sidewalks shall submit a pedestrian fee as follows:
 - i. 0 to 1 acre ----- \$ 500.00
 - ii. 1 to 2 acres----- \$1,000.00
 - iii. 2 to 3 acres----- \$1,500.00
 - iv. 3 to 4 acres----- \$2,000.00
 - v. 4 to 5 acres----- \$2,500.00
 - vi. 5 to 6 acres----- \$3,000.00
 - vii. 6 to 7 acres----- \$3,500.00
 - viii. 7 to 8 acres----- \$4,000.00
 - ix. 8 to 9 acres----- \$4,500.00
 - x. 9 to 10 acres--- \$5,000.00

14-1904. CERTIFICATE OF OCCUPANCY REQUIRED

1. No land or building or other structures or part thereof hereafter erected, moved or altered in its use shall be used until the City Administrator or their designee shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this ordinance.
2. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Municipal Building Inspector to make a final inspection thereof and to issue a Certificate of Occupancy, if the building or premises or part thereof is found to conform with the provisions of this ordinance or, if such certificate is refused, to state the cause of refusal in writing.

14-1905. PENALTIES

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten (10) dollars no more than fifty (50) dollars for each offense.

Each day such violation continues it shall constitute a separate offense.

14-1906. REMEDIES

In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the Municipal Building Inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

14-1907. VESTING RIGHTS (3592-12/05/2017)

1. To avoid undue hardship, an approved site plan shall be considered vested for a period of three (3) years from the date of the site plan approval provided the developer secures all necessary permits. The vesting period shall be extended an additional two (2) years provided site preparation has begun during the initial three year period. If construction commences and the developer maintains all necessary permits, the site plan remains vested for a period not to exceed ten (10) years from the date of original approval. The vesting period for an approved site plan may be extended as deemed advisable by the Planning Commission. Developments involving multiple phases are vested for a period of fifteen (15) years.

Type of Project	Vesting Period	Required Actions
Site Plan	3 years	Obtain Site Plan approval and secure necessary permits
	2 additional years	Site preparation has commenced
	5 additional yrs. (not to exceed a total of 10 years)	Construction commences and developer maintains all permits.
Multi-phase Site Plans	15 years	Complete construction for each phase, maintain necessary permits.

In the event the City enacts a moratorium on development or construction, the vesting period shall be tolled during the moratorium period.

2. TERMINATION OF VESTING RIGHTS

The vested rights of an approved site plan may be terminated upon a written determination by the City under the following circumstances:

- a. When the developer violates the terms and conditions specified in the approved site plan; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; provided

further, that the City may, upon a determination that such is in the best interest of the community, grant, in writing an additional time period to cure the violation;

- b. When the develop violates any of the terms and conditions specified in the local ordinance or resolution; provided, the developer is given ninety (90) days from the date of notification to cure the violation; provided further, that the City may, upon a determination that such is in the best interest of the community, grant, in writing an additional time period to cure the violation;
- c. Upon a finding by the City that the developer intentionally supplied inaccurate information or knowingly made misrepresentations material to the issuance of site plan approval or intentionally and knowingly did not construct the development in accordance with the approved site plan or an approved amendment for the building permit or the site plan; or
- d. Upon the enactment or promulgation of a state or federal law, regulation, rule, policy, corrective action or other governance, regardless of nomenclature, that is required to be enforced by the City and that precludes development as contemplated in the approved site plan, unless modifications to the development plan or building permit can be made by the developer, within ninety (90) days of notification of the new requirement, which will allow the developer to comply with the new requirements.

3. SITE PLAN REVIEW

An amendment to an approved site plan by the developer must be approved by the City to retain the protections of the vested property rights. An amendment may be denied based upon a written finding by the City that the amendment:

- a. Alters the proposed use;
- b. Increases the overall area of the development;
- c. Alters the size of any nonresidential structures included in the development plan;
- d. Increases the density of the development so as to affect traffic, noise or other environmental impacts; or
- e. Increases any local government expenditure necessary to implement or sustain the proposed use.

CHAPTER 20
BOARD OF ZONING APPEALS

SECTION

- 14-2001. CREATION.
- 14-2002. PROCEDURE.
- 14-2003. APPEALS.
- 14-2004. POWERS.
- 14-2005. FILING FEE FOR VARIANCE APPLICATION.
- 14-2006. FEE FOR SPECIAL CALLED MEETING.

Chapter 20
BOARD OF ZONING APPEALS

14-2001. CREATION

A Board of Zoning Appeals is hereby established in accordance with Sections 13-7-205 of the Tennessee Code Annotated. Hereinafter in this article the Board of Zoning Appeals will be referred to as BZA.
(3048-11/07/2000)

14-2002. PROCEDURE

Meetings of the BZA shall be held at the call of the chairman, and at such times as the BZA may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the BZA shall be open to the public. The BZA shall adopt rules of procedure and shall keep records of applications and action thereon, which shall be a public record.

14-2003. APPEALS

An appeal to the BZA may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the Municipal Building Inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the BZA a notice of appeal, specifying the grounds thereof. The Municipal Building Inspector shall transmit to the BZA all papers constituting the record upon which the action appealed was taken. The BZA shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing, any persons or party may appear in person, or by agent, or by attorney.

14-2004. POWERS

The BZA shall have the following powers:

1. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Municipal Building Inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.

2. Special Exceptions

To hear and decide, in accordance with the provisions of this ordinance, requests for special exceptions, for interpretation of the Zoning Map, and for decisions on other special questions upon which the BZA is authorized by this ordinance to pass. Any special exception permit shall be subject to such conditions as the BZA may require to preserve and promote the character of the district in which the use is located and otherwise promote the purpose of this ordinance.

3. Variance

To hear and decide applications for variance from the terms of this ordinance but only where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, which at the time of adoption of this ordinance, was a lot of record; or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation of a piece of property, the strict application of the provisions of this ordinance would result in practical difficulties to or undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granting a variance, the BZA may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this ordinance. Notwithstanding anything to the contrary herein contained, the BZA shall not have the authority to grant a variance from the application of the Sign Ordinance, Chapter 29 (3095-04/02/2002) of Title 14, Chapter 2 of the Municipal Code. (2379-11/01/1983) (2448-09/17/1985)

4. Variances to Flooding Provisions

- a. Upon the submission of a written application to the BZA, a variance may be granted permitting the erection of structures with a lowest floor elevation, including basement, lower than regulatory flood elevation if all of the following are met:
 - i. a) The property on which the structure is to be erected is an isolated lot of one-half acre or less, contiguous to and surrounded by existing structures constructed below such required first floor elevation or b) a structure listed on the National Register of Historic Places or a State Inventory of Historic Places is to be restored or reconstructed.
 - ii. Good and sufficient cause exists for the granting of the variance.
 - iii. Failure to grant the variance would result in exceptional hardship to the applicant.
 - iv. The issuance of the variance would not result in increased flood height, additional threats to public safety or extraordinary public expenses.
 - v. The variance allowed is the minimum necessary to afford relief.
 - vi. The variance would not have the effect of nullifying the intent and purposes of the ordinance.
- b.
 - i. All applications for variances shall be heard by the BZA after reference to such committees and administrative officials as may be established for purposes of investigation and recommendation.
 - ii. Prior to the granting of a variance, the BZA must find that justification exists in accordance with the terms of the ordinance. These findings, together with the grant of a variance, shall be reduced to writing and made a part of municipal records. All variances shall pertain to the particular parcel of land and apply only to the proposed structure set forth in the variance application.
 - iii. Such variance shall be freely transferable with the land and shall not be personal to the applicant.
 - iv. Unless otherwise provided therein, a variance shall be valid for a period of one (1) year after the date of its issuance. If construction has not commenced pursuant thereto within such time, said variance shall become void. Lapse of a variance by the passage of time shall not preclude subsequent application for variance.
 - v. No variance except as herein specifically permitted may be granted from the provisions of the ordinance. The variance procedures herein provided shall be the exclusive method for obtaining variances to the flooding provisions of the Zoning Ordinance.
 - vi. Due to the extreme hazardous conditions within the floodway and the effect of obstructions to upstream structures, no variance shall be issued within the designated Floodway District

(FWD) which would result in any increase in flood levels during the regulatory flood discharge.

- vii. Any applicant to whom a variance is granted shall be given notice that the proposed structure will be located in the flood prone area, that the structure will be permitted to be built with a lowest floor elevation a specified number of feet below the regulatory flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced first floor elevation.

5. Special Exceptions to Flood Hazard Provisions.

- a. Applications for uses requiring Special Exception Permits relating to the Flood Hazard districts shall be submitted to the Building Inspector on forms furnished by him. Upon receipt of the properly completed application, the Building Inspector shall submit it to the BZA. The application shall contain the following information and any additional information requested by the BZA:
 - i. A map in duplicate, drawn to scale showing the curvilinear line representing the regulatory flood elevation, showing dimensions of the lot, existing structures and uses on the lot and adjacent lots, soil type, natural protective barriers if applicable, existing flood control and erosion control works, existing drainage elevations and ground contours, location and elevation of existing streets, water supply and sanitary facilities, and other pertinent information.
 - ii. A preliminary plan showing the approximate dimensions, elevation and nature of the proposed use, amount, area and type of proposed fill, area and nature of proposed grading or dredging, proposed alteration of natural protection barriers if applicable, proposed flood protection or erosion control works, proposed drainage facilities, proposed roads, sewers, water and other utilities, specifications for building construction and materials included in the floodproofing.
- b. The BZA shall transmit one copy of the information described above to the City Engineer for technical assistance in evaluating the proposed project in relation to flood heights and velocities, threatened erosion, the adequacy of the plans for flood and erosion protection, the adequacy of drainage facilities, and other technical matters.
- c. The BZA shall determine the specific flood or erosion hazard at the site and shall evaluate the suitability of the proposed use in relation to the flood hazard, and if a permit is to be issued may attach appropriate conditions.

In passing upon such applications, the BZA shall consider the technical evaluation of the City Engineer, all relevant factors, and standards specified in other sections of this ordinance, and:

- i. The danger that materials may be swept onto other lands to the injury of others;
- ii. The danger to life and property due to flooding or erosion damage;
- iii. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
- iv. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- v. The importance of the services provided by the proposed facility to the community;
- vi. The necessity to the facility of the proposed location;
- vii. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

- viii. The compatibility for the proposed use with existing development anticipated in the foreseeable future;
 - ix. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - x. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - xi. The expected heights, velocity, duration, rate of rise or sediment transport of the flood waters expected at the site; and
 - xii. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- d. The BZA shall act on an application in the manner above described within thirty (30) days from receiving the application, except that where additional information is required by the BZA pursuant to the above requirements, the BZA shall render a written decision within thirty (30) days from the receipt of such information.
- e. Upon consideration of the factors listed above and the purposes of this ordinance, the BZA may attach such conditions to the granting of special exceptions or variances as it deems necessary to further the purposes of this ordinance.

14-2005. FILING FEE FOR VARIANCE APPLICATION

For filing a request for variance from the Board of Zoning Appeals, a non-returnable fee of fifty dollars (\$50.00) shall be paid prior to a hearing before the board.

14-2006. FEE FOR SPECIAL CALLED MEETING (2667-04/07/1992)

For a special called meeting of the Board of Zoning Appeals, a non-returnable fee of two hundred fifty dollars (\$250.00) shall be paid prior to calling the special meeting. If other business is waiting for the regular meeting, it may be added to the called meeting at the discretion of the zoning office.

CHAPTER 21
AMENDMENT AND LEGAL STATUS PROVISIONS

SECTION

- 14-2101. ACTION OF CITY COUNCIL.
- 14-2102. ACTION OF MORRISTOWN PLANNING COMMISSION.
- 14-2103. PROCEDURES FOR REZONING REQUESTS.
- 14-2104. INTERPRETATION AND PURPOSES.
- 14-2105. SAVING CLAUSE.

Chapter 21
AMENDMENT AND LEGAL STATUS PROVISIONS

14-2101. ACTION OF CITY COUNCIL

The regulations and the number, area and boundaries of districts established by this ordinance may be amended, supplemented, changed, modified, or repealed by the City Council, but no amendment shall become effective unless it is first submitted to and approved by the Morristown Planning Commission, or if disapproved, shall receive a majority vote of the City Council.

14-2102. ACTION OF MORRISTOWN PLANNING COMMISSION

The Morristown Planning Commission upon its own initiative may hold public hearings, public notice of which shall be given for the consideration of any proposed amendment of the provisions of this ordinance or the Zoning Map and report its recommendation to the City Council.

14-2103. PROCEDURES FOR REZONING REQUESTS (3017-11/16/1999)

1. Filing Fee for Rezoning Request: For filing a request for a rezoning by the Morristown Planning Commission, a fee of \$100.00 shall be paid prior to a hearing before the Commission and shall be forfeited in its entirety if the rezoning is granted; otherwise, \$50.00 of the fee shall be returned.
2. Amendments Affecting Zoning Map: Upon enactment of a rezoning amendment, the City shall cause such amendment to be placed upon the Official Zoning Map and a record noting the ordinance number and the effective date of the amendatory ordinance shall be kept by the City of Morristown, Tennessee.
3. Effect of Denial of Application: When an application for an amendment to the text of this Title or for a change in the zoning classification on the Official Zoning Map of any property is denied by the Planning Commission or City Council, the application for such amendment shall not be eligible for reclassification for twelve (12) consecutive months following the date of such denial, except in the following cases:
 - a. Upon presentation to the Planning Commission by the Mayor of the City of Morristown,
 - b. Upon presentation to the Planning Commission by the elected City Council member of the electoral ward in which said property is located,
 - c. When the previously denied application was denied for the reason that the proposed zoning did not conform to the general plan of the city; and the general plan is subsequently amended by the City of Morristown within the above mentioned twelve (12) month period in a manner that allows the proposed zoning district reclassification.

14-2104. INTERPRETATION AND PURPOSES

In their interpretation and application the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations heretofore

adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory.

14-2105. SAVING CLAUSE

If any section, clause, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not in and of itself invalid or unconstitutional.

CHAPTER 22
MUNICIPAL FLOODPLAIN ZONING ORDINANCE
(3495-02/04/2014)

ARTICLE I.	STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES
ARTICLE II.	DEFINITIONS
ARTICLE III.	GENERAL PROVISIONS
ARTICLE IV.	ADMINISTRATION
ARTICLE V.	PROVISIONS FOR FLOOD HAZARD REDUCTION
ARTICLE VI.	VARIANCE PROCEDURES
ARTICLE VII.	LEGAL STATUS PROVISIONS

Chapter 22
Municipal Floodplain Zoning Ordinance
(3543-03/01/2016)

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

Section A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Morristown, Tennessee, Mayor and City Council, do ordain as follows:

Section B. Findings of Fact

1. The City of Morristown Tennessee, Mayor and its Legislative Body wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
2. Areas of the City of Morristown, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

Section C. Statement of Purpose

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

1. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section D. Objectives

The objectives of this Ordinance are:

1. To protect human life, health, safety and property;

2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;
6. To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodprone area;
8. To maintain eligibility for participation in the NFIP.

ARTICLE II. DEFINITIONS

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

"Accessory Structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

"Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of Special Flood-related Erosion Hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

"Area of Special Flood Hazard" see **"Special Flood Hazard Area"**.

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

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

"Building" see **"Structure"**.

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

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Emergency Flood Insurance Program" or **"Emergency Program"** means the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

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

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

"Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

"Existing Structures" see **"Existing Construction"**.

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

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

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

"Flood Elevation Determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

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

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

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

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

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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

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

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

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

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

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

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

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

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on the City of Morristown Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By the approved Tennessee program as determined by the Secretary of the Interior or
 - b. Directly by the Secretary of the Interior.

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

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

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

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

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

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

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

"New Construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.

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

"North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

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

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

"Reasonably Safe from Flooding" means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

"Recreational Vehicle" means a vehicle which is:

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

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

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

"Special Flood Hazard Area" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

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

"State Coordinating Agency" the Tennessee Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

"Structure" for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

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

"Substantial Improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

"Variance" is a grant of relief from the requirements of this Ordinance.

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

"Watercourse" means any watercourse that has been previously mapped and shown on the community FIRM, or any watercourse for which a Conditional Letter of Map Revision or Letter of Map Revision for a specific alteration, relocation, or correction has previously been obtained.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

ARTICLE III. GENERAL PROVISIONS

Section A. Application

This Ordinance shall apply to all areas within the incorporated area of the City of Morristown, Tennessee.

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

The Areas of Special Flood Hazard identified on the City of Morristown, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Number(s) **47063C0050E, 47063C0075E, 47063C0110E, 47063C0120E, 47063C0127E, 47063C0129E, 47063C0130E, 47063C0131E, 47063C0132E, 47063C0133E, 47063C0134E, 47063C0140E, 47063C0145E, 47063C0155E**, dated **July 3, 2006**, and Community Panel Number(s) **47089C0070D1, 47089C0090D, and 47089C0093D**, dated **December 16, 2008**, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.

Section C. Requirement for Development Permit

A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

Section D. Compliance

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

Section E. Abrogation and Greater Restrictions

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

Section F. Interpretation

In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

Section G. Warning and Disclaimer of Liability

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

Section H. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Morristown, Tennessee from taking such other lawful actions to prevent or remedy any violation.

ARTICLE IV. ADMINISTRATION

Section A. Designation of Ordinance Administrator

The City Administrator or his/her designee is hereby appointed as the Administrator to implement the provisions of this Ordinance.

Section B. Permit Procedures

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

1. Application stage

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
- c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections A and B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

Section C. Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to, the following:

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify affected adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.

4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Morristown, Tennessee FIRM meet the requirements of this Ordinance.
11. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

In all areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

Section B. Specific Standards

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Section A, are required:

1. Residential Structures

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

2. Non-Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures"

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IV, Section B.

3. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
 - 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Section B.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
 - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
 - 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Article V, Sections A and B.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
 - 1) Be on the site for fewer than 180 consecutive days;
 - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
 - 3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Section E).

Section C. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for the City of Morristown, Tennessee and certification, thereof.
2. Notwithstanding any other provisions of Article V Section C.1., the community may permit encroachments in the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of the National Flood Insurance Program and stated in 44 CFR Part 65.12, and receives the approval of the Federal Insurance Administrator. The cost of study, engineering, maps, and completion of application, design, or any other cost associated with the encroachment and/or revision is the responsibility of the developer, property owner, or other party initiating the work. Unless otherwise stated in the ordinance the City Administrator or his/her designee shall approve any encroachment and/or revision.
3. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B.

Section D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

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

Section E. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV, Section B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section B.
4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Morristown, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B. Within approximate A Zones, require that those subsections of Article V Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

Section F. Standards For Areas of Shallow Flooding (AO and AH Zones)

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Article V, Sections A and B, apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least

three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Article V, Section B.

2. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Ordinance and shall provide such certification to the Administrator as set forth above and as required in accordance with Article IV, Section B.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

Section G. Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IV and Article V shall apply.

Section H. Standards for Unmapped Streams

Located within the City of Morristown, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Articles IV and V.

ARTICLE VI. VARIANCE PROCEDURES

Section A. Municipal Board of Zoning Appeals

1. Authority

The City of Morristown, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

2. Procedure

Meetings of the Municipal Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Municipal Board of Zoning Appeals shall be open to the public. The

Municipal Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Municipal Board of Zoning Appeals shall be set by the Legislative Body.

3. Appeals: How Taken

An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of (\$50.00) dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than (30) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Municipal Board of Zoning Appeals shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

- 1) The City of Morristown Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- 2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.
- 3) In passing upon such applications, the Municipal Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - a) The danger that materials may be swept onto other property to the injury of others;
 - b) The danger to life and property due to flooding or erosion;
 - c) The susceptibility of the proposed facility and its contents to flood damage;
 - d) The importance of the services provided by the proposed facility to the community;
 - e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
 - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

- g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.
- 4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Municipal Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.
 - 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section B. Conditions for Variances

- 1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Article VI, Section A.
- 2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- 3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.

The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

ARTICLE VII. LEGAL STATUS PROVISIONS

Section A. Conflict with Other Ordinances

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the City of Morristown, Tennessee, the most restrictive shall in all cases apply.

Section B. Severability

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.

Section C. Effective Date

This Ordinance shall become effective immediately after its passage, in accordance with the Charter of the City of Morristown, Tennessee, and the public welfare demanding it.

CHAPTER 23
WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

SECTION

- 14-2301. PURPOSE.
- 14-2302. DEFINITIONS.
- 14-2303. APPLICABILITY.
- 14-2304. GENERAL REQUIREMENTS.
- 14-2305. EXCEPTIONS.
- 14-2306. ADMINISTRATIVELY APPROVED USES.
- 14-2307. SPECIAL USE PERMITS.
- 14-2308. BUILDINGS OR OTHER EQUIPMENT STORAGE.
- 14-2309. REMOVAL OF ABANDONED ANTENNAS AND TOWERS.
- 14-2310. NONCONFORMING USES.
- 14-2311. SEVERABILITY.
- 14-2312. REPEALER.

Chapter 23
WIRELESS TELECOMMUNICATION TOWERS AND ANTENNAS
(2899-11/18/1997)

14-2301. PURPOSE

The purpose of this chapter is to establish general guidelines for the siting of wireless communication towers and antennas. The goals of this chapter are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the city council shall give due consideration to the City of Morristown's zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

14-2302. DEFINITIONS

As used in this chapter, the following terms shall have the meanings set forth below:

- a. Alternative Tower Structure means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- b. Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
- c. Backhaul Network means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
- d. FAA means the Federal Aviation Administration.
- e. FCC means the Federal Communications Commission.
- f. Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- g. Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and

television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

14-2303. APPLICABILITY

- a. New Towers and Antennas. All new towers or antennas in City of Morristown shall be subject to these regulations, except as provided in Sections 2303(b) through (d), inclusive.
- b. Amateur Radio Station Operator/Receive Only Antennas. This ordinance shall not govern any tower, or the installation of any antenna, that is under forty feet in height and is owned and operated by a radio station operator or is used exclusively for receive only antennas. All other applicable regulations to towers 40' and found within this ordinance shall continue to apply.
- c. Preexisting Towers or Antennas. Preexisting towers and preexisting antennas shall not be required to meet the requirements of this chapter, other than the requirements of Sections 2304(f) and 2304(g).
- d. AM Array. For purposes of implementing this chapter, an AM array, consisting of one or more tower units and supporting ground system which functions as on AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

14-2304. GENERAL REQUIREMENTS

- a. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- b. Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- c. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Planning Director an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are within the jurisdiction of the City of Morristown, including specific information about the location, height, and design of each tower. The Planning Director may share such information with other applicants applying for administrative approvals or special use permits under this chapter or other organizations seeking to locate antennas within the jurisdiction of the City of Morristown, provided, however that the Planning Director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable for tower construction.
- d. Aesthetics. Towers and antennas shall meet the following requirements:
 - 1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - 2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- e. Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- f. State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- g. Building Codes: Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City of Morristown concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- h. Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Morristown irrespective of municipal and county jurisdictional boundaries.
- i. Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of Morristown have been obtained and shall file a copy of all required franchises with the city.
- j. Public Notice. For purposes of this chapter, any special use request, variance request, or appeal of an administratively approved used or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in Section 2307(b)(5)(ii), Table 2, in addition to any notice otherwise required by the Zoning Ordinance.
- k. Signs. No signs shall be allowed on an antenna or tower.
- m. Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 2308.
- n. Multiple Antenna/Tower Plan. The City of Morristown encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

14-2305. EXCEPTIONS

- a. The provisions of this part shall not apply to:
 - 1. antennas or towers located on property owned, leased, or otherwise controlled by the city and under 40' in height.
 - 2. antennas or towers located on property owned, leased, or otherwise controlled by the city and over 40' in height, and in accordance with Section 2306 (a) and (b) of this part.

14-2306. ADMINISTRATIVELY APPROVED USES

- a. General. The following provisions shall govern the issuance of administrative approvals for towers and antennas.
 - 1. The Planning Director may administratively approve the uses listed in this Section.
 - 2. Each applicant for administrative approval shall apply to the Planning Director providing the information set forth in Sections 2307(b)(1) and 2307(b)(3) of this chapter and a nonrefundable fee as established by resolution of the city council to reimburse the City of Morristown for the costs of reviewing the application.
 - 3. The Planning Director shall review the application for administrative approval and determine if the proposed use complies with Sections 2304, 2307(b)(4) and 2307(b)(5) of this chapter.
 - 4. The Planning Director shall respond to each such application within sixty (60) days after receiving it by either approving or denying the application. If the Planning Director fails to respond to the applicant within said sixty (60) days, then the application shall be deemed to be approved.
 - 5. In connection with any such administrative approval, the Planning Director may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
 - 6. If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to Section 2307 of this chapter.
- b. List of Administratively Approved Uses. The following uses may be approved by the Planning Director after conducting an administrative review:
 - 1. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any Heavy Industrial district.
 - 2. Locating antennas on existing structures or towers consistent with the terms of subsections (a) and (b) below:
 - a. Antennas on existing structures. Any antenna which is not attached to a tower may be approved by the Planning Director as an accessory use to any commercial, industrial,

professional, institutional, or multi-family structure of eight or more dwelling units, provided:

- i. The antenna does not extend more than thirty (30) feet above the highest point of the structure; and
 - ii. The antenna complies with all applicable FCC and FAA regulations; and
 - iii. The antenna complies with all applicable building codes.
 - b. Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the Planning Director and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:
 - i. A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the Planning Director allows reconstruction as a monopole.
 - ii. Height
 - a. An existing tower may be modified or rebuilt to a taller height, not to exceed thirty (30) feet over the tower's existing height, to accommodate the collocation of an additional antenna.
 - b. The height change referred to in subsection (iii)(a) may only occur one time per communication tower.
 - c. The additional height referred to in subsection (iii)(a) shall not require an additional distance separation as set forth in Section 2307. The tower's premodification height shall be used to calculate such distance separations.
 - iii. Onsite location
 - a. A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within fifty (50) feet of its existing location.
 - b. After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.
 - c. A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to section 2307(b)(5). The relocation of a tower hereunder shall in no way be deemed to cause a violation of Section 2307(b)(5).
 - d. The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in Section 2307(b)(5) shall only be permitted when approved by the Planning Director.
3. New towers in non-residential zoning districts. Locating any new tower in a non-residential zoning district other than Heavy Industrial provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the Planning Director concludes the tower is in conformity with the goals set forth in Section 2301 and the requirements of Section 2304; the tower meets the setback requirements in Section 2307(b)(4) and separation distances in Section 2307(b)(5) and all other provisions in Section 2307; and the tower meets the following height and usage criteria:
- i. for a single user, up to ninety (90) feet in height;
 - ii. for two users, up to one hundred twenty (120) feet in height; and
 - iii. for three or more users, up to one hundred fifty (150) feet in height.

4. Locating any alternative tower structure in any non-residential zoning that in the judgement of the Planning Director is in conformity with the goals set forth in Section 2301 of this chapter.
5. Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

14-2307. SPECIAL USE PERMITS

- a. General. The following provisions shall govern the issuance of special use permits for towers or antennas by the Board of Zoning Appeals.

1. If the tower or antenna is not a permitted use under Section 2305 of this chapter or permitted to be approved administratively pursuant to Section 2306 of this chapter, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning district classifications.
2. Applications for special use permits under this Section shall be subject to the procedures and requirements of Chapter 20 of this Ordinance, except as modified in this part.
3. In granting a special use permit, the Board of Zoning Appeals impose conditions to the extent the Board of Zoning Appeals concludes such conditions are necessary to minimize adverse effects of the proposed tower on adjoining properties.
4. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer under the guidelines of the State of Tennessee for such certifications.
5. An applicant for a special use permit shall submit the information described in this Section and a non-refundable fee as established by resolution of the city council to reimburse the City of Morristown for the costs of reviewing the application.

- b. Towers.

1. Applicants for a special use permit for a tower shall submit the following information:
 - i. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning of the site and all properties within the applicable separation distances set forth in Section 2307(b)(5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Planning Director to be necessary to assess compliance with this chapter.
 - ii. Legal description of the parent tract and leased parcel (if applicable).
 - iii. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
 - iv. The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 2304© shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
 - v. A landscape plan showing specific landscape materials.

- vi. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
 - vii. A description of compliance with Sections 2304(c), (d), (e), (f), (g), (j), (l), and (m), 2307(b)(4), 2307(b)(5) and all applicable federal, state or local laws.
 - viii. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
 - ix. A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
 - x. A description of the feasible location(s) of future towers or antennas within the City of Morristown based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
2. Factors Considered in Granting Special Use Permits for Towers. In addition to any standards for consideration of special use permit applications pursuant to Chapter 20, the Board of Zoning Appeals shall consider the following factors in determining whether to issue a special use permit, although the Board of Zoning Appeals may waive or reduce the burden on the applicant of one or more of these criteria if the Board of Zoning Appeals concludes that the goals of this chapter are better served thereby:
- i. Height of the proposed tower;
 - ii. Proximity of the tower to residential structures and residential district boundaries;
 - iii. Nature of uses on adjacent and nearby properties;
 - iv. Surrounding topography;
 - v. Surrounding tree coverage and foliage;
 - vi. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - vii. Proposed ingress and egress; and
 - viii. Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 2307(b)(3) of this chapter.
3. Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Board of Zoning Appeals that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the Board of Zoning Appeals related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
- i. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - ii. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - iii. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - iv. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

- v. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - vi. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - vii. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
4. Setbacks. The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the Board of Zoning Appeals may reduce the standard setback requirements if the goals of this chapter would be better served thereby:
- i. Towers must be set back a distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining lot line.
 - ii. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
5. Separation. The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Board of Zoning Appeals may reduce the standard separation requirements if the goals of this chapter would be better served thereby.
- i. Separation from off-site uses/designated areas.
 - a. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
 - b. Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1:
Off-site Use/Designated Area

Off-site Use/Designated Area	Separation Distance
Single-family or duplex residential units ²	200 feet or 300% height of tower whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of tower ³ whichever is greater
Vacant unplatted residentially zoned lands ⁴	200 feet or 200% height of tower whichever is greater
Existing multi-family residential units greater than duplex units	200 feet or 100% height of tower whichever is greater
Non-residentially zoned lands or non-residential uses	None; only setbacks apply

²Includes modular homes and mobile homes used for living purposes.

³Separation measured from base of tower to closest building setback line.

⁴Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.

- ii. Separation distances between towers.
 - a. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

Table 2:
Existing Towers - Types

	Lattice	Guyed	Monopole 75 Ft in Height or Greater	Monopole Less Than 75 Ft in Height
Lattice	5000	5000	1,500	750
Guyed	5000	5000	1,500	750
Monopole 75 Ft in Height or Greater	1,500	1,500	1,500	750
Monopole Less Than 75 Ft in Height	750	750	750	750

6. Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the Board of Zoning Appeals may waive such requirements, as it deems appropriate.
7. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Board of Zoning Appeals may waive such requirements if the goals of this chapter would be better served thereby.
 - i. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
 - ii. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - iii. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

14-2308. BUILDINGS OR OTHER EQUIPMENT STORAGE

- a. Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:
 1. The cabinet or structure shall not contain more than 100 square feet of gross floor area or be more than 12 feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over 100 square feet of gross floor area or 12 feet in height, shall be located on the ground and shall not be located on the roof of the structure.

2. If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10 percent of the roof area.
 3. Equipment storage buildings or cabinets shall comply with all applicable building codes.
- b. Antennas Mounted on Utility Poles or Light Poles. The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:
1. In residential districts, the equipment cabinet or structure may be located:
 - i. In a front or side yard provided the cabinet or structure is no greater than 12 feet in height or 100 square feet of gross floor area and the cabinet/structure is located a minimum of 40 feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42-48 inches and a planted height of at least 36 inches.
 - ii. In a rear yard, provided the cabinet or structure is no greater than 12 feet in height or 100 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches.
 2. In business districts the equipment cabinet or structure shall be no greater than 20 feet in height or 200 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet

by a solid fence 6 feet in height or an evergreen hedge with ultimate height of 12 feet and a planted height of at least 36 inches.
- c. Antennas Located on Towers. The related unmanned equipment structure shall not contain more than 100 square feet of gross floor area or be more than 12 feet in height, and shall be located no closer than 40 feet from all lot lines.
- d. Modification of Building Size Requirements. The requirements of Sections 2308(a) through © may be modified by the Planning Director in case of administratively approved uses or by the Board of Zoning Appeals in case of uses permitted by special use to encourage collocation.

14-2309. REMOVAL OF ABANDONED ANTENNAS AND TOWERS

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

14-2310. NONCONFORMING USES

- a. Not Expansion of Nonconforming Use. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.

- b. Preexisting Towers. Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this chapter.
- c. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Notwithstanding Section 2309, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in Sections 2307(b)(4) and 2307(b)(5). The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 2309.

14-2311. SEVERABILITY

The various parts, sections and clauses of this part are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

14-2312. REPEALER

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

CHAPTER 24
MOORE-MURRELL FIELD ZONING ORDINANCE

SECTION

- 14-2401. SHORT TITLE.
- 14-2402. DEFINITIONS.
- 14-2403. AIRPORT ZONES.
- 14-2404. AIRPORT ZONE HEIGHT LIMITATIONS
- 14-2405. USE RESTRICTION.
- 14-2406. NONCONFORMING USES.
- 14-2407. PERMITS.
- 14-2408. ENFORCEMENT.
- 14-2409. APPEALS AND ADJUSTMENTS.
- 14-2410. PENALTIES.
- 14-2411. CONFLICTING REGULATIONS.
- 14-2412. SEVERABILITY.

Chapter 24
Moore-Murrell Field Zoning Ordinance
(3054-03/26/2001)

14-2401. SHORT TITLE

This Ordinance shall be known and may be cited as the Moore-Murrell Field Airport Overlay District Zoning Ordinance.

14-2402. DEFINITIONS

1. *Airport* – means Moore-Murrell Field.
2. *Airport Elevation* – 1313 feet above mean sea level.
3. *Approach Surface* – A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section IV of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.
4. *Approach, Transitional, Horizontal, and Conical Zones* – These zones are set forth in Section III of this Ordinance.
5. *Board of Zoning Appeals* – The duly appointed board of the City of Morristown to hear and decide on issues related to adjustments, appeals, special exceptions, or variances to the established Zoning Ordinances. The Board of Zoning Appeals (BZA) may also be referred to as the Board of Adjustments or the Board of Appeals.
6. *Conical Surface* – A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
7. *Hazard to Air Navigation* – An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
8. *Height* – For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
9. *Horizontal Surface* – A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
10. *Larger than Utility Runway* – A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
11. *Nonconforming Use* – Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.
12. *Nonprecision Instrument Runway* – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach has been approved or planned.

13. *Obstruction* – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section IV of this Ordinance.
14. *Person* – An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
15. *Precision Instrument Runway* – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
16. *Primary Surface* – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section III of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
17. *Runway* – A defined area on an airport prepared for landing and takeoff of aircraft along its length.
18. *Structure* – An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
19. *Transitional Surfaces* – These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surface, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended centerline.
20. *Tree* – Any object of natural growth.
21. *Utility Runway* – A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
22. *Visual Runway* – A runway intended solely for the operation of aircraft using visual approach procedures.

14-2403. AIRPORT ZONES

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Moore-Murrell Field. Such zones are to be included as overlay districts to the official zoning map of the City of Morristown. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM GREATER THAN $\frac{3}{4}$ MILE NONPRECISION INSTRUMENT APPROACH ZONE - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. TRANSITIONAL ZONES – The transitional zones are the areas beneath the transitional surfaces.
3. HORIZONTAL ZONE – The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual, and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines of tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
4. CONICAL ZONE – The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

14-2404. AIRPORT ZONE HEIGHT LIMITATIONS

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by the Ordinance to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM GREATER THAN $\frac{3}{4}$ MILE NONPRECISION INSTRUMENT APPROACH ZONE - Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
2. TRANSITIONAL ZONES – Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 1313 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
3. HORIZONTAL ZONE – Established at 150 feet above the airport elevation or a height of 1463 feet above mean sea level.
4. CONICAL ZONE – Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation (1663 feet above mean sea level).
5. EXCEPTED HEIGHT LIMITATIONS – Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.

14-2405. USE RESTRICTION

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational

signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

14-2406. NONCONFORMING USES

REGULATIONS NOT RETROACTIVE – The regulations prescribed in this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

14-2407. PERMITS

1. **CODE OF FEDERAL REGULATIONS (CFR)** - According to Title 14 Code of Federal Regulations (CFR) Chapter 1, “No structure or building which would require a ‘Notice of Construction or Alteration’ (FAA Form 7460-1) under Federal Aviation Regulations Part 77 Objects Affecting Navigable Airspace Subpart B (FAR 77 Subpart B) shall be permitted unless a ‘Determination of No Hazard’ under FAR 77 Subparts B, D, or E is first obtained from the Federal Aviation Administration.”

Copies of FAA Form 7460-1 may be obtained from the headquarters of the Federal Aviation Administration and the regional offices.

2. **FUTURE USES** – Except as specifically provided in a, b, and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with 14-2407 (5).
 - a. In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground.
 - b. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

- c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance except as set forth in 14-2404.

3. **EXISTING USES** – No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
4. **NONCONFORMING USES ABANDONED OR DESTROYED** – Whenever the appropriate governing body determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
5. **VARIANCES** – Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Zoning Appeals for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance to the requirements of this Ordinance may be considered by the Board of Zoning Appeals unless a copy of the application has been furnished to the Airport Manager for advice as to aeronautical effects of the variance. If the Airport Manager does not respond to the application within 15 days after receipt, the Board of Zoning Appeals may act on its own to grant or deny said application.

14-2408. ENFORCEMENT

It shall be the duty of the appropriate governing body to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the appropriate governing body upon a form published for that purpose. Applications required by this Ordinance to be submitted to the appropriate governing body shall be promptly considered and granted or denied. Application for action by the Board of Zoning Appeals shall be forthwith transmitted by the appropriate governing body.

14-2409. APPEALS AND ADJUSTMENTS

Applicants may seek adjustments, appeals, special exceptions, and interpretations to this Ordinance through the Board of Zoning Appeals.

14-2410. PENALTIES

Each violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall be issued penalties as prescribed within the Zoning Ordinance.

14-2411. CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

14-2412. SEVERABILITY

If any of the provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

CHAPTER 25
(MUD) MIXED USE DISTRICT

SECTION

- 14-2501. (MUD) MIXED USE (RESIDENTIAL AND COMMERCIAL USES) DISTRICT.
- 14-2502. PURPOSE.
- 14-2503. USES PERMITTED.
- 14-2504. PROCEDURAL REQUIREMENTS FOR THE ESTABLISHMENT OF A MUD DISTRICT.
- 14-2505. REQUIREMENTS FOR EACH DEVELOPMENT WITHIN A MUD DISTRICT.

Chapter 25
(MUD) Mixed Use District
(3448-09/04/2012)

14-2501. MIXED USE (RESIDENTIAL AND COMMERCIAL USES) DISTRICT (MUD)

14-2502. PURPOSE

The Mixed Use District (MUD) is established to provide innovative opportunities for integrating diverse but compatible using into a single development that is unified by distinguishable design features. The Mixed Use District is intended to provide an alternative to the predominant development pattern in Morristown characterized by unconnected, uncoordinated commercial development along thoroughfares and limited access residential development isolated from places to work and shop. The Mixed Use District (MUD) may also be used to transition from predominately residential areas to predominately commercial areas as well as to replicated the historic urban development pattern in redevelopment areas. It is further intended to achieve broader goals such as economic land development; consideration of environmental conditions, efficient street systems and utility networks, usable attractive open spaces; and the general well-being of the Town's inhabitants.

14-2503. USES PERMITTED

1. Bakeries.
2. Banks
3. Barber Shops/Beauty Salons.
4. Bed and Breakfast.
5. Book Store.
6. Candy Store.
7. Clothing Store.
8. Community Center, which may include any or all of the following:
 1. Sales Office pertaining only to the sale and/or lease of residential properties within the planned residential development
 2. Meeting Room/Banquet Hall
 3. Fitness Center/Weight Room
 4. Laundry Facilities
9. Community/Neighborhood parks, swimming pools, trails, picnic areas.
10. Customary Home Occupations.
11. Day Care Centers.
12. Delicatessen.
13. Drug Stores/Pharmacies.
14. Dry Cleaning Pick-Up Station.
15. Duplex Residential.
16. Florist Shop.
17. Gas Station/Convenience Store.
18. Golf Courses (public or private).
19. Grocery Store.
20. Hardware Store.
21. Health Salon/Fitness Center.
22. Hospitals.
23. Ice Cream Store.

24. Jewelry Store.
25. Laundry Facilities.
26. Marinas.
27. Multi-Family Residential.
28. News Stand.
29. Non-Owner Occupied Short-Term Rental Units (3613- 07/17/2018)
 - a. Meet all conditions under 14-228.4
30. Nursing Homes (Assisted Living Facilities).
31. Parking Lot/Garages.
32. Places of Worship.
33. Plant and Flower Nurseries.
34. Private Schools.
35. Professional Offices (artists, architects, dentists, doctors, lawyers, attorneys, psychiatrists, psychologists, engineers, optometrists)
36. Public Buildings, Parks, and other Public/Governmental Uses.
37. Restaurants.
38. Shoe Store and Repair Shops.
39. Single Family Residential.
40. Tailor Shop.
41. Television and Radio Store/Repair Shop.
42. Utilities.
43. Variety Store.

14-2504. PROCEDURAL REQUIREMENTS FOR THE ESTABLISHMENT OF A MUD DISTRICT

1. Conceptual Review:
 - a. This is a scheduled pre-application conference held with the City development services department to discuss requirements, standards and policies prior to the submission of a formal Master Plan.
 - b. The general outline of the proposed mixed use plan shall be submitted by the applicant for conceptual review. This plan should include the proposed locations, general layout of streets, structures and utilities, and any other applicable information.
 - c. After the conference, the development department shall compile a list of preliminary comments from staff and other agencies to the development to revise the plat prior to an official submittal of a Master Plan.
 - d. The applicant is strongly encouraged to meet with neighboring property owners to discuss the conceptual plan.
2. Master Plan Approval:
 - a. An application for a Mixed Use Master Plan Approval should be submitted into the City Development services department in line with the current deadlines for the Morristown Regional Planning Commission. This plan shall include any revisions to the original plan as well as the following:
 - i. Site Plan (street layout, proposed roads, structures, common area, natural features, landscaping, transition zones, recreational features, hazard areas, drainage areas, ect.)
 - ii. Elevation Plans (Streetscape and Building Elevations)
 - iii. Percentage Narrative (lists the percentage of uses
 - b. Morristown Regional Planning Commission shall make a recommendation for the mixed use development Master Plan to the Morristown City Council.
 - c. The Morristown City Council will review the plan at their next available meeting and hold a public hearing at that time prior to granting approval or denial of the plan.

3. Preliminary Site Plan Approval:
 - a. If granted approval for the Master Plan by the Morristown City Council, the applicant must then submit full construction plans to the City Development Services Department for review. Those plans must meet the requirements of the Morristown Subdivision Regulations and must be approved by the Morristown Regional Planning Commission.
4. Final Plat Approval:
 - a. Once construction is complete or a bond has been accepted by the City of Morristown, a final plat must be submitted to the Morristown Regional Planning Commission for approval.

14-2505. REQUIREMENTS FOR EACH DEVELOPMENT WITHIN A MUD DISTRICT

1. Minimum District Size: 5 acres.
2. Minimum Size For Each Development: 5 acres; however, if a proposed development is adjacent to an existing MUD district, and the proposed development will have the same design guidelines as the existing MUD, then the proposed development may be smaller in land area.
3. Minimum Frontage (For District): 200 feet adjacent to a public right-of-way
4. MUD District Locations: Must be located adjacent to a public right-of-way that is classified as a collector or arterial street.
5. Minimum Lot Size: N/A
6. Minimum Lot Frontage per Residential Unit: N/A
7. Minimum Lot Frontage per Commercial Business: N/A
8. Mixture of Uses
 - a) Structures/Master Plans may utilize be horizontal or vertical mixed use developments
 - a. Horizontal Mixed Use – two or more different types of uses are placed next to each other (but not attached), planned as a unit, and connected together with pedestrian and vehicular access. For instance, a subdivision containing single family dwellings that is adjacent to a neighborhood commercial development and office complex.
 - b. Vertical Mixed Use – Where two or more different uses occupy the same building usually on different floors. For instance, retail on the ground floor and office and/or residential uses on the second and/or third floors.
 - b) Mixed Use Developments located adjacent to residential district shall contain a minimum forty percent (40%) residential use for horizontal mixed use projects and a minimum of twenty percent (20%) for vertical mixed use projects.
 - c) No more than 75% of the required residential component may be located in a single-family detached residential development.
 - d) The mixed use development must always contain a residential use in addition to at least two (2) of the following use categories:
 - a. Office
 - b. Commercial

- c. Institutional, Quasi-public, Public
 - d. Entertainment and lodging
 - e) No use shall occupy more than 60% of the gross project area or gross floor area.
9. Maximum Building Height: 45 feet, or what is determined by the height limitation within the Airport Overlay District, whichever is more strict.
10. Minimum Amount of Open Space: ten percent (10%).
11. Neighborhood Transitions:

- a) Neighborhood Transitions apply in the Mixed Use District when the site abuts a district boundary of any residential zoning district.

- b) A Transition area includes the following zones:

- a. Zone A (Protective Yard)

- i. Minimum width: 50ft.
- ii. Installation Requirements:
 - 1. A wall or Fence between six and nine feet in height
 - 2. Five canopy trees per 100 lineal feet
 - 3. Four understory trees per 100 lineal feet
 - 4. 30 shrubs per 100 lineal feet

- b. Zone B (Use Restricted)

- i. Minimum width: 50ft.
- ii. Permitted Uses/Activities
 - 1. Landscaping, fence wall, garden
 - 2. Outdoor dining
 - 3. Service Area
 - 4. Accessory garage, storage area
 - 5. Park, Playground
 - 6. Stormwater detention
 - 7. Surface Parking lot
 - 8. Path, walkway, sidewalk, greenway
 - 9. Alley
- iii. Building and Accessory Structures
 - 1. An accessory structure can be no more than 14 feet in height.
 - 2. Building walls parallel to the district boundary line can be no longer than 75 feet.

- c. Zone C (Height and Form)

- i. Minimum width: 50 ft.
- ii. Permitted Uses/Activities
 - 1. All structures and uses are permitted in zone C
- iii. Height
 - 1. No building or structure can be more than 25 feet in height at the Zone C line.



2. Height can increase subject to a 45 degree height plane measured from a height of 25 feet at the Zone C line, extending upward one foot for every additional foot of setback into the site.
 - iv. Wall Articulation
 1. Any portion of a rear wall plane cannot exceed 50 feet in length unless the wall is offset a minimum of five feet for a minimum distance of 15 feet.
 13. Utilities: All proposed utilities, including but not limited to, cable, gas, electric, water, sewer, and telephone lines, for any new developments must be underground.
 14. Signage: A signage plan shall be submitted as part of the Master Plan which identifies all signage opportunities and restrictions as well as providing a way finding signage plan throughout the development. All signs must meet the requirements of the city sign ordinance.

CHAPTER 26
(PCD) PLANNED COMMERCIAL DEVELOPMENT DISTRICT

SECTION

- 14-2601. PCD PLANNED COMMERCIAL DEVELOPMENT DISTRICT.
- 14-2602. PURPOSE.
- 14-2603. USES PERMITTED.
- 14-2604. REQUIREMENTS FOR EACH DEVELOPMENT WITHIN A PCD DISTRICT.

Chapter 26
PCD Planned Commercial Development District
(3065-06/05/2001)

14-2601. PLANNED COMMERCIAL DEVELOPMENT DISTRICT (PCD)

14-2602. PURPOSE

The current provisions for a commercial planned development are too vague and there can be some discrepancies in its interpretations. This proposal is to help clarify and define the specifications for a planned commercial development.

According to the City of Morristown's Subdivision Regulations under General Requirements and Minimum Standards of Design A.5. Restrictions of Access states "When a tract fronts on an arterial street or highway, the Planning Commission may require such lots to be provided with frontage on a marginal access street." Because of this, there will be a limited number of curb-cuts onto these major streets. Alternative roadways will be needed for future developments. By limiting the number of curb-cuts onto these highways will also allow for better traffic flow and circulation.

To allow developers more flexibility and be more creative in their development design. Protect scenic vistas, waterways, hillsides (mountains). Promote a more pedestrian friendly atmosphere.

14-2603. USES PERMITTED (3591-11/07/2017)

1. Appliance stores.
2. Bakeries.
3. Banks.
4. Barber Shops/Beauty Salons.
5. Book Store.
6. Candy Store.
7. Clothing Store.
8. Community Center, which may include any or all of the following:
 1. Fitness Center/Weight Room
 2. Laundry Facilities
 3. Meeting Room/Banquet Hall
 4. Swimming pools, trails, picnic areas, parks
9. Day Care Centers.
10. Delicatessen.
11. Drug Stores/Pharmacies.
12. Dry Cleaning Pick-Up Station.
13. Florist Shop.
14. Gas Station/Convenience Store.
15. Golf Courses (public or private).
16. Grocery Store.
17. Hardware Store.
18. Health Salon/Fitness Center.
19. Hospitals.
20. Hotels/motels.
21. Ice Cream Store.

22. Jewelry Store.
23. Laundry Facilities.
24. Limited Service Restaurant (3591-11/07/2017).
25. Microbreweries (3591-11/07/2017).
26. News Stand.
27. Nursing Homes (Assisted Living Facilities).
28. Parking Lot/Garages.
29. Places of Worship/Funeral Homes.
30. Plant and Flower Nurseries.
31. Private Schools.
32. Professional Offices (artists, architects, dentists, doctors, lawyers, attorneys, psychiatrists, psychologists, engineers, optometrists)
33. Public Buildings, Parks, and other Public/Governmental Uses.
34. Restaurants.
35. Shoe Store and Repair Shops.
36. Shopping Centers/malls.
37. Tailor Shop.
38. Television and Radio Store/Repair Shop.
39. Theaters.
40. Utilities.
41. Variety Store.

14-2604. REQUIREMENTS FOR EACH DEVELOPMENT WITHIN A PCD DISTRICT

1. Minimum District Size: 5 acres.
2. Minimum Size For Each Development: 5 acres; however, if a proposed development is adjacent to an existing PCD district, and the proposed development will have the same design guidelines as the existing PCD, then the proposed development may be smaller in land area.
3. Minimum Frontage (For District): 200 feet adjacent to a public right-of-way.
4. PCD District Locations: Must be located adjacent to a public right-of-way that is classified as a collector or arterial street.
5. Maximum Building Height: 45 feet, or what is determined by the height limitation within the Airport Overlay District, whichever is more strict.
6. Minimum Amount of Open Space: ten percent (10%). (3449-09/04/2012)
7. Yard Setback Requirements:

Front: Thirty (30) feet if adjacent to a public right-of-way, otherwise N/A.

Side: If adjacent to a public right-of-way – 15 feet

If interior – zero lot line

If adjacent to an agricultural or residential zoning district (city or county), then thirty (30) feet of a development free buffer zone, with a staggered (two-tiered) tree-scaped landscape shall be required.

Rear: If adjacent to a public right-of-way – 15 feet

If interior – zero lot line

If adjacent to an agricultural or residential zoning district (city or county), when thirty (30) feet of a development free buffer zone, with a staggered (two-tiered) tree-scaped landscape shall be required.

8. Utilities: All proposed utilities, including but not limited to, cable, gas, electric, water, sewer, and telephone lines, for any new developments must be underground.
9. Parking: Each parking space shall be 10 feet by 18 feet. Each drive aisle must be at least 24 feet wide. The parking spaces shall be marked with bright white lines (stripes).

The number of parking spaces will vary from one type of development to another.

Please see Chapter 2 General Zoning Provisions, Section 14-216 Off-street Automobile Parking and Section 14-217 Off-street Loading and Unloading of the City of Morristown's Zoning Ordinance.

10. Landscaping: Unless stated above, please follow Chapter 33, Landscape Buffers and Screening, of the City of Morristown's Zoning Ordinance.
11. Land Disturbance: Please see the Land Disturbance Ordinance.
12. On-site Drainage/Soil Erosion Control Measures: All stormwater drainage and soil erosion must be controlled and maintained on site. It is strongly discourage to have a large retention/detention pond or basin to control on-site stormwater drainage. It is recommended that the stormwater drainage system be enhanced by means of fountains, man-made streams, and/or waterfalls. The entire drainage system with one or more of these design features will count towards the open space requirement.

Please check with the Engineering Department for detailed information.

13. Streets:

All lots, parcels, outparcels, or leased lots shall have ingress/egress from interior streets, whether they are public streets or private drives.

Any commercial or professional office use shall have access to an interior street (whether public or private) with a minimum 50-foot right-of-way and a minimum pavement width of 28 feet.

A private drive will not be accepted by the City of Morristown as a public right-of-way unless it is built to City street standards and meets all zoning requirements (including building setbacks).

For Public Streets:

Streets shall be constructed to City street standards. For more information, please refer to the City of Morristown's Subdivision Regulations. A public right-of-way shall be built to connect to the adjacent properties in order to connect to one another. If due to topographic conditions or some other physical constraint, this may be waived by the Director of Planning.

Depending on the size and type of development, a Traffic Impact Study may be needed. The Traffic Impact Study shall be completed by a licensed engineer, with expertise in traffic engineering, and turned in at the same time as the site plan for approval. The City Engineer shall determine if a Traffic Impact Study is required for a proposed development.

For Cul-De-Sac Streets (public or private): The minimum dimensions are:
Total length: 1,000 feet measured along the centerline to the center of the cul-de-sac
Right-of-Way radius: 50 feet
Diameter of paved area: 80 feet
Transition curve radius: 75 feet

Any proposed public street or private drive shall be perpendicular (90 degree angle) to:

1. Any existing public right-of-way
2. Any other proposed public right-of-way
3. Any other proposed private right-of-way

14. Pedestrian Walkways:

A pedestrian walkway can be a concrete sidewalk, or a bright white-painted striped marking, or a five-foot paved hard asphalt surface. The asphalt surface may be recommended in order to connect to the City's Greenway Project.

Sidewalks are required on both sides of private or public right-of-ways. In addition, pedestrian walkways shall connect from a main entrance of one building to the main entrance of another building. This can be achieved by either sidewalks, painted street-crossing that is highly visible (bright white), or some other means that may be approved as determined by the Director of Planning.

If there is only one proposed building, then a pedestrian walkway shall be constructed to connect to an existing or proposed sidewalk, existing or proposed greenway, or it shall be extended to the sideyard(s) property line so as to connect to adjacent properties.

If there is an existing or proposed sidewalk for an existing public right-of-way, then any new development must construct a sidewalk along the property line adjacent within the public right-of-way. If there is a sidewalk along the property line of an adjacent property and the public right-of-way, then the sidewalk shall be constructed to extend along the proposed new development and within the public right-of-way.

15. Leased Property, Parcel, Out-Parcels, or Lots:

If the proposed development will have one or more lease or out-parcel properties, then each lot, parcel, or leased property must have a landscaped area at least 10 feet wide running the entire perimeter (minus the ingress/egress sections) of the property. Any and all leased properties, out-parcels, parcels or lots must have access to the interior private drive, or a public right-of-way that is to be dedicated to the City. Each leased property, parcel, out-parcel, or lot must be at least 100 feet wide and at least 25,000 square feet in land area.

CHAPTER 29
SIGN REGULATIONS
(9/06/2016)

SECTIONS

- 14-2901. FINDINGS, PURPOSE and EFFECT.
- 14-2902. SIGN PERMITS – Application, Fees, Inspections and Insurance.
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CHAPTER 29
SIGN REGULATIONS
(9/06/2016)

14-2901. FINDINGS, PURPOSE and EFFECT.

a. *Findings.* The members of the City Council hereby find as follows:

1. Exterior signs have a substantial impact on the character and quality of the environment.
2. Signs provide an important medium through which individuals may convey a variety of messages.
3. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.
4. The city's zoning regulations have always included the regulation of signs. The regulation of the physical characteristics of signs within the city has had a positive impact on traffic safety and the appearance of the community.
5. Other cities in Tennessee, North Carolina, and elsewhere have successfully regulated size and number of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while limiting signs by height, size, and number in effort to preserve and restore the aesthetics in those communities and to protect the health, safety and welfare of the communities. We find these regulations to be beneficial to those communities and to enhance the aesthetics of those communities in ways which would similarly benefit Morristown.

b. *Purpose and intent.* It is not the purpose or intent of this article to regulate the message displayed on any sign; nor is it the purpose or intent of this article to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this article is to:

1. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare.
2. Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is a threat to traffic safety and is harmful to the appearance of the community.
3. Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees.
4. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the city.
5. Simplify and streamline the provisions for signs in the City of Morristown, consolidate all code provisions regulating signs into one singular Sign Ordinance, and remove the permitting process from this Ordinance.

c. *Effect.* A sign may be erected, mounted, displayed or maintained in the city if it is in conformance with the provisions of these regulations. The effect of this article, as more specifically set forth herein, is to:

1. Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this article.
2. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this article.
3. Provide for temporary signs in limited circumstances.
4. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.
5. Provide for the enforcement of the provisions of this article.

14-2902. SIGN PERMITS – Application, Fees, Inspections, and Issuance.

1. The Building Official or his/her designee shall act as the sign administrator and shall enforce and carry out all provisions of this chapter. In the event there is a question concerning the general intent or meaning of any provision of this chapter, the sign administrator shall have the authority to make such administrative decisions and interpretations. Administrative interpretation shall in no way be construed as permitting or granting an exception to the provisions of the chapter. When the definition of a sign is questioned by the sign administrator, the sign administrator may consult with the Board of Zoning Appeals about such question.
2. *Application and permit process.* Unless otherwise provided by this chapter, permits are required for all types of signs. It shall be unlawful for any person, agency, firm, or corporation to erect, structurally repair (other than normal maintenance), replace, alter, relocate, change the panels of, change the establishment being advertised on a sign, as defined in this chapter, without first obtaining a permit to do so from the city.
 - a. *Application for a Sign Permit.* Applicants shall submit a completed sign application and the required application fee to the sign administrator prior to commencing any work on installation of a new or replacement sign.
 - b. *Application Fee.* The required application fee of \$25.00 shall be submitted at the same time that the completed sign permit application is submitted to the city. Payment of the application fee shall be separate from and in advance of the sign permit fee and shall not guarantee or warrant the issuance of a sign permit as requested.
 - c. *Application Review.* The sign permit application shall be reviewed by the sign administrator and other entities as required prior to issuance of a sign permit.
 - d. *Sign Permits.* Upon approval of the Application for a Sign Permit, the sign administrator may issue a sign permit for the construction installation or erection of a sign. It shall be the responsibility of the sign applicant/owner to insure that the sign location meets all zoning setbacks and does not infringe upon any utility line or easement. If it is determined at a later date that these requirements are not met, it shall be the responsibility of the sign applicant/owner to re-locate the sign at his/her cost to another approved location.

- e. *Sign Permit Fees.* In addition to the sign application fee, the sign administrator shall assess a sign permit fee based upon the approved standards of the City of Morristown that are established for Building, Electrical and/or Mechanical Permits in the city.
- f. *Penalties for Commencing Work Prior to Issuance of Sign Permit.* All application fees and sign permit fees shall be doubled if work is commenced prior to the city's issuance of a sign permit. Illegally placed signs that do not conform to the provisions set forth herein shall be removed by the property owner immediately upon notification by the City of Morristown.
- g. *Termination of the Sign Permit-* A sign permit shall become null and void if construction is not commenced within one hundred eighty (180) days of issuance. If work authorized by such permit is suspended or abandoned for one hundred eighty (180) days any time after the work is commenced, the sign permit shall be void and a new permit shall be first obtained to resume work. A new permit shall be required if changes have been made in the original plans. After a permit expires, a partially completed sign structure must be removed within thirty (30) days if no new permit is issued.
- h. *Certificate of Completion* – Upon completion of the installation of the approved sign, the sign administrator shall conduct a final inspection of the sign based upon the approved sign permit. Upon approval of the final inspection, the sign administrator shall issue a Certificate of Completion which shall be the final step under the provisions of this section.

14-2903. DEFINITIONS

The words, terms and phrases set out below, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Abandoned sign means a sign that was lawfully erected on the property in conjunction with a particular use, that use having been subsequently discontinued for a period of 30 days or more, or a lawfully erected temporary sign for which the time period allowed for display of the sign has expired.

Animated sign means any sign or permanent structure that uses movement, projection, or change of lighting, LED, or other electrical impulses to depict action, moving pictures, or create a special effect, other than Electronic Message Centers as defined herein.

Banners, pennants, festoons and balloons shall mean any sign of fabric or other flexible material including:

- a. ***banners*** such as cloth, vinyl or plastic material suspended between two poles: a long piece of cloth or other material, often bearing a symbol or slogan, and attached at each end to a pole or hanging from the top of a pole;
- b. ***pennants*** such as a triangular flag displayed on a ship: or a small narrow triangular or other shaped flag or series of flags such as those displayed on sporting arenas, ball parks, carnivals and special events for identification and signaling or a small flag or series of flags or streamers suspended by poles or other structures, wires, string or rope;
- c. ***festoons*** such as an ornamental chain of flowers, leaves, balloons, inflatable objects, streaming fabric, ribbons or other material hanging or suspended in a loop or curve between two or more points;

- d. **balloons** such as a gas-filled bag used as a toy or for advertising purposes and not certified by the Federal Aviation Administration for flight such as: a small or large colored bag made of thin rubber, plastic or other flexible material that is inflated with air, helium or other gas and used as a toy, advertisement or decoration.
- e. **Flags** shall not be considered as banners or pennants under this article and are defined separately in this Section.

Building elevation means the entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

Building marker means any sign indicating the name of a building or date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material which is architecturally compatible with the building.

Canopy sign means any sign that is a part of, attached to, or made up of an awning, canopy, or other protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

Commercial message means any sign wording, logo or other representation that directly or indirectly names, advertises or calls attention to a business, product, service or other commercial activity.

Community facilities are churches, schools, daycare centers, nursing homes, funeral homes, orphanages, gardening operations, and parks and recreation facilities which may be located in residential zoning districts.

Construction sign means a sign conveying information about a building project, such as the name and use of the building being constructed, and the names of architects, engineers, contractors, and other persons involved with the construction project.

Development Complex Sign is a free-standing monument sign identifying a multiple-occupancy development which shares common vehicular access to a public-road such as a planned industrial park, office park, or commercial complex, or high density residential development listing such information as on-site buildings, businesses and other tenants and their respective activities.

Dilapidated sign means any sign that is structurally unsound, has defective parts, or is in need of painting or other maintenance.

Directional sign means a sign, temporary or permanent, erected for or by a governmental entity for purposes of identification, direction or public safety.

Electronic Message Center means any sign that displays still images, scrolling images or moving images, including video and animation, utilizing a series or grid of lights that may be changed through electronic means, including cathode ray, light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic or other electronic media or technology. Any Electronic Message Center which changes the display more frequently than once every 8 seconds with a maximum change time of two (2) seconds or that allowed under Tennessee Code Annotated 21-122 as may hereafter be amended or which includes illuminated moving pictures or television type signs shall be considered an animated sign.

Feather Flag Sign means a freestanding, temporary sign constructed of a pole that may be driven into the ground or mounted upon a base with an attached vertically-elongated material resembling a feather, sail,

blade, teardrop, shepherd's hook, rectangle, etc. (Ordinance 3526- 11/03/2015)

Flag means any fabric or bunting containing distinctive colors, patterns or symbols that is used as a symbol of a governmental, commercial or noncommercial entity.

1. **Commercial flag** means any flag which displays a commercial name, message, logo or symbol.
2. **Decorative flag** means any flag which displays any holiday or seasonal insignia, design or the like which does not include any commercial name, message, logo or symbol.
3. **Non-commercial/government/civic flag** means any flag displaying a name, message, logo or symbol of any governmental, religious, civic or nonprofit agency.

Freestanding sign means any sign (i.e. pylon, monument, pole-mounted, etc.) supported by structures or supports that are anchored in the ground and that are independent of any building or other structure. For visual reference refer to Appendix 29-A of this Chapter.

Front facade means the front elevation of a building that faces the front property line, as recorded on the plat and/or site plan. If a structure is located on a corner parcel, the side which includes the primary entrance shall be considered the front facade. If a structure located on a corner parcel contains a primary entrance on more than one side, the longer side with a primary entrance shall be considered the front facade.

Governmental Entity includes those federal, state, municipal, and county offices which provide purely governmental services to the public. A governmental entity does not include schools or entities which receive governmental funds to provide non-governmental or quasi-governmental services.

Ground Sign includes monument signs and are types of freestanding signs as defined herein (See definition for Freestanding sign) Ground signs and monument signs shall be attached flush to the ground without poles or visible supports. Ground signs and monument signs shall utilize landscaping, hardscaping and structural materials that are complementary to the architectural theme of the buildings or natural environs on the same property. For visual reference refer to Appendix 29-A of this Chapter.

Illegal sign means any sign which is a prohibited sign or does not comply with the requirements established herein, is not a lawful nonconforming sign and is not exempted by law from the requirements established herein.

Illuminated sign (internally) means any sign that transmits light through its face or any part thereof; **(externally)** means any sign that is artificially lit by reflecting light off of its surface by an external source such as a flood light.

Incidental sign means a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking", "entrance", "exit", "loading only", "no trespassing", "no hunting", "phone", "ATM", etc.

Inflatable sign means any sign that is either expanded to its full dimensions or supported by gases contained within the sign, or sign parts, at a pressure greater than atmospheric pressure.

Interstate Highway Identification sign as permitted in the Tourist Accommodations District which shall be placed so as to display towards the major highway (Interstate 81). This primary sign has a maximum height of one hundred twenty-five (125) feet and a maximum sign face area of 400 square feet per sign face with a maximum of two sign faces. An Electronic Message Center (EMC), as defined in this article, may be used

on the primary sign, but the EMC must be included in the 400 square foot maximum area sign face and shall not exceed 50% of the total sign face.

Marquee sign means any sign attached to, or made part of, a marquee or other permanent roof-like structure that projects beyond a building face and is not supported from the ground.

Menu board means a structure primarily designed for the display of menu items and prices for the purpose of placing orders for such items in conjunction with a restaurant utilizing drive-through or curbside service.

Monument sign or ground sign means a freestanding permanent sign, no higher than six (6) feet in the OMP District; nor higher than six (6) feet in other commercial districts, defined herein, where use of an Electronic Message Center is permitted. Monument signs shall be attached flush to the ground without poles or visible supports. Monument signs shall utilize landscaping, stones, masonry or other hardscaping or structural materials that are complementary to the architectural theme of the buildings or natural environs on the same property.

Multiple-Faced sign is a sign containing three or more faces.

Non-commercial means not naming, advertising or calling attention to a business or commercial product, service or activity. However, where the name of a business is merely incidental to the primary purpose of a sign displayed on residential property, such as may be the case with a real estate sign, such sign shall be deemed non-commercial.

Nonconforming sign or sign structure means any existing permanent sign or sign structure which does not conform to the provisions of this article but which was lawfully erected and complied with the sign regulations in effect at the time it was erected.

Painted wall sign means any sign or display painted directly on any exterior surface, exclusive of window or door glass areas.

Pennant- See definition of "banners, pennants, festoons, and balloons".

Permanent sign means any sign that is intended for other than temporary use or a limited period. A permanent sign is generally affixed or attached to the exterior of a building, or to a pole or other structure, by adhesive or mechanical means, or is otherwise characterized by construction materials, a foundation or anchoring indicative of an intent to display the sign for more than a limited period.

Planned residential development sign is a sign located at the primary entrance to a residential development as identified on a final site development plan approved by the planning commission which for the purpose of this article, shall contain the construction of one or more public or private right-of-way.

Pole sign - see *freestanding sign*.

Political preference sign means any temporary sign erected on private property for the purpose of supporting a political candidate, stating a position regarding a political issue or similar purpose.

Portable sign means any sign designed or intended to be readily relocated, and not permanently affixed to the ground or to a structure. Portable signs include such signs as a sidewalk sign; A-frame sign other than sandwich board sign as defined herein; or any sign attached to or painted on a vehicle or trailer parked and visible from the public right-of-way for more than two consecutive hours or more than four total hours between sunrise and sunset. For the purposes of this article, portable signs shall not be considered permanent signs.

Real estate signs and other temporary signs which are otherwise provided for in this article shall not be considered portable signs for purposes of this article.

Projecting sign means any sign, other than a wall sign, whose leading edge extends beyond the building or wall to which it is affixed, forming an angle with said building or wall.

Public right-of-way/public way means a strip of ground dedicated for public use, usually for a public street, public infrastructure and/or waterway. For the purposes of this article, such rights-of way shall be considered to extend a minimum of ten feet from the edge of pavement, or to the dedicated right-of-way boundary, whichever is further.

Pylon sign see definition for freestanding sign.

Real estate sign means a temporary sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, lease or sale.

Roof line means the highest horizontal point of the wall visible to the public, excluding any architectural feature which extends above such apparent horizontal roof line if such feature is fully enclosed and considered an integral part of the occupied space, such as an atrium or high ceiling.

Roof sign means any sign erected wholly or partially above the roof line.

Scoreboard means a structure located within an athletic field, displaying changing scores and related information; provided, however, the scoreboard may also display additional content, including but not limited to the names and logos of any sponsors.

Sandwich board sign is a double faced temporary sign constructed of two sign faces which are hinged at the top, and open at the base, with the base placed onto a sidewalk.

Secondary Access sign means a sign that meets the requirements for a monument sign that is situated at the entrance to a business that has more than one street frontage. A Secondary Access Sign must be situated within twenty-five (25) feet of the secondary street driveway access and at least fifty (50) feet from the nearest street or highway intersection.

Shopping center: Buildings occupied by two or more tenants occupying a minimum of 50,000 square feet of gross floor area, in one or more structures, on a single parcel of land or a group of adjoining parcels, all of which share common vehicular access to a major roadway. For parcels with buildings containing less than 50,000 square feet of ground coverage area, see Development Complex Sign.

Sign means any device, fixture, placard, or structure that uses color, form, graphic, illumination, symbol, or writing to advertise, announce, or identify a person or entity, or to communicate information of any kind which is visible beyond the boundaries of the lot or parcel of property on which the sign is posted.

Sign administrator means the person designated by the City Administrator as the staff member assigned to oversee the enforcement and interpretation of this article.

Sign area means square foot area enclosed by the perimeter of the sign face. With respect to signs that are composed of individual symbols, letters, figures, illustrations, messages, forms, or panels, sign area shall be considered to include all such components together with their background, surrounding frame, and any "cutouts" or extensions. The sign area shall not include any supporting structure or bracing.

Sign face means the entire area of a sign upon, against or through which sign copy is placed.

Sign structure means any structure that supports, has supported, or is capable of supporting a sign, including any decorative cover for the sign structure. This definition shall not include a building, fence, wall, or earthen berm.

Snipe sign means any sign that is affixed by any means to trees, utility poles, fences or other objects, where the sign does not qualify as an incidental sign allowed pursuant to Section 14-2906(a) herein.

Social/special event, for purposes of this article, is an event which occurs on a specific date or over a specified time period, but does not include political campaigns.

Subdivision temporary development sign means any temporary sign for the purpose of advertising the sale of lots and the development of a Planned Residential Development or a Development Complex Sign. The names of participating builders may be included on such signs. For purposes of this article, such signs shall not be classified as the same as a construction sign.

Swinging sign means any sign installed on an arm, mast or similar appendage that is not, in addition, permanently fastened to an adjacent wall or upright pole.

Temporary sign means any sign that is intended for temporary use and a limited period, as allowed by this article. For purposes of this article, banners are considered to be temporary signs. Temporary signs shall be located at least ten feet from the back of the street curb, edge of pavement or stabilized shoulder, unless a greater distance is required to remove such sign from the street right-of-way or sight distance triangle. No temporary signs shall be permitted within any median which is within a public right-of-way.

Two sign faces means any sign constructed on a single set of supports, with messages visible on either side, or a "V" type sign with a common support in the center of the "V".

Wall sign means any sign, other than a projecting sign, that is attached to or painted on any wall of any building, awning or canopy and projects from the plane of the wall, canopy or awning less than 12 inches. This definition shall not include freestanding walls, retaining walls or other walls not part of a building structure.

Window sign means any sign, graphic, or interior design element placed inside the window or upon the window pane, used to advertise, announce, or identify a person or entity, or to communicate information of any kind, or to draw visual attention to the business or use, and which is visible from the public right-of-way. For purposes of this article, window signs may be permanent or temporary and are subject to applicable provisions herein.

14-2904. GENERAL PROVISIONS

a. *Nonconforming signs.*

1. The utilization of a nonconforming sign and/or sign structure, as defined herein, may continue subject to the conditions and requirements noted below. When the use of a property changes (including but not limited to the redevelopment of the site or a change in the use of the business(es)), the signs on that property must be brought into compliance with the provisions of this chapter.
2. With the exception of minor repairs and maintenance and alterations allowed pursuant to state law, no

alterations to a nonconforming sign/sign structure shall be allowed. Unless otherwise allowed by law, any structural or other substantial improvement to a nonconforming sign (except for printing or refinishing the surface of the existing sign face or sign structure so as to maintain the appearance) shall be deemed an abandonment of the nonconforming status and shall result in the reclassification of such sign as an illegal sign.

3. Unless contrary to law, if a non-conforming sign is reconstructed as the result of damage for any cause or to correct deterioration/dilapidation to the extent of fifty percent (50%) of its fair market value, said sign shall be permitted to exist in nonconforming locations only to the extent that the surface area for message display be reconstructed in conformity with the provisions of this chapter.
- b. ***Calculations-measurement standards*** - See Appendix 29-A for graphical references to the following principals which shall control the computation of sign area and sign height:
1. Computation of the area of individual signs. The sign area shall be determined by computing the area of the smallest square, rectangle, circle and/or triangle that will encompass the extreme limits of the sign face, including any open areas within the sign face (see definition, sign area).
 2. Computation of area of multi-faced signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces, except where otherwise provided herein for temporary signs in residential districts.
 3. Computation of height. Sign height is measured from the average level of the grade below the sign to the topmost point of the sign. Average grade shall be the lower of existing grade prior to construction or newly established grade after construction. Any berming, filling, or excavating solely for the purpose of locating the sign, shall be computed as part of the sign height.
 4. Computation of Wall Signs. Unless specifically stated elsewhere within this ordinance, the maximum amount of sign area for wall signs shall be one-third (1/3) of the square footage of the front facade of the building as defined in this ordinance.
- c. ***Design, construction and maintenance of signs.*** All signs shall be designed, constructed and maintained in accordance with the following standards:
1. General provisions. All signs shall comply with applicable provisions of the adopted building codes and the state electrical code. Except for banners, flags, pennants, temporary signs and window signs allowed hereunder, all signs shall be constructed of permanent materials that are permanently attached to the ground or a structure. All signs shall be maintained in good structural condition, in compliance with all applicable codes.
 2. Spacing. All permanent freestanding signs on any premises shall be spaced at minimum 200-foot intervals along each public way that views the premises, unless otherwise provided for by this chapter.
 3. Sight distance triangle. All entrance signs and freestanding signs located near the corners of an intersection shall be located outside of the sight distance triangle. Such triangle shall be measured at a distance of 25 feet, or meet AASHTO standards (whichever is greater), running parallel along each leg of the road or driveway pavement surfaces and connecting them to form a triangular area. This area shall be free of any permanent or temporary signs that may inhibit a clear sight visibility for motorists.

4. Sign illumination. Unless otherwise provided herein, sign illumination shall only be achieved through the following standards:
 - a. A white, steady, stationary light of reasonable intensity that is directed solely at the sign. The light source shall be shielded from adjacent buildings and streets, and shall not be of sufficient brightness to cause glare or other nuisances to adjacent land uses.
 - b. Internal illumination shall provide steady, stationary lighting through translucent materials.
 - c. If the sign or sign structure is internally illuminated or back lit by any means, the entire lighted area shall be included within the allowable signage calculation for the site. This standard shall also apply to signs affixed to any portion of a building as an architectural feature, such as but not limited to, awnings, canopies or roof lines.
 - d. All electrical service to ground mounted signs shall be placed underground. Electrical service to other signs shall be concealed from public view.
5. Setback. All permanent signs shall be set back at least five feet from the street right-of-way, unless in a sight distance triangle or otherwise specified by this article. No permanent sign shall be located within a public utility or drainage easement, without written approval from the affected agencies. Temporary signs shall be located at least ten feet from the back of the street curb, edge of pavement or stabilized shoulder, unless a greater distance is required to remove such sign from the street right-of-way or sight distance triangle. No temporary signs shall be permitted within any median which is within a public right-of-way.
6. Design. The various parts of a sign shall be compatible in design quality. Signs shall not be in the shape of a commercial sponsor name or motif (e.g., soda bottles, hamburgers, boot, etc.) The following materials are considered to be appropriate (but not mandatory) for sign backgrounds, frames, supports, and ornamentation: brick; natural stone, stained split face block, and wood, and metal panels when used in combination with brick, split-face block, or stone;
7. Landscaping. Landscaping islands or landscaping strips shall be used in conjunction with all freestanding permanent signs, and may utilize shrubs and plants or decorative features such as concrete bases or planter boxes that do not contain copy. Landscaping shall be located to prevent automobiles from hitting the sign structure and to improve the overall visual appearance of the structure. Landscaping shall be maintained throughout the life of the sign.

14-2905. PROHIBITED SIGNS

Except as may be authorized by this article, the following signs shall be prohibited in all zoning districts, and may neither be erected nor maintained.

- a. Abandoned or dilapidated signs.
- b. Projecting signs extending more than 12 inches from the surface of the structure, including the roof line, or extending beyond the property line, unless specifically permitted by provisions herein.
- c. Roof signs.
- d. Portable signs.
- e. Any internally illuminated sign, unless allowed within a commercial district.
- f. Any commercial sign located in a residential district not otherwise provided for in this article.
- g. Any sign that obstructs free ingress or egress through a required door, window, fire escape or other required exit way.
- h. Any sign which by reason of its location, position, size, shape or color may obstruct, impair or otherwise

interfere with the view of, or be confused with, any traffic control sign or signal erected by a public authority. To those ends, no sign shall use the words, "slow", "stop", "caution", "yield", "danger", "warning" or "go" in a manner that misleads, confuses or distracts a vehicle driver.

- i. Any sign which by reason of its location, position, size, shape, materials or other physical characteristics poses a safety hazard to drivers, pedestrians or residents.
- j. Any sign that exhibits statements, words or pictures of an obscene nature, as defined by the United States Supreme Court.
- k. Any other sign not specified in this chapter which is not a lawful nonconforming sign.
- l. Electronic Message Center display signs as defined herein, except as provided for in the Central Business District (CBD), Intermediate Business (IB), Planned Commercial District (PCD), Light Industrial (LI), Airpark Light Industrial (ALI), Heavy Industrial (HI), and in the Tourist Accommodation (TA) District.
- m. Signs posted on elevated walkways in the City.
- n. Marquee signs.
- o. Signs in the median of any public right-of-way.

14-2906. ALLOWABLE SIGNS BY ZONING DISTRICT

All signs designated in this section shall conform to the standards established herein, in addition to those applicable standards set forth elsewhere in this chapter.

1. Signs allowed in all zoning districts. The signs listed below are allowed in all zoning districts, provided that such signs are on private property unless otherwise provided; that such signs are maintained in a manner that does not create a safety hazard; and that the specific restrictions set forth for each type of sign listed below shall apply wherever such a sign is erected, displayed or maintained.
 - a. An official sign or notice issued or required to be displayed on private property by any court, governmental entity, or public office, whether permanent or temporary.
 - b. Traffic and directional, warning or information signs authorized by a governmental entity, whether permanent or temporary.
 - c. A private street or road name sign located at an intersection that does not exceed two square feet per face and does not advertise any commercial name, message or logo.
 - d. Incidental signs not exceeding two square feet in area per face. Such signs proclaiming "no trespassing", "no hunting", "no parking", "entrance", "exit", "loading only", "phone", "ATM" and the like shall be considered incidental to the use of property.
 - e. Temporary window signs that do not exceed 25 percent of the area of the window or any glass door to which they are attached. All window signs shall be in conformance with all applicable safety and electrical codes.
 - f. Permanent window signs that do not exceed ten percent (10%) of the area of the window or any glass door to which they are attached. All window graphics signs shall be in conformance with all applicable safety and electrical codes.
 - g. Signs denoting a property as historic. Such signs shall be authorized by a recognized historical agency and shall not exceed three (3) square feet per face nor exceed six (6) feet in height. Such signs are not permitted in public right of ways.

- h. Non-commercial flags/government flags/civic flags, limited to 60 square feet per face, displayed in a non-commercial manner; provided that planning commission approval shall be required for supporting flag poles erected on property zoned for commercial or service-institution uses and for flag poles exceeding 30 feet in height in any zoning district.
- i. Decorative flags (non-commercial.) One decorative flag, whether temporary or permanent, may be displayed on any lot provided that it does not contain any commercial message, logo or symbol. No flag pole shall exceed 30 feet in height.
- j. Building marker. Any permanent building marker, limited to four square feet of sign face and composed of materials compatible to the identified building.
- k. Holiday/seasonal. Temporary signs or displays of a seasonal or holiday occasion may be displayed on any lot for periods of up to 60 days, provided that they do not contain any commercial message or logo and do not create a sight visibility hazard.
- l. Non-commercial art. Any outdoor artwork, mural, sculpture and the like may be displayed on a lot, provided that it does not contain any commercial message or logo and does not create a sight visibility hazard. Where such outdoor art is part of a site that is subject to the planning commission's jurisdiction, the outdoor art shall be considered part of the development that is subject to the planning commission's review and approval.
- m. Real estate signs. Freestanding real estate signs may be erected for any property that is offered for sale, rent or lease. The area for such signs shall count toward the total allowable area for temporary signs on the property and shall comply with other applicable size and height restrictions for temporary signs. Open house notification may be incorporated within the maximum sign area of the real estate sign or on a separate sign, provided that if such notification is on a separate sign, it shall also count toward the allowable area for temporary signs on the property. The signs shall not be located within a public right-of-way and shall not create any sight visibility hazard.
- n. Athletic field signs (temporary). Such signs shall be limited to 60 square feet each; shall not be visible from a public road; shall be mounted to the interior athletic field fence in a safe and secure manner; and shall be erected at the beginning of the athletic season and removed within seven days of the final season game.
- o. Scoreboards associated with athletic fields.
- p. Temporary Signs permitted in the right-of-way by the Chief Building Official under the city council's current temporary sign policy. Temporary signs shall be located at least ten feet from the back of the street curb, edge of pavement or stabilized shoulder, unless a greater distance is required to remove such sign from the street right-of-way or sight distance triangle. No temporary signs shall be permitted within any median which is within a public right-of-way
- q. Banners, pennants, festoons and balloons, provided the height of these objects does not exceed the maximum height of ten (10) feet, as measured from the ground surface to the highest extent of the banner, pennant, festoon or balloon. Each individual, inflated balloon shall be singularly attached to a string, rope, ribbon or other source of anchoring that is securely affixed to an object firmly to the ground. All balloons shall have a tag, stamp or other label stating the owner's name and address of origin identifying the source of the balloon should it become detached from the premises.

b. Signs permitted in residential districts (R-1, RP-1, RD-1, R-2, R-3 and MHP):

1. Signs listed in Section 14-2906(a) herein.
2. Permanent Multi-Family or Planned Residential Development Signs. Such signs shall be located at the primary entrance(s) to a development as identified on a final site development plan approved by the planning commission. The signs shall be located on private property and may be within any platted sign and/or landscape easement or within the common open space and approved by the planning commission. Such signs shall be maintained by an established property owners' association.
Specifications : Sign area - 80 square feet per sign maximum per entrance, which may be divided among not more than two freestanding sign faces (no single sign face shall exceed 40 square feet); with a maximum placement at three entrances per development; sign height - six (6) feet, maximum; setback - ten (10) feet, minimum.
3. Subdivision Temporary Development Sign. One such sign may be erected on-site for the purpose of advertising the development of a subdivision or planned residential development, and the sale of included lots. The sign may remain until sale of 80% of the subdivision lots is completed. No other temporary development signs shall be allowed, including individual builder signs. The names of participating builders may be included on the subdivision temporary development sign.
Specifications: Sign area - 32 square feet per sign, maximum, one sign face, maximum; sign height - six (6) feet, maximum.
 - a. Parcels greater than ten (10) acres in size shall be allowed subdivision temporary development signage not to exceed two hundred (200) square feet of subdivision temporary development signage across no more than 5 signs per public street frontage
4. Permanent planned residential development informational sign. One such sign may be erected by the homeowners' association for the purpose of displaying information regarding the association. The sign shall be located on dedicated common open space or private property only and maintained by a private homeowners' association.
Specifications: Sign area - 20 square feet, maximum, which may be divided by two sign faces; sign height - six feet, maximum.
5. Bed and breakfast sign. One permanent identification sign may be erected at the entrance to a permitted bed and breakfast lodge for the purpose of identifying the use. The sign shall be compatible in design with the historic elements of the site and shall not be internally or externally illuminated.
Specifications: Sign area - Eight square feet total, to be contained on a maximum of two sign faces, no one sign face containing more than four square feet; sign height - six feet, maximum.
6. Residential personal identification signs. One personal identification sign per residence not to exceed two square feet shall be allowed; except that residential tracts of ten acres or more shall be allowed two such sign faces not to exceed 10 square feet per face.
7. Signs for community facilities located in residential districts shall conform to the provisions applicable to the Permanent Residential Subdivision Signs, provided for in (2) above.
8. Retail or office uses located inside multiple family residential buildings may display one identification wall sign on the exterior of the home/building.
Specifications: Maximum sign face area, four (4) square feet, to be contained on a maximum of one sign face per lot per street, and may extend no more than 1 foot from the building. No illumination is

to be used on said signs.

9. A home occupation shall be limited to one wall mounted sign, mounted flat against the structure.

Specifications: Maximum sign face area, two (2) square feet. No illumination, flash, glimmer, flutter, or movement by electronic, wind or other means on said signs.

10. Temporary Signs. In addition to the other signs identified in this subsection, temporary, freestanding, non-commercial signs may be posted on any lot in a residential district at any given time. This category includes, but is not limited to: real estate signs; political preference signs; garage sale signs; non-commercial baby announcements; lost pet signs; social/special event announcements; or any other non-commercial messages. Any such signs announcing a social/special event shall be removed within 48 hours after the event.

Specifications:

- a. Sign area for lots of five acres or less - 20 square feet, maximum, which may be divided into a maximum of five (5) signs, provided that no single sign may exceed eight (8) square feet in area.
- b. Sign area for lots exceeding five acres - 32 square feet, maximum, which may be contained on one sign or multiple signs not to exceed ten (10); sign height for all lots - six (6) feet, maximum.
- c. Where a temporary sign contains two back-to-back sign faces, the sign area shall be computed using only one of the sign faces.
- d. Temporary signs shall be located at least ten feet from the back of the street curb, edge of pavement or stabilized shoulder, unless a greater distance is required to remove such sign from the street right-of-way or sight distance triangle.
- e. No temporary signs shall be permitted within any median which is within a public right-of-way.

c. Signs allowed in Office, Medical Professional-Restricted (OMP-R), Office Medical and Professional (OMP), Local Business (LB) Districts, Mixed Use District (MUD):

1. Signs listed in Section 14-2906(a) herein.
2. Signs listed in Section 14-2906(b)(2), (3), (4), (5), (6), (7), (8), and (9).
3. In addition to those listed above, all Professional Offices, Medical and/or Commercial Uses are allowed one (1) permanent freestanding monument sign or ground mounted sign with a sign face not to exceed forty (40) square feet for each sign face with a maximum of two sign faces and which MAY NOT BE animated or include an Electronic Message Center. The maximum height for the freestanding sign is six (6) feet.
4. All residential property in these districts may post temporary signs in the size and number as is provided in Section 14-2906(b)(10) above.
5. All professional offices, medical and/or commercial uses may post temporary signs, including banners which do not cross a public road or right of way, as follows: Temporary freestanding signs shall be limited to two per lot at any given time. Such signs include but are not limited to construction signs, political preference signs, real estate signs, and social/special event announcements. One construction sign may be maintained for the duration of the construction project, from the issuance of the building permit to the issuance of a certificate of occupancy. Real estate signs may remain if the property is for sale, lease, or rent. Other temporary freestanding signs shall be limited to a period of not to exceed 60 days in any calendar year. Any signs announcing a social/special event shall be removed within 48 hours after the event.

Specifications: Sign area - 32 square feet sign maximum, which may be divided by a maximum of two sign faces; sign height - six (6) feet, maximum. When a temporary sign contains two back to back sign faces, the sign area shall be computed using only one of the sign faces.

6. Wall signs. All professional offices, medical and/or commercial uses may post up to three wall signs, mounted in a flat fashion, which are limited to ten percent (10%) of the measurement of the front wall, from ground to roof, multiplied by length of wall, measured end to end, per road frontage, and which may be illuminated BUT NOT ANIMATED OR INCLUDE AN ELECTRONIC MESSAGE CENTER.

Specifications: Sign area - Each sign area is limited to 40 square feet per street frontage, having a maximum of three (3) wall signs. For the purposes of this article, painted wall signs and canopy signs shall be calculated and deducted from the total allowable wall sign area.

7. Gasoline trade signs.

- a. Freestanding signs. Premises that dispense retail bulk petroleum products by pump shall be allowed to display the pricing of such products within a single freestanding sign.

Specifications: Sign area - 80 feet, maximum, which may be divided by a maximum of two sign faces (no single sign face shall exceed 40 square feet); sign height - six (6) feet.

- b. Canopy signs. When an enclosed principal structure exists, all canopy signs shall be calculated and deducted from the total allowable wall sign area of the principal structure. In the absence of an enclosed principal structure, for the purposes of this subsection, canopy signage shall be allowed in addition to the allowable freestanding sign. With the exception of the measurable area for placement of the canopy sign, no internal illumination or back lighting of the outside canopy area or canopy roof line shall be allowed.

Specifications: Sign area - 30 square feet, maximum divided between not more than three canopy signs (no single sign shall exceed ten percent per facade).

8. Menu Boards, as defined herein, and if used in connection with a permitted use, may be used in conjunction with a restaurant providing drive-through or curb-side service, provided that:

- a. Such structures shall be included in the development site plan as approved by the planning commission and shall be contained within the buildable area of the site.
 - b. Restaurants providing drive-through but not curb-side service may have no more than two menu boards, not to exceed six feet in height and 30 square feet in total size.
 - c. Restaurants providing curb-side service may have no more than one menu board per bay, not to exceed six (6) square feet per sign face for each menu board.

d. Signs allowed in Central Business District (CB):

1. Signs listed in Section 14-2906(a) herein.
2. Signs listed in Section 14-2906(b)(2), (3), (4), (5), (6), (7), (8), and (9).
3. In addition to those listed above, all Professional Offices, Medical and/or Commercial Uses are allowed one (1) permanent freestanding monument sign or ground mounted sign with a sign face not to exceed forty (40) square feet for each sign face with a maximum of two faces and which

MAY NOT BE animated or include Electronic Message Center. Parcels greater than three (3) acres in size may be allowed an Electronic Message Center (EMC), as defined in this article, on a monument sign or ground mounted sign so long as the EMC portion of the total sign area does not exceed twenty (20) square feet. All monument signs constructed, containing EMCs on said parcels greater than 3 acres, shall match the architectural style and construction materials of the principal structure. The maximum height for the freestanding sign is six (6) feet.

- a. Each intermittently lit display of text, numbers, characters or other graphic means of advertising shall constitute one (1) message. Each electronically activated message:

- 1. Shall not change more frequently than once every eight (8) seconds with a maximum change time of two (2) seconds;
- 2. Video, continuous scrolling messages and animation are prohibited; in correlation and pursuant to Tennessee Code Annotated 54-21-122 as it may hereafter be amended

- b. The area surrounding the sign base shall be landscaped with appropriate planting materials

- c. Electronic Message Center Luminance Levels shall not exceed the following standards:

- 1. For daylight hours, the maximum luminance level for digital signage should be similar to what the luminance of an identical sign would be if it was printed out and installed on a static advertising structure. In other words, the digital sign would appear no brighter, no more intense, than the printed sign next to it, or the landscape surrounding it. In practice, setting a limit of 5000 nits (setting the sign's intensity so that an area on it displaying full-brightness white has no higher luminance than that figure) ends up delivering a surface brightness similar to landscape illuminated by sunlight during daytime hours and 0.3 foot-candles limit of light trespass from the property line for dusk, dawn and nighttime light trespass onto adjoining property similarly zoned for commercial purposes.
- 2. All self-luminous outdoor signs shall be subject to surface luminosity limits, both during the daytime and nighttime hours. During the daytime, based on normal daylight illumination, a maximum limit of 5,000 nits will keep luminous signage balanced with the surrounding landscape. During the nighttime hours, a luminosity limit of 150 nits will provide a surface brightness for digital signs which is comparable to the nighttime signage which is widespread across this nation, and is in line with the sign illumination level recommendations of the Illuminating Engineering Society of North America (IESNA).

- a. If the nighttime luminance setting and limit is based on the sign in question being set to display full white, full brightness field, a limit as high as 200 nits for this method of calibration and testing is suitable.
- b. Incremental luminance limits between the nighttime limit and the full sunlight limit may also be specified for overcast or foggy days, or for dusk; or
- c. The Building Official shall require of the sign owner an automatic control of sign luminance based on the ambient lighting condition, to throttle the

sign luminance between the sunny-day and night maximums.

3. Surface luminosity measurements shall be made directly with a calibrated luminosity meter, following the instrument manufacturer's instructions. Readings should be taken from the area (generally of roadway) where the sign in question will be visible from, and which is closest to being directly in front of the sign (where the luminosity output is most focused).

4. Outdoor signage shall obey light trespass regulations.

- a. Into areas zoned for any type of residential occupation (including parks and preserves so zoned), a trespass limit of 0.1 foot-candles shall be enforced at the property line.
- b. Properties zoned for commercial purposes shall utilize a trespass limit of 0.3 footcandles or less at the property line.
- c. The above light trespass limits are based on considerations of "light trespass" as developed in a report (*IESNA TM-11-00 Light Trespass: Research, Results and Recommendations*), wherein a recommended "brightness" limit and measurement technique is presented.
- d. The technique uses an illuminance meter ("footcandle" meter) held at a height of 5 feet above the ground and a distance of between 150 and 350 feet from the sign under consideration, depending on the size of the sign, and aimed at the sign.
- e. The illuminance level with the sign lighting on is compared with a measure made with the sign off: if the value differs by 0.3 foot candles or less is an acceptable level.
- f. This method effectively limits the luminance of signage to 300-350 nits.

5. Electronic Message Centers shall not be located closer than 50 feet from any intersecting right of ways.

6. All monument sign structures including Electronic Message Centers must be reviewed by the building codes official and the applicant advised of conformance prior to construction.

4. All residential property in these districts may post temporary signs in the size and number as is provided in Section 14-2906(b)(10) above.
5. All professional offices, medical and/or commercial uses may post temporary signs, including banners which do not cross a public road or right of way, as follows: Temporary freestanding signs shall be limited to two per lot at any given time. Such signs include but are not limited to construction signs, political preference signs, real estate signs, and social/special event announcements. One construction sign may be maintained for the duration of the construction project, from the issuance of the building permit to the issuance of a certificate of occupancy. Real estate signs may remain if the property is for sale, lease, or rent. Other temporary freestanding signs shall be limited to a period of not to exceed 60 days in any calendar year. Any signs announcing a

social/special event shall be removed within 48 hours after the event.

Specifications: Sign area - 32 square feet sign maximum, which may be divided by a maximum of two sign faces; sign height - six (6) feet, maximum. When a temporary sign contains two back to back sign faces, the sign area shall be computed using only one of the sign faces.

6. Wall signs. All professional offices, medical and/or commercial uses may post up to three wall signs, mounted in a flat fashion, which are limited to ten percent (10%) of the measurement of the front wall, from ground to roof, multiplied by length of wall, measured end to end, per road frontage, and which may be illuminated BUT NOT ANIMATED OR INCLUDE AN ELECTRONIC MESSAGE CENTER.

Specifications: Sign area - Each sign area is limited to 40 square feet per street frontage, having a maximum of three (3) wall signs. Parcels greater than three (3) acres in size shall be allowed wall signage, limited to ten percent (10%) of the measurement of the front wall, from ground to roof, multiplied by the length of wall, measured end to end, per road frontage not to exceed four hundred (400) square feet in total and having a maximum of three (3) wall signs per public street frontage. For the purposes of this article, painted wall signs and canopy signs shall be calculated and deducted from the total allowable wall sign area.

7. Gasoline Trade Signs

- a. Freestanding signs. Premises that dispense retail bulk petroleum products by pump shall be allowed to display the pricing of such products within a single freestanding sign.

Specifications: Sign area - 80 feet, maximum, which may be divided by a maximum of two sign faces (no single sign face shall exceed 40 square feet); sign height - six (6) feet.

- b. Canopy signs. When an enclosed principal structure exists, all canopy signs shall be calculated and deducted from the total allowable wall sign area of the principal structure. In the absence of an enclosed principal structure, for the purposes of this subsection, canopy signage shall be allowed in addition to the allowable freestanding sign. With the exception of the measurable area for placement of the canopy sign, no internal illumination or back lighting of the outside canopy area or canopy roof line shall be allowed.

Specifications: Sign area - 30 square feet, maximum divided between not more than three canopy signs (no single sign shall exceed ten percent per facade).

8. Menu Boards, as defined herein, and if used in connection with a permitted use, may be used in conjunction with a restaurant providing drive-through or curbside service, provided that:

- a. Such structures shall be included in the development site plan as approved by the planning commission and shall be contained within the buildable area of the site.
- b. Restaurants providing drive-through but not curbside service may have no more than two menu boards, not to exceed six feet in height and 30 square feet in total size.
- c. Restaurants providing curbside service may have no more than one menu board per bay, not to exceed six (6) square feet per sign face for each menu board

9. In lieu of a permanent freestanding monument sign, a property in the Central Business District may display one projecting sign, per front facade, not to project more than 3 feet, 6 inches from the

building.

Specifications: Sign Area - Maximum of six (6) square feet per sign face, with a two sign faces, two face maximum. Bottom of sign shall be no less than 7 feet, 6 inches above the sidewalk.

10. One (1) Sandwich board sign per front façade.

Specifications: Sign Area - Maximum of six (6) square feet per sign face, with a two face maximum, and a maximum width of thirty (30) inches. Maximum height of 4 (four) feet. There shall be a minimum distance of five (5) feet between the sandwich board and the front of the building to create an unobstructed passage that meets current ADA clearance standards.

11. One (1) sign suspended underneath the overhead sidewalk per building façade not to exceed two (2) square feet, having a minimum of ten (10) feet of ground clearance and shall not project beyond the limits of the overhead sidewalk structure.

12. Secondary Access Signs. One such sign shall be allowed for each parcel exceeding three (3) acres in total size.

- a. Within twenty-five (25) feet of the driveway entrance from a public street.
- b. At least fifty (50) feet from the nearest street or highway intersection.
- c. The signs may be located in a joint user access easement or private platted sign easement abutting the nearest public road, if specifically approved by the Planning Commission prior to construction.

Specifications: Sign area = forty (40) square feet maximum, sign height – six (6) feet maximum; may contain an EMC not to exceed twenty (20) square feet only IF an EMC is not already present on the primary monument sign. Two monument signs with two EMCs will not be permitted.

- e. **Signs allowed in Intermediate Business District (IBD), Planned Commercial District (PCD), Light Industrial (LI), Airport Light Industrial (ALI), and Heavy Industrial Districts (HID), for land uses permitted in those particular zoning districts:** It is the intent of this Section to permit businesses on parcels having more than one (1) public street frontage in these commercial zoning districts to place monument signs as *secondary access signs* in addition to the one freestanding sign that is permitted in these zoning districts. A Secondary Access Sign must be situated within twenty-five (25) feet of the secondary street driveway access and at least fifty (50) feet from the nearest street or highway intersection.

1. Signs listed in Section 14-2906(a) herein.
2. Signs listed in Section 14-2906(b)(2), (3), (4), (5), (6), (7), (8), and (9).
3. Signs listed in Section 14-2906(c)(4), (7), and (8).
4. In addition to those listed above, the following freestanding signs are allowed in these zoning districts:
 - a. One (1) freestanding Development Complex Sign at each primary entrance to a Development Complex (maximum of (3) entrances), and shall be located upon private property or within the common open space. Each sign face shall not exceed forty (40) square feet, with a maximum of two sign faces. The maximum height for the freestanding sign is six (6) feet. The sign shall be

maintained by a private owner or entity. A Development Complex Sign shall be situated within twenty-five (25) feet of the driveway access and at least fifty (50) feet from the nearest street or highway intersection.

No permanent freestanding development complex sign is allowed if a "shopping center sign" as provided below exists and is approved by the Building Inspections Department.

- b. Professional Offices, Medical, Commercial (other than shopping centers) and Industrial Uses are allowed:

1. one freestanding pole sign

Specifications: The sign face is not to exceed one (1) square foot per linear street frontage for the first 100 linear feet of street frontage, plus one (1) square foot of sign area for each 10 linear feet over 100 feet of frontage, not to exceed 200 square feet in area per sign face, with a maximum of two sign faces, back to back. Maximum height of the freestanding sign shall be no greater than twenty-five (25) feet.

OR

2. one monument ground sign

Specifications: The maximum height of the monument sign shall not exceed six (6) feet high. The maximum sign area per sign face shall not exceed forty-eight (48) square feet. An Electronic Message Center (EMC), as defined in this article, may be used on the face of a monument sign, but it must be included in the 48 square foot total maximum area of the sign face and the EMC portion of the total sign area shall not exceed twenty-four (24) square feet.

- c. Shopping Centers as defined herein are allowed to erect one of the following freestanding permanent sign arrangements (provided that no development complex sign exists or is approved by the Building Inspections Department):

- 1.a. One freestanding sign may be located within the development. The sign shall be located on private property or within the common open space as approved by the Planning Commission. The size of the shopping center sign per sign face shall not exceed one (1) square foot of area per linear street frontage; and no such sign shall exceed 300 square feet per sign face. The maximum height of the sign, above grade, shall not exceed 25 feet.; and

- b. Each parcel shall be allowed one monument sign on such parcel. The maximum height of the monument sign shall not exceed six (6) feet high. The maximum sign area per sign face shall not exceed forty-eight (48) square feet. An Electronic Message Center (EMC), as defined in this article, may be used on the face of a monument sign, but it must be included in the 48 square foot total maximum area of the sign face and the EMC portion of the total sign area shall not exceed twenty-four (24) square feet.

OR

- 2.a. A monument sign located within twenty-five (25) feet of each driveway access and at least fifty (50) feet from the nearest street intersection. The total sign area per sign face for each monument sign at each main entrance shall not exceed forty-eight (48) square feet. The maximum height for any monument sign is six (6) feet; and

- b. Each parcel shall be allowed one monument sign. The maximum height of the monument sign shall not exceed six (6) feet high. The maximum sign area per sign face shall not

exceed forty-eight (48) square feet. Such monument sign shall be located within twenty-five (25) feet of the driveway access and at least fifty (50) feet from the nearest street intersection. An Electronic Message Center (EMC), as defined in this article, may be used on the face of a monument sign, but it must be included in the 48 square foot total maximum area of the sign face and the EMC portion of the total sign area shall not exceed twenty-four (24) square feet.

5. An Electronic Message Center must meet the following requirements for display in these zoning districts:
 - a. They shall be permissible only in monument or ground signs as allowed in this ordinance. Existing freestanding pole or pylon signs that are remodeled or modified to accommodate an Electronic Message Center must be reduced in height and size to meet the standards included herein (i.e. reformed to monument-type ground signs not exceeding six (6) feet in height. The maximum sign area per sign face shall not exceed forty-eight (48) square feet. An Electronic Message Center (EMC), as defined in this article, may be used on the face of a monument sign, but it must be included in the 48 square foot total maximum area of the sign face and the EMC portion of the total sign area shall not exceed twenty-four (24) square feet.
 - b. The electronically activated message section (Electronic Message Center) of the sign shall not exceed twenty-four (24) square feet in area.
 - c. Each intermittently lit display of text, numbers, characters or other graphic means of advertising shall constitute one (1) message. Each electronically activated message:
 1. Shall not change more frequently than once every eight (8) seconds with a maximum change time of two (2) seconds;
 2. Video, continuous scrolling messages and animation are prohibited; in correlation and pursuant to Tennessee Code Annotated 54-21-122 as it may hereafter be amended.
 - d. The area surrounding the sign base shall be landscaped with appropriate planting materials.
 - e. Electronic Message Center Luminance Levels shall not exceed the following standards:
 1. For daylight hours, the maximum luminance level for digital signage should be similar to what the luminance of an identical sign would be if it was printed out and installed on a static advertising structure. In other words, the digital sign would appear no brighter, no more intense, than the printed sign next to it, or the landscape surrounding it. In practice, setting a limit of 5000 nits (setting the sign's intensity so that an area on it displaying full-brightness white has no higher luminance than that figure) ends up delivering a surface brightness similar to landscape illuminated by sunlight during daytime hours and 0.3 foot-candles limit of light trespass from the property line for dusk, dawn and nighttime light trespass onto adjoining property similarly zoned for commercial purposes.
 2. All self-luminous outdoor signs shall be subject to surface luminosity limits, both during the daytime and nighttime hours. During the daytime, based on normal daylight illumination, a maximum limit of 5,000 nits will keep luminous signage

balanced with the surrounding landscape. During the nighttime hours, a luminosity limit of 150 nits will provide a surface brightness for digital signs which is comparable to the nighttime signage which is widespread across this nation, and is in line with the sign illumination level recommendations of the Illuminating Engineering Society of North America (IESNA).

- a. If the nighttime luminance setting and limit is based on the sign in question being set to display full white, full brightness field, a limit as high as 200 nits for this method of calibration and testing is suitable.
- b. Incremental luminance limits between the nighttime limit and the full sunlight limit may also be specified for overcast or foggy days, or for dusk; or
- c. The Building Official shall require of the sign owner an automatic control of sign luminance based on the ambient lighting condition, to throttle the sign luminance between the sunny-day and night maximums.

3. Surface luminosity measurements shall be made directly with a calibrated luminosity meter, following the instrument manufacturer's instructions. Readings should be taken from the area (generally of roadway) where the sign in question will be visible from, and which is closest to being directly in front of the sign (where the luminosity output is most focused).

4. Outdoor signage shall obey light trespass regulations.

- a. Into areas zoned for any type of residential occupation (including parks and preserves so zoned), a trespass limit of 0.1 foot-candles shall be enforced at the property line.
- b. Properties zoned for commercial purposes shall utilize a trespass limit of 0.3 footcandles or less at the property line.
- c. The above light trespass limits are based on considerations of "light trespass," as developed in a report (*IESNA TM-11-00 Light Trespass: Research, Results and Recommendations*), wherein a recommended "brightness" limit and measurement technique is presented.
- d. The technique uses an illuminance meter ("footcandle" meter) held at a height of 5 feet above the ground and a distance of between 150 and 350 feet from the sign under consideration, depending on the size of the sign, and aimed at the sign.
- e. The illuminance level with the sign lighting on is compared with a measure made with the sign off: if the value differs by 0.3 foot candles or less is at an acceptable level.
- f. This method effectively limits the luminance of signage to 300-350 nits.

5. Electronic Message Centers shall not be located any closer than 50 feet from any

intersecting right-of-ways.

6. All monument sign structures including Electronic Message Centers must be reviewed by the building codes official and the applicant advised of conformance prior to construction.
6. Secondary Access signs. Such signs shall be located:
 - a. Within twenty-five (25) feet of the driveway entrance from a public street.
 - b. At least fifty (50) feet from the nearest street or highway intersection.
 - c. The signs may be located in a joint user access easement or private platted sign easement abutting the nearest public road, if specifically approved by the planning commission prior to construction.
Specifications: Sign area = forty-eight (48) square feet maximum, sign height - six (6) feet maximum.
7. Temporary signs for office, commercial, and industrial use. Temporary freestanding signs shall be limited to five per lot at any given time. Such signs include but are not limited to real estate signs, construction signs, political preference signs, notices such as "now hiring" or "grand opening" and social/special event announcements. One real estate sign may be maintained while the property is available for sale or while ten percent or more of the rentable space is available for lease. One construction sign may be maintained for the duration of the construction project, from the issuance of the building permit to the issuance of a certificate of occupancy. Other temporary freestanding signs shall be limited to a period of not to exceed 60 days in any calendar year. Any signs announcing a social/special event shall be removed within 48 hours after the event.
Specifications: Sign area - 32 square feet sign maximum, which may be divided by a maximum of two sign faces; sign height - six(6) feet, maximum, **excepting feather flag signs which may be no higher than ten (10) feet maximum (Ordinance 3526-11/03/05)**. When a temporary sign contains two back to back sign faces, the sign area shall be computed using only one of the sign faces.
8. Wall signs. One (1) wall sign per road frontage shall be mounted in a flat fashion, which is limited to ten percent 10% of the measurement of the front wall, from ground to roof, multiplied by length of wall, measured end to end, per road frontage, and which may be illuminated but not be animated or include an Electronic Message Center.
9. Commercial flags/non-governmental flags.
Specifications: Sign area - No flag shall exceed 24 square feet per face; flag pole height - 30 feet, maximum.
10. Directory signs located on private property not exceeding 48 square feet nor six (6) feet in height, providing orientation within a planned residential development, development complex, shopping center, mixed use development, or medical park listing such information as on-site businesses and other tenants and their respective activities.

e. Signs Allowed in Tourist Accommodation (TA) District.

1. Signs listed in Section 14-2906(a) herein.
2. Each lot which meets or exceeds the minimum requirements of the Zoning District may erect two

freestanding permanent signs, as follows:

- a. One designated "Interstate Highway Identification Sign" which shall be placed so as to display towards the major highway (Interstate 81). This primary sign has a maximum height of one hundred twenty-five (125) feet and a maximum sign face area of 400 square feet per sign face with a maximum of two sign faces. An Electronic Message Center (EMC), as defined in this article, may be used on the primary sign, but the EMC must be included in the 400 square foot maximum area sign face and shall not exceed 50% of the total sign face.
- b. One secondary which shall be placed so as to display towards an arterial or collector street. The secondary sign has a maximum height of twenty-five (25) feet, and a maximum sign face area of one (1) square foot per one (1) linear foot of road frontage with a maximum sign face area of one hundred (100) square feet per sign face, with a maximum of two sign faces. An Electronic Message Center, as defined in this article, may be used on the secondary sign, but it must meet the following provisions:
 1. The electronically activated message section (EMC) shall not exceed 50 percent of the permitted sign area nor be located above fifty percent (50%) of the permitted sign height.
 2. Each intermittently lit display of text, numbers, characters or other graphic means of advertising shall constitute one (1) message. Each electronically activated message shall not change more frequently than once every eight (8) seconds with a maximum change time of two (2) seconds; video, continuous scrolling messages and animation are prohibited in correlation and pursuant to Tennessee Code Annotated 54-21-122 as it may hereafter be amended.
 3. The area surrounding the sign base of a highway identification sign and a secondary access sign shall be landscaped with appropriate planting materials.
 4. Electronic Message Center Luminance Levels shall not exceed the following standards:
 - a. For daylight hours, the maximum luminance level for digital signage should be similar to what the luminance of an identical sign would be if it was printed out and installed on a static advertising structure. In other words, the digital sign would appear no brighter, no more intense, than the printed sign next to it, or the landscape surrounding it. In practice, setting a limit of 5000 nits (setting the sign's intensity so that an area on it displaying full-brightness white has no higher luminance than that figure) ends up delivering a surface brightness similar to landscape illuminated by sunlight during daytime hours and 0.3 foot-candles limit of light trespass from the property line for dusk, dawn and nighttime light trespass onto adjoining property similarly zoned for commercial purposes.
 - b. All self-luminous outdoor signs shall be subject to surface luminosity limits, both during the daytime and nighttime hours. During the daytime, based on normal daylight illumination, a maximum limit of 5,000 nits will keep luminous signage balanced with the surrounding landscape. During the nighttime hours, a luminosity limit of 150 nits will provide a surface brightness for digital signs which is comparable to the nighttime signage which is widespread across this nation, and is in line with the sign illumination level recommendations of the Illuminating Engineering Society of North America (IESNA).

1. If the nighttime luminance setting and limit is based on the sign in question being set to display full white, full brightness field, a limit as high as 200 nits for this method of calibration and testing is suitable.
 2. Incremental luminance limits between the nighttime limit and the full sunlight limit may also be specified for overcast or foggy days, or for dusk; or
 3. The Building Official shall require of the sign owner an automatic control of sign luminance based on the ambient lighting condition, to throttle the sign luminance between the sunny-day and night maximums.
- c. Surface luminosity measurements shall be made directly with a calibrated luminosity meter, following the instrument manufacturer's instructions. Readings should be taken from the area (generally of roadway) where the sign in question will be visible from, and which is closest to being directly in front of the sign (where the luminosity output is most focused).
 - d. Outdoor signage shall obey light trespass regulations.
 1. Into areas zoned for any type of residential occupation (including parks and preserves so zoned), a trespass limit of 0.1 foot-candles shall be enforced at the property line.
 2. Properties zoned for commercial purposes shall utilize a trespass limit of 0.3 footcandles or less at the property line.
 3. The above light trespass limits are based on considerations of "light trespass," as developed in a report (IESNA TM-11-00 Light Trespass: Research, Results and Recommendations), wherein a recommended "brightness" limit and measurement technique is presented.
 4. The technique uses an illuminance meter ("footcandle" meter) held at a height of 5 feet above the ground and a distance of between 150 and 350 feet from the sign under consideration, depending on the size of the sign, and aimed at the sign.
 5. The illuminance level with the sign lighting on is compared with a measure made with the sign off: if the value differs by 0.3 foot candles or less is at an acceptable level.
 6. This method effectively limits the luminance of signage to 300-350 nits.
 - e. Electronic Message Centers shall not be located any closer than 50 feet from any intersecting right-of-ways.
 - f. All monument sign structures including Electronic Message Centers must be reviewed by the building codes official and the applicant advised of conformance prior to construction.
3. One wall sign per roadway frontage that is mounted in a flat fashion and not to exceed ten percent 10% of the measurement of the front wall, (measuring from ground to roof, multiplied by length of

wall, measured end to end, per road frontage), and which may be illuminated but not animated nor include an Electronic Message Center may be located on the surface of any building up to 1/3 of the total front wall area.

4. Gasoline trade signs.

- a. Freestanding signs. Premises that dispense retail bulk petroleum products by pump shall be allowed to display the pricing of such products within a single freestanding sign.

Specifications: Sign area - 80 feet, maximum, which may be divided by a maximum of two sign faces (no single sign face shall exceed 40 square feet); sign height - six (6) feet.

- b. Canopy signs. When an enclosed principal structure exists, all canopy signs shall be calculated and deducted from the total allowable wall sign area

5. Menu Boards, as defined herein, may be used in conjunction with a restaurant providing drive-through or curb-side service, provided that:

- a. Such structures shall be included in the development site plan as approved by the planning commission and shall be contained within the buildable area of the site;
- b. Restaurants providing drive-through but not curb-side service may have no more than two menu boards, not to exceed six feet in height and 30 square feet in total size; and
- c. Restaurants providing curb-side service may have no more than one menu board per bay, not to exceed six (6) square feet per sign face for each menu board.

6. Temporary freestanding signs shall be limited to five per lot at any given time. Such signs include but are not limited to real estate signs, construction signs, political preference signs, notices such as "now hiring" or "grand opening" and social/special event announcements. One real estate sign may be maintained while the property is available for sale or while ten percent or more of the rentable space is available for lease. One construction sign may be maintained for the duration of the construction project, from the issuance of the building permit to the issuance of a certificate of occupancy. Other temporary freestanding signs shall be limited to a period of not to exceed 60 days in any calendar year. Any signs announcing a social/special event shall be removed within 48 hours after the event.

Temporary signs shall be located at least ten feet from the back of the street curb, edge of pavement or stabilized shoulder, unless a greater distance is required to remove such sign from the street right-of-way or sight distance triangle. No temporary signs shall be permitted within any median which is within a public right-of-way.

Specifications: Sign area - 32 square feet sign maximum, which may be divided by a maximum of two sign faces; sign height – six (6) feet, maximum, **excepting feather flag sign which may be no higher than ten (10) feet maximum (Ordinance 3526-11/03/2015)**. When a temporary sign contains two back to back sign faces, the sign area shall be computed using only one of the sign faces.

14-2907. ADMINISTRATION AND ENFORCEMENT

- a. **Regulatory enforcement.** The sign administrator and/or his designees are hereby authorized and directed to enforce all of the provisions of this article. This authority empowers such individuals to

perform any necessary inspections, including entering upon private property, and to issue related citations for the enforcement of this article.

1. Violation notice. The sign administrator shall order the removal of any sign erected or maintained in violation of this article upon private property, providing ten days' written notice to the owner of the premises upon which the offending permanent sign is located to achieve compliance with provisions of this article. If, after ten days, the property owner has failed to achieve compliance with this article, a citation to municipal court shall be issued. When good faith efforts to bring a sign into compliance have begun within ten days of notice of violation, the sign administrator may extend the time period for compliance with this article to a period not to exceed 30 days. In cases where the owner of the premises has previously been notified of violations on two or more occasions, a citation may be issued without prior written notice.
 2. Impoundment/disposal of signs without warning. The sign administrator, the municipal codes officer and their designees shall have the authority to remove without notice any illegal sign on public property or a public right-of-way, or any illegal sign attached to trees, fences, posts, utility poles or other natural features. Such signs shall be considered litter and shall be subject to disposal.
 3. Duration of violation. Each day that a violation of this ordinance remains shall constitute a separate violation of this ordinance for purposes of the Court's assessment of fines or penalties.
- b. In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the City, the provision that establishes the higher standard shall prevail.
 - c. If any section, subsection, clause, provision or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision or portion of this ordinance. It is the specific intention of the City that each provision in this ordinance stand or fall on its own, and not rely upon the effectiveness of other provisions in the ordinance.

14-2908. APPENDIX 29-A GRAPHIC DESCRIPTIONS

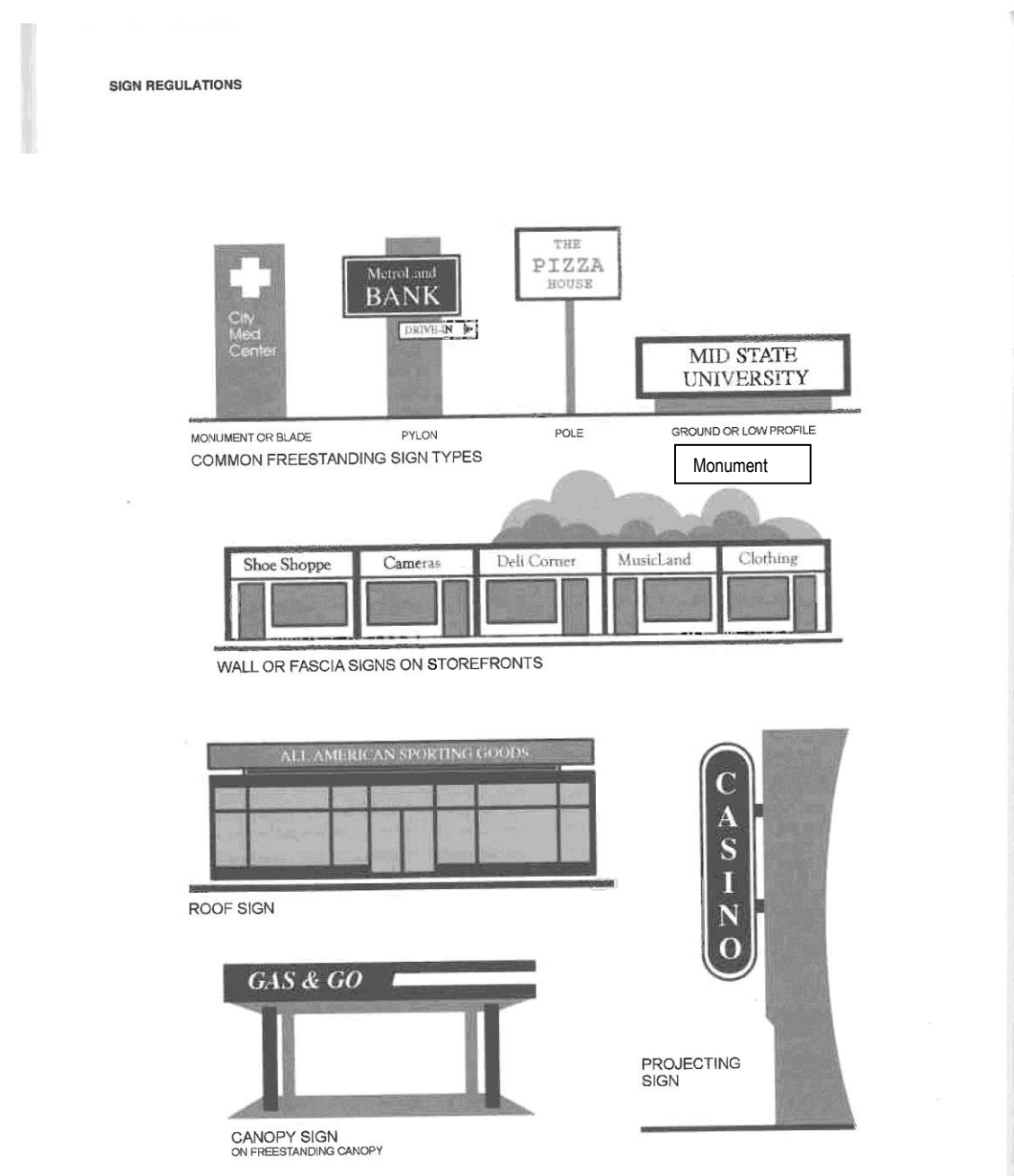


Figure 14-2908. 1 General Sign Types

Source: 2012 International Zoning Code

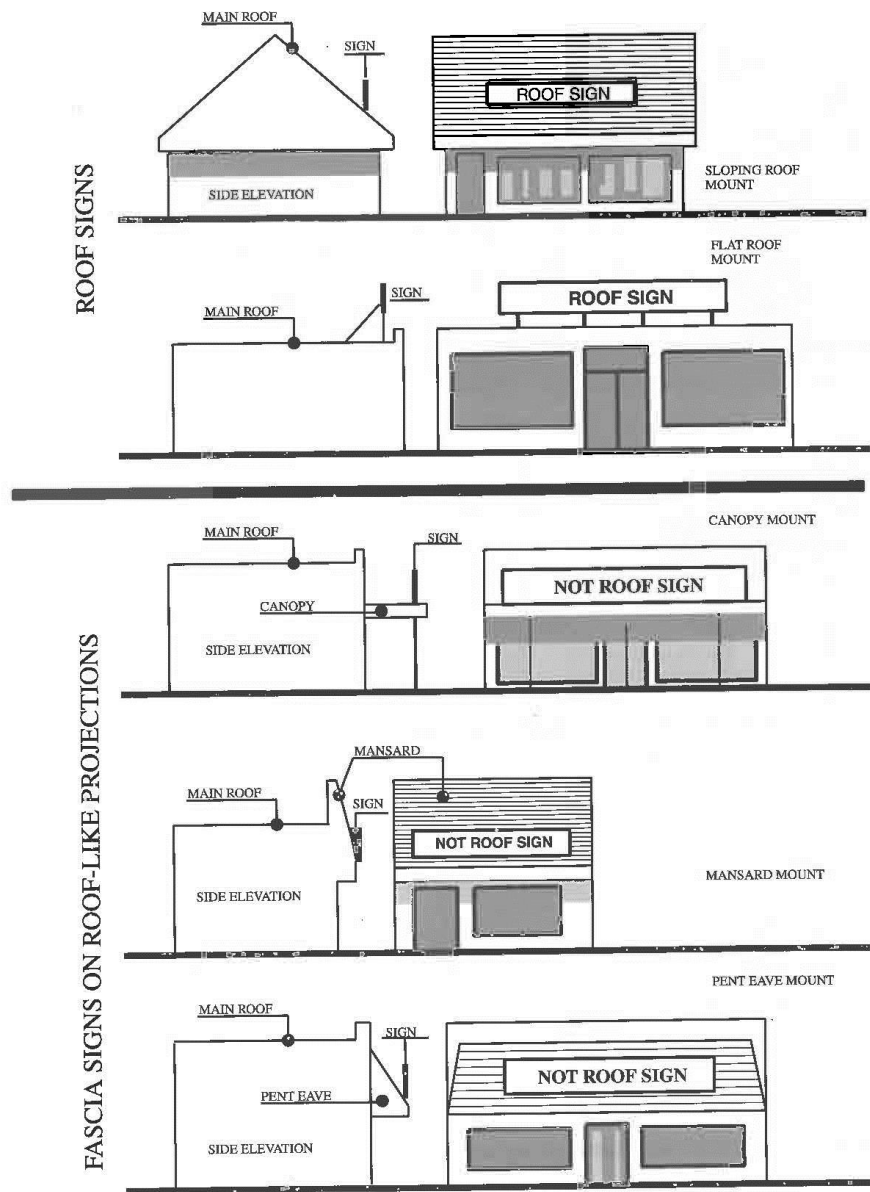
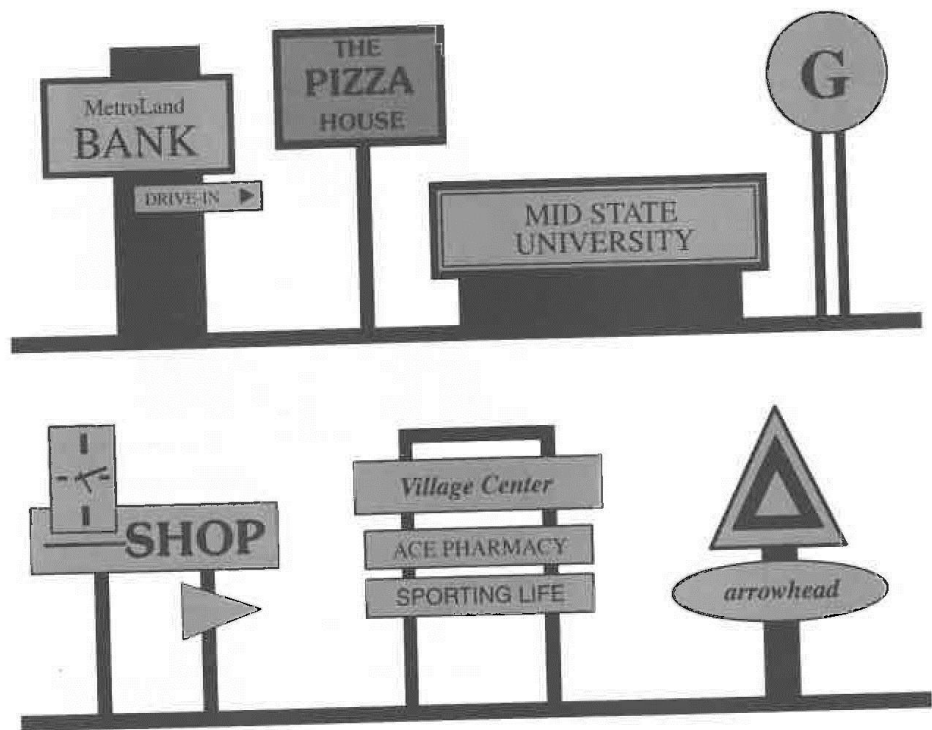


Figure 14-2908. 2 Comparison – Roof and Wall or Fascia Signs

Source: 2012 International Zoning Code



SIGN STRUCTURES

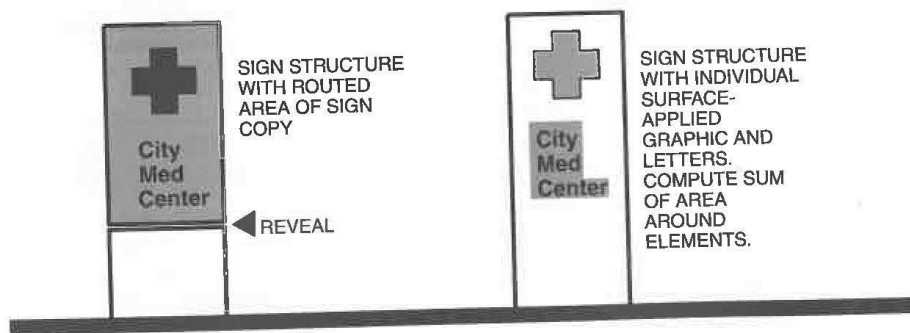
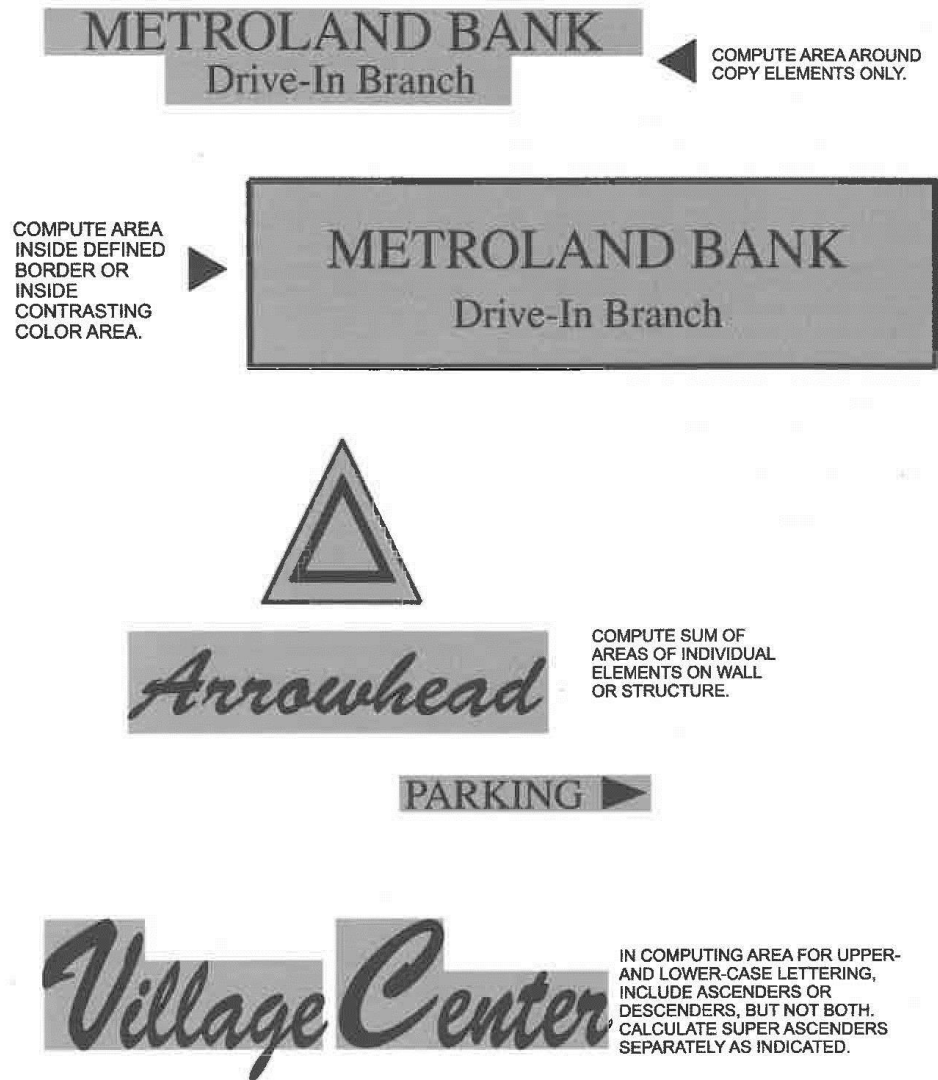


Figure 14-2908. 3 Sign Area – Computation Methodology
 Notes: Sum of Shaded Areas only represents sign area. Sign Constructed with panels of cabinets.
 Source: 2012 International Zoning Code



Notes: Sum of shaded areas only represents sign area for code compliance purposes. Examples of signs consisting of individual letters, elements or logos placed on building walls or structures.

Figure 14-2908.4 Sign Area – Computation Methodology

Source: 2012 International Zoning Code

CHAPTER 30
(A-1) AGRICULTURE-FORESTRY DISTRICT

SECTION

- 14-3001. AGRICULTURE-FORESTRY DISTRICT.
- 14-3002. USES PERMITTED.
- 14-3003. USES PERMITTED ON REVIEW.
- 14-3004. LOT WIDTH.
- 14-3005. DEPTH OF FRONT YARD.
- 14-3006. DEPTH OF REAR YARD.
- 14-3007. WIDTH OF SIDE YARDS.
- 14-3008. BUILDING AREA.
- 14-3009. LOT AREA.
- 14-3010. BUILDING HEIGHT.

CHAPTER 30
A-1 AGRICULTURE – FORESTRY DISTRICT
(3182-08/03/2004)

14-3001. AGRICULTURE-FORESTRY DISTRICT

The purpose of the A-1 Agriculture – Forestry District is to provide the opportunity of agricultural land and related uses within the City limits. This zone should be applied to land, which is used for agricultural, very low-intensity residential, or open space uses, but which is projected in the Urban Growth Boundary. In addition, these districts may include areas and lands not suited by reason of soil, geologic, topographic or other limitations for development.

14-3002. USES PERMITTED

1. Agricultural uses and sales including barns and storage sheds
2. Accessory Structures/ buildings
3. Campgrounds & Marina Operations
4. Customary Home Occupations
5. Domestic animals/ wildlife
6. Fishing and Forestry
7. Garden Centers, feed stores and Landscaping Contractors
8. Kennel/Stable
9. Plant and Forest Nurseries
10. Schools and other government uses
11. Single Family Residential
12. Veterinary office/clinic

14-3003. USES PERMITTED ON REVIEW

1. Cemetery
2. Commercial raising of livestock and poultry
3. Mobile Homes on individual lots
4. Orphanage
5. Parks & Recreation areas & Facilities
6. Religious Institutions

14-3004. LOT WIDTH

Any lot shall have no less 100 feet of road frontage.

14-3005. DEPTH OF FRONT YARD

Any principal building on any lot shall be located no nearer than thirty feet to the front line.

Any lot within a newly proposed subdivision which does not have primary access on a road network internal to the newly proposed subdivision but has access on an already existing street network shall be subject to

additional front yard requirements as determined by the Morristown Planning Commission for the purpose of safe vehicular ingress and egress.

14-3006. DEPTH OF REAR YARD

Any principal building on any lot shall be located no nearer than thirty feet to the rear lot line.

14-3007. WIDTH OF SIDE YARDS

Any principal building on any lot shall be located no nearer to each side lot line than twenty-five feet for a building of one story in height; thirty feet for a building of two stories in height; or thirty-five feet for a building of three stories in height; provided however, that in case of a lot where side lot line coincides with a street right-of-way line, any principal building shall be located no nearer than twenty-five feet to said lot line.

14-3008. BUILDING AREA

The principal building and accessory building on any lot shall not cover more than thirty percent of the total area of said lot.

14-3009. LOT AREA

All lots shall be no less than five acres.

14-3010. BUILDING HEIGHT

Buildings shall not exceed three (3) stories or thirty-five feet in height.

Churches, schools, hospitals, sanatoriums, and other public and semi-public buildings may exceed the height limitation of the district if the minimum depth of the front, side and rear yards required in the district is increased one foot for each two feet by which the height of such public or semi-public building exceeds the prescribed height limit.

CHAPTER 32 EXTERIOR LIGHTING

SECTION

- 14-3200. PURPOSE.
- 14-3201. APPLICABILITY.
- 14-3202. DEFINITIONS.
- 14-3203. GENERAL STANDARDS FOR EXTERIOR LIGHTING.
- 14-3204. WALL-MOUNTED LIGHTS.
- 14-3205. EXEMPTIONS FOR A SECURITY PLAN.
- 14-3206. ILLUMINATION OF OUTDOOR SPORTS FIELDS, COURTS AND PERFORMANCE AREAS.
- 14-3207. SIGN LIGHTING.

Chapter 32
Exterior Lighting
(3484-09/03/2013)

14-3200. PURPOSE

All exterior lighting shall be designed and installed to maintain adequate, safe illumination levels in public areas and on private lands, utilizing durable light fixtures and minimal mounting heights that minimize objectionable off-site glare. The purpose of this chapter is intended to reduce the problems created by improperly designed and installed outdoor lighting. It is intended to eliminate problems of glare, minimize light trespass, and help reduce the energy and financial costs of outdoor lighting.

14-3201. APPLICABILITY

1. General:
Unless exempted, the provisions of this section shall apply to multi-family residential, nonresidential and mixed-use development.
2. Public and Private Lighting Distinguished:
For the purposes of this section, public light poles and fixtures shall refer to lighting intended to illuminate rights of way or streets and private lighting fixtures shall refer to lighting intended to illuminate private parking areas and access drives.

14-3202. DEFINITIONS

Architectural Lighting - Exterior lighting that is designed to highlight structures, plantings or significant architectural features in a direct or indirect fashion.

Awning - A structure made of wood, cloth, vinyl or other flexible material affixed to a building for decoration or protection from the elements.

Canopy - A permanent, but not completely enclosed structure, that may be attached or adjacent to a building for the purpose of providing shelter to people or automobiles or a decorative feature on a building wall.

Façade - The exterior wall on the front, side or rear elevation of the building regardless of whether the building side faces a street.

Foot-candle - A unit of measurement referring to illumination incident to a single point at finished grade. One foot-candle is equal to one lumen uniformly distributed over an area of one square foot.

Glare - The reflection or harsh, bright light and the physical effect resulting from high luminance's or insufficiently shielded light sources to cause annoyance, discomfort or loss in visual performance and visibility.

Lighting, Private - Exterior lights and lighting fixtures intended to illuminate private on-site parking areas, access drives and other on-site areas.

Lighting, Public - Exterior lights and lighting fixtures intended to illuminate public street and other rights of way.

Lumen - A unit of luminous flux. One foot-candle is one lumen per square foot and is roughly equivalent to the light emitted by a 60 watt light bulb. Lumen output values shall be the initial lumen output ratings of a lamp.

Morristown Utility Systems (MUS) – The governing agency of the Morristown Power Systems, Morristown Water Systems and FiberNet.

Pedestrian-scale Lighting - Devices intended to provide exterior lighting that are lower in height than typical street lighting and located proximate to pedestrian areas such as sidewalks, open space areas or plazas.

14-3203. GENERAL STANDARDS FOR EXTERIOR LIGHTING

1. Lighting Plan Required:

A Lighting Plan shall be submitted with an application for a site plan review of multi-family residential, non-residential and mixed use developments. The Lighting Plan shall include a scaled layout of the site showing the location of lights, the height and type of proposed fixtures, and an isofootcandle diagram extending to and including all adjacent driveways, rights of way, easements, etc. Such plans shall be prepared and certified by a licensed electrical engineer.

2. Illumination Direction:

With the exception of public and security lighting provided by Morristown Utility Systems, all lighting shall:

- a. Be arranged to minimize glare and reflection upon adjacent lands;
- b. Be aimed or directed to preclude light projection beyond immediate objects intended to be illuminated;
- c. Not distribute light onto surrounding lands beyond an angle of 35 degrees from a vertical plane; and
- d. Use low-wattage architectural lighting for upwardly-directed lighting intended to illuminate structures or landscape elements.
- e. All pole lights shall be directed toward the ground. No portion of the bulb or the globe/glass/plastic surrounding the bulb shall protrude from the light box/housing. The shoebox style fixture shall be used unless it can be shown that a different style would be equivalent to or better than these requirements.
- f. All ground-mounted lights, whether used to illuminate a building or a sign, shall be designed to minimize light that does not illuminate the target area. Blinders, or some other type of protectors, may be required to be placed on the lights so as to direct the beam away from adjacent properties, right of way, access easements or driveways.
- g. Floodlights and spotlights shall be selected, located, aimed and shielded so that direct illumination is focused exclusively on a portion of the building façade or other intended site feature and away from adjoining lands or the rights of way. Such lighting shall be installed in a fixture that is shielded so that no portion of the light bulb extends below the bottom edge or above the top edge of the shield and the main beam from the light source is not visible from adjacent lands or adjacent right of way.

3. Equipment and Location:

- a. Public lighting poles or light standards shall be of a type approved by Morristown Utilities System. The final installation location and quantity of all street lights shall be determined by Morristown Utility Systems.

- b. Private lighting poles may be located within landscaped areas of planting islands, but in no such instance shall poles be located in a manner that conflicts with required landscape such as canopy trees.
 - c. Ground-oriented, pedestrian-scale lighting is encouraged as an alternative to pole-mounted fixtures, particularly along pedestrian walkways.
 - d. All electrical lines servicing all lights shall be underground.
4. Maximum Lighting Height:
- a. Public Lighting Fixtures in Nonresidential Areas
The height and style of public lighting fixtures serving nonresidential uses shall be exempt from the standards in this subsection.
 - b. Private Lighting Fixtures in Non-residential Areas
 - i. For nonresidential developments, private fixtures shall not exceed thirty (30) feet in height, measured from finished grade to highest part of fixture or pole assembly. Light fixtures shall not exceed twenty (20) feet in height within fifty (50) feet of single-family residential dwelling units or vacant single-family residentially-zoned land that is either platted, has a Preliminary Plat or Site Plan approval that has not expired. Security lighting provided by Morristown Utility Systems is exempt from this requirement.
5. Shielding:
- a. Canopies
Lights located under gasoline service station canopies, canopies for bank automatic teller machines, and other such similar canopies shall be recessed into the structure ceiling and shall use light shields so as to prevent glare. No portion of the bulb or the glass/plastic surrounding the bulb shall protrude from the structure ceiling unless it can be shown that a different style would be equivalent to or better than these requirements.
6. Light levels:
The maximum number of foot-candles at a property line that is adjacent to non-commercial zoned land shall be 0.5 foot-candles. The maximum number of foot-candles at a street right of way or a property line that is adjacent to commercial zoned land shall be 3.0 foot-candles.

14-3204. WALL-MOUNTED LIGHTS

Wall-mounted lights shall be screened by the building's architectural features or contain a 35 degree cutoff shield to prevent the light source from being visible from any adjacent residential property or public street right of way. Nothing in this subsection shall prevent the use of sconces or other decorative lighting fixtures provided that the source of illumination is not visible from adjacent lands used or zoned for residential purposes.

14-3205. EXEMPTIONS FOR A SECURITY PLAN

Government facilities, parks and open areas, public safety and other uses where sensitive or dangerous materials are stored may submit to the Planning Department a Site Security Plan requesting exterior lighting that deviates from the standards in this subsection. The Planning Department shall approve the Site Security Plan, or approve it with conditions, upon a finding:

1. Necessary for Public Safety:
The deviation from the standards in this subsection is necessary for the adequate protection of the public;
2. Site or Area Conditions:
The condition, location or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage, or members of the public are at greater risk for harm than on surrounding land; and
3. No Significant Adverse Effect:
The deviation from the standards in this subsection indicated in the Site Security Plan is the minimum required and will not have a significant adverse effect on neighboring lands.

14-3206. ILLUMINATION OF OUTDOOR SPORTS FIELDS, COURTS AND PERFORMANCE AREAS

Lighting of outdoor sports fields, courts and performance areas shall comply with the following standards:

1. All lighting fixtures shall be equipped with a glare control package (e.g., louvers, shields or similar devices) and the fixtures shall be aimed so that their beams are directed and fall within the primary playing or performance area; and
2. The hours of operation for the lighting system for any game or event shall not continue more than one hour after the end of the game or event.

14-3207. SIGN LIGHTING

Lighting fixtures illuminating signs shall comply with the standards of this subsection and Sign Ordinance. Such fixtures shall be aimed and shielded so that direct illumination is focused exclusively on the sign face.

CHAPTER 33
LANDSCAPE, BUFFERS AND SCREENING

SECTION

- 14-3300. PURPOSE AND INTENT.
- 14-3301. APPLICABILITY AND COMPLIANCE.
- 14-3302. DEFINITIONS.
- 14-3303. GENERAL REQUIREMENTS.
- 14-3304. MINIMUM SITE LANDSCAPE REQUIREMENTS.
- 14-3305. UTILITY EASEMENT POLICY.
- 14-3306. TREE BANK.
- 14-3307. SPECIES RECOMMENDATIONS.

Chapter 33
Landscape, Buffers and Screening
(3343-10/07/2008)

14-3300. PURPOSE AND INTENT

The purpose of this ordinance is to promote and protect the public health, safety and general welfare by providing for the planting, maintenance and preservation of trees, shrubs and other vegetation within the city. These elements provide important benefits including: improved air quality; transitioning between incompatible land uses; screening of undesirable views; reduction of glare, dust, noise and odors; and reduction of stormwater runoff and flooding. Such benefits contribute to a higher quality of life and enhance the aesthetic appeal and economic value of properties within the city.

The intent of this ordinance is to promote this purpose by providing standards for landscaping for vehicular use areas (parking and storage lots), along public rights of way (front yard areas), between dissimilar uses (buffer yards), and screening for service areas. Planting standards and recommended species are included to help ensure quality landscape installations and maintenance within the city.

14-3301. APPLICABILITY AND COMPLIANCE

A. Applicability

These standards shall apply to all new public and/or private development sites except single family residential structures on their own lot.

Existing public and/or private development sites undergoing building and/or vehicular use area expansions shall be required to fully meet the standards of this ordinance wherever such standards would typically apply.

B. Review for Compliance

Review for compliance with the standards of this chapter shall occur at the time of submittal of a Site Plan, Concept Plan, or Preliminary Plat as appropriate.

C. Certificate of Occupancy/Performance Bond

A Certificate of Occupancy shall not be issued for a structure prior to the installation of required landscape and planting materials. If a Certificate of Occupancy is required and special circumstances prevent the immediate installation of plant materials, the developer or owner may request an extension from the Planning Department in the following circumstances and under the following conditions:

1. Unusual environmental conditions such as drought, ice, over-saturated soil (deep mud), or inappropriate planting season for the plant species; and/or
2. Unavailability of plant species or acceptable plant size as specified on the Landscape Plan in cases where such materials are not commercially available within a reasonable time; and/or
3. Circumstances beyond the developer's control such as incomplete construction or utility work to occur in proposed landscaped area within 30 days after expected site completion (provided the developer or land owner submits a letter from the utility company stating the estimated

installation date).

If such an extension is granted, the developer or owner shall post a performance bond with the Planning Department. The amount of the bond shall be based on material and installation costs of the uninstalled landscape material, as shown on the submitted Landscape Plan, plus a 50% contingency cost. Cost estimates shall be provided by a minimum of two plant nurseries. The performance bond shall expire after 180 days. The bond shall be called if the required landscaping has not been installed by the end of the 180 day period and the funds applied to complete the landscaping work.

E. Appeals

Any person or corporation may appeal a decision of a city employee or other official in the administering of these provisions to the Board of Zoning Appeals. Requests for such appeals shall follow the procedures established within this Zoning Ordinance.

F. Enforcement

Enforcement of these provisions shall be the responsibility of the Codes Enforcement Division of the City of Morristown. Property owners will be held responsible for the maintenance and upkeep of planted materials. Persons in violation of this section may be cited and fines levied in accordance with the Tennessee Code Annotated.

14-3302. DEFINITIONS

American Nurseryman Standards: The standards related to size and planting for newly planted landscaping materials as referenced in *The American Standard for Nursery Stock* (ANSI 260.1-2004) prepared by the American Nursery and Landscape Association.

Berm: An elongated earthen mound typically designed or constructed on a site to separate, screen, or buffer adjacent uses.

Buffer: Vegetative material, fences, berms, or any combination of these elements located on a linear strip of land that are used to separate and screen incompatible uses from one another.

Caliper: A horticultural method of measuring the diameter of the trunk of a nursery-grown tree for the purpose of determining size. The caliper of the trunk is measured six inches above the ground for trees up to and including four inches in diameter and 12 inches above the ground for trees greater than four inches in diameter.

Canopy Tree: See “Tree, Canopy”

Critical Root Zone (CRZ): A circular area measured outward from a tree trunk representing the essential area of the roots that shall be maintained for the tree’s survival. The CRZ is measured one foot of radial distance for every inch of tree DBH (diameter at breast height) with a minimum of 10 feet. Also referred to as the “crown dripline”.

DBH: See “Diameter at Breast Height”

Deciduous: Plants that drop their foliage annually before becoming dormant.

Diameter at Breast Height (DBH): The measurement of the diameter of a tree trunk taken at a height of four-and-one-half feet (4 ½) above the ground. Trees with multiple trunks should be treated as multiple trees and the DBH for each trunk added to aggregate diameter measurement.

Erosion: The process of the gradual wearing away of land masses.

Evergreen: A plant with foliage that remains green year-round.

Fence: A structure used to delineate a boundary or act as a barrier or means of protection, confinement, or screening.

Front Yard Area: The portion of a development site that qualifies as the front yard (building) setback area, the minimum horizontal distance between the building line and related front property line as established by the zoning classification.

Grading: An operation or occurrence by which existing site elevations are changed or where ground cover, natural or man-made, is removed or a watercourse or body, natural or man-made, is relocated on a site, thereby creating an unprotected area. This includes stripping, cutting, filling, stockpiling, or any combination thereof and shall apply to the land in its cut or filled condition.

Ground Cover: Any natural vegetative growth or other material that renders the soil surface stable against accelerated erosion. Also see “Mulch”.

Hedge: A group of shrubs planted in a continuous compact, dense, living barrier that demarcates an area from on-site or off-site views.

Impervious Surface: A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

Landscape Area: The portion of a development site that is occupied by, or is required to be occupied by, landscape materials. For the purpose of this ordinance, landscape materials include trees, shrubs, groundcovers, mulching materials and sod as well as fences, walls, or berms used to meet these requirements.

Landscape Island: An area within a surface parking lot or street right of way that is designated for trees, shrubs, and/or ground cover.

Mulch: A layer of seasoned wood chips, dry leaves, straw, hay, plastic, or other materials placed on the surface of the soil around plants to retain moisture, prevent the growth of weeds, and to hold the soil in place or aid plant growth. Also see “Ground Cover”.

Nursery: Land or greenhouses used to raise trees, shrubs, and other plants for sale.

Opaque Screen: A device or materials, unable to be seen through, that is used to conceal one element of a development from other elements or from adjacent or contiguous development or public rights of way.

Performance Bond: Any securities that may be accepted by the City of Morristown as a guarantee that the improvements required as part of an application for development are satisfactorily completed.

Severe Pruning: The pruning, cutting, or otherwise damaging of the natural form of a tree or shrub,

whether existing or planted, such that a significant or noticeable portion of the crown system is removed (e.g., 25 percent of the crown removed from a tree or the continued cutting/trimming of trees previously pruned illegally or pruning of trees that must grow naturally to meet the landscaping requirements) or if more than one-third of the overall circumference of a tree or shrub is exposed by pruning cuts.

Shrub: A self-supporting woody plant, growing 18 inches to 15 feet in height at maturity characterized by multiple stems and branches continuous from the base, usually not more than ten feet in height at its maturity. Shrubs may be deciduous or evergreen.

Sight Distance Triangle: A portion of land formed by the intersection of two street right of way lines and points along each right of way a particular distance from the intersection. Nothing shall be erected, placed, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving an intersection or driveway connection. Sight distance is generally calculated at two times the design speed of the roadway. (Note – the posted speed is often less than the design speed.) The City engineer will review sight distance triangles.

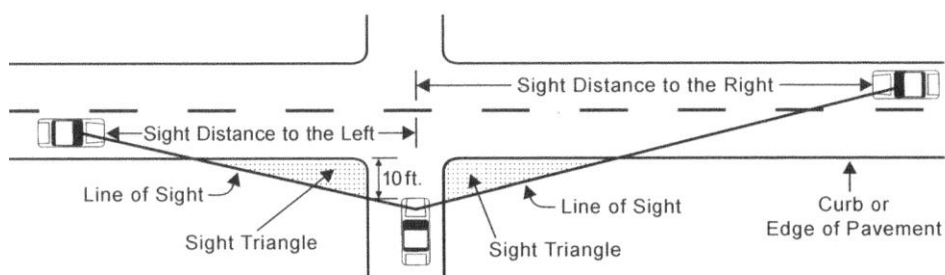


Illustration 1 – Sight Distance Triangle
From I.T.E. Transportation & Land Development, 2nd Edition

Street Yard: A designated landscape area (pervious surface) where private property abuts the public street right of way for the planting of shrubs and grass. (Typically reserved as a utility easement.)

Tree, Canopy: Any plant having a central trunk, a minimum expected mature height of at least 35 feet and an expected minimum mature canopy spread of 20 feet.

Tree, Replacement: A tree that is required to be planted after the development of a site to replace either predevelopment existing trees that were removed accidentally or in violation of this ordinance during or as a result of the land disturbance process or a tree that has died and no longer meets landscape requirements.

Tree, Specimen: Any canopy tree with a diameter of 24 inches or greater and any understory tree with a diameter of eight inches or greater measured four-and-one-half feet above grade. In the case of multi-stem trees, at least one of the stems or trunks shall meet applicable size requirements before the tree shall be considered a specimen tree.

Tree, Street: Any existing tree located within a public street right of way. Street trees may not be credited toward landscape requirements.

Tree Topping: See “Severe Pruning”.

Tree, Understory: Any plant having a central trunk, a maximum expected mature height of 25 feet and a minimum mature canopy spread of 10 feet.

Tree Bank: A fund to receive contributions from owners or developers who remain unable to successfully plant and maintain the required amount of replacement or required site landscaping on the site under development.

Tree Credits: Credits shall be awarded for retaining healthy trees on the property in accordance with the provisions of this ordinance.

Understory Tree: See “Tree, Understory”

Utility Easement: An easement conveyed, granted, or dedicated for utility purposes (stormwater, wastewater, electrical, water systems, etc.)

Vehicle: For the purpose of this chapter a vehicle is defined as a piece of rolling stock, including but not limited to automobiles, boats, trailers, trucks, motor homes and farm machinery.

Vehicular Use Area: An area where motor vehicles are either stored or driven (surface parking lot) outside of a dedicated street right of way. Also referred to as a “surface parking lot” or “off-street parking”.

Vision Clearance: A condition which is achieved when nothing is erected, placed, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving an intersection or driveway, traffic signs or devices, or interfere with the use of sidewalks or pedestrian trails. Also see “Sight Distance Triangle”.

14-3303. GENERAL REQUIREMENTS

A. Landscape Plan Required

In order to ensure compliance with the standards of this ordinance, a Landscape Plan that demonstrates how landscape will be planted on a development site (including trees, shrubs, and groundcovers) shall be included with or as part of any application for Site Plan, Concept Plan, or Preliminary Plat for Subdivision, whichever is appropriate.

The following elements shall be shown on the Landscape Plan:

1. Location, installation size, estimated height and spread at maturity, quantity, and scientific and common names of landscaping to be installed (including existing trees to be used for credits and methods of protection during construction);
2. Methods of screening (if applicable) with the spacing between trees and shrubs and location of fences or berms used for screening purposes noted;
3. Proposed structures and vehicular use areas including parking stalls, bays, driving lanes, curbing, and landscape islands;
4. General site data including zoning of site and adjacent parcels, property boundary lines and lot dimensions, graphic scale, north arrow, title, and name of owner;
5. Existing and proposed utilities, easements, and 100-year floodplain (if applicable); and
6. Illustration of sight distance triangle(s) where applicable.

B. Planting Standards

Plantings shall comply with the following standards:

1. Minimum Size at Time of Planting

- a. Deciduous canopy trees shall be a minimum of two inches in caliper at the time of planting, as determined in the American Standard for Nursery Stock, ANSI Z60.1-2004.
- b. Deciduous understory trees shall be a minimum of one and one-half inches in caliper at the time of planting, as determined in the American Standard for Nursery Stock, ANSI Z60.1-2004. Multi-stem varieties shall be a minimum of eight feet in height above ground level at the time of planting.
- c. Evergreen trees shall be a minimum of six feet in height and a minimum of two inches in caliper at the time of planting.
- d. Except where required to be taller, shrubs shall be a minimum of 18 inches in height above ground level at the time of planting.
- e. In cases where application of the requirements in this subsection result in a fraction in the number of plantings to be provided, the minimum number of plantings to be provided shall be rounded upwards to the next highest whole number.

2. Plant Diversity

To curtail the spread of disease or insect infestation in a plant species, new plantings shall comply with the following standards:

- a. When fewer than 20 trees are required on a site, at least two different genus shall be used, in roughly equal proportions.
- b. When more than 20 but fewer than 40 trees are required to be planted on site, at least three different genus shall be used, in roughly equal proportions.
- c. When 40 or more trees are required on a site, at least four different genus shall be used, in roughly equal proportions.
- d. Required shrubs shall use the same plant diversity requirements.
- e. Nothing in this subsection shall be construed to prevent the use of a larger number of different genus than specified above.

3. Credit for Existing Trees, Shrubs, and Groundcover

- a. Existing healthy, well-formed canopy and understory trees, healthy shrubs, and groundcovers located within the property lines of the site under development may be credited toward the requirements of this ordinance provided the vegetation is:

- i. Surveyed, inventoried, and protected before and during development of the site. The root system of the qualifying tree shall not be disturbed, graded, or paved within the limits of the critical root zone of the tree (See “Tree Protection During Construction”);
 - ii. Located in suitable locations to meet the standards of this ordinance; and
 - iii. Maintained thereafter in a healthy growing condition.
- b. The following plants shall not be credited towards the minimum requirements of this subsection:
 - i. Plants listed in the current edition of the *Invasive Exotic Pest Plants of Tennessee*, as published by the Tennessee Exotic Pest Plant Council;
 - ii. *Pyrus calleryana* ‘Bradford’, commonly known as a Bradford Pear tree (weak wood/short lifespan); and
 - iii. *Acer saccharinum*, commonly known as a Silver Maple tree (aggressive root system/weak wood/high maintenance).

4. Tree Protection during Construction

- a. During development, the owner or developer shall be responsible for the erection of all barriers necessary to protect any existing or installed trees used to meet the requirements of this ordinance from damage both during and after construction.
- b. Tree protection fencing should be extended at least one foot in distance from the edge of the tree for each inch of DBH so that each tree’s critical root zone is protected, but in no case less than ten feet from the trunk. All fencing should be at least four feet in height. The fencing should be maintained until the land disturbance activities are complete.
- c. Signs identifying the area as a tree protection zone should be installed on the fence, visible on all sides, at a rate of at least one sign for every 150 linear feet of fencing. Signs should be clearly marked in English and Spanish.
- d. Tree protection fencing should be clearly shown on all applicable site construction documents.

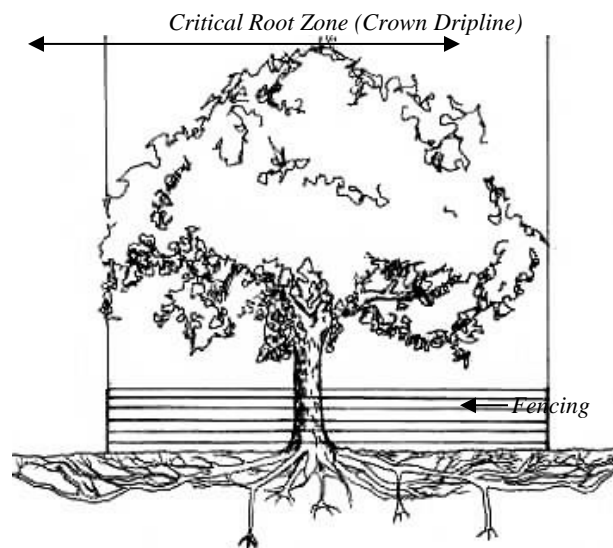


Illustration 2 – Critical Root Zone

5. Stabilization

All landscaped planting areas shall be stabilized and maintained with seed, sod, ground covers, mulches, or other approved materials to prevent soil erosion and allow rainwater infiltration.

C. Maintenance of Landscape Materials

1. General Maintenance

- i. The owner shall be responsible for the maintenance of all landscape areas not located within the public right of way. The owner shall take actions to protect trees and landscaping from unnecessary damage during all facility and site maintenance operations.
- ii. Landscape areas shall be maintained in accordance with the approved Landscape Plan and shall present a healthy and orderly appearance free from refuse and debris.
- iii. All plant life shown on the approved Landscape Plan used to meet a minimum requirement of this ordinance shall be replaced if it dies, is seriously damaged, or removed.

2. Damage Due to Natural Occurrence

In the event that any vegetation or physical element functioning to meet the standards of this subsection is severely damaged due to an unusual weather occurrence or natural catastrophe or other natural occurrence such as damage by wild or domestic animals, the owner may be required to replant if the landscape standards are not being met. The owner shall have one growing season to replant.

3. Vision Clearance

Plants shall be maintained in a way that does not obstruct sight distances at roadway intersections, obstruct traffic signs or devices and/or interfere with the use of sidewalks or pedestrian trails.

4. Natural Shape

All required trees shall be maintained in their characteristic natural shape and shall not be severely pruned, sheared, topped, or shaped as shrubs. Trees required by this chapter that have been severely pruned, sheared, topped, or shaped as shrubs that no longer meet their intended function shall be considered as damaged vegetation in need of replacement and shall be replaced within one growing season.

14-3304. MINIMUM SITE LANDSCAPE REQUIREMENTS

A. Building Foundation Plantings

Nonresidential and multi-family buildings, when not abutted by a sidewalk, shall provide foundation plantings of shrubs placed along the building perimeter of the primary façade. The primary façade of the building is considered to be the portion that faces the street (public right of way) the building is addressed from.

B. Street Yard

1. Except for points of access, a street yard shall be provided where the proposed development site adjoins the public right of way. Alleys are exempt from these requirements.
2. The street yard shall have a minimum depth of ten feet as measured from the edge of the public street right of way (property line) towards the interior of the property. The street yard shall consist of sod grass or other natural living/pervious material. Trees are not permitted within the street yard area (typically reserved as a utility easement).

C. Front Yard Area Trees

1. Canopy trees shall be planted within the front yard (building) setback area at a minimum ratio of one tree per 50 linear feet of street (public right of way) frontage.
 - a. Trees do not have to be spaced in equal increments of 50 feet.
 - b. The minimum spacing between trees is 15 feet measured trunk to trunk.
 - c. Trees may be located in landscape islands within the parking area.
 - d. Trees must not interfere with underground utilities or lines of vision at driveways (see “Sight Distance Triangle”).
 - e. Canopy trees must be located at least fifteen feet from existing rights of way where no overhead utilities are present and at least twenty feet from right of way where overhead utilities are present.
 - f. Fractions of trees shall be rounded up to the nearest whole number.
4. Where overhead power lines encroach into the front yard, smaller understory trees shall be substituted for canopy trees. Refer to “Utility Easement Policies”.

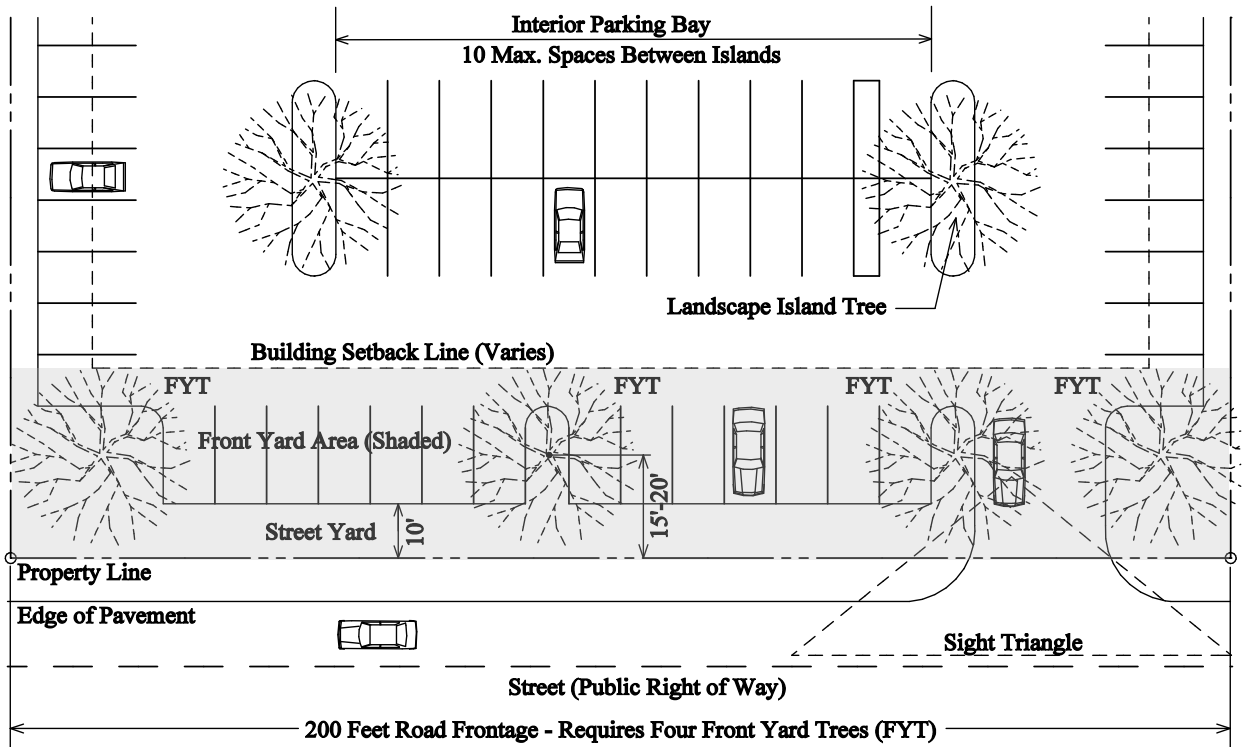


Illustration 3 – Sample Landscape Plan (not to scale)

D. Vehicular Use Areas

1. General Standards

All vehicular use areas (surface/off-street parking) associated with nonresidential and multi-family residential development shall include landscape materials both inside the vehicular use area and around its perimeter as a means of mitigating its microclimate and visual impacts.

2. Design Standards

- a. All vehicular use areas shall be designed to ensure that every parking space is within 50 feet of a tree location (excluding off-site street trees).
- b. All interior parking bays shall be bordered on both sides by a landscape island. Interior parking bays shall be limited to ten contiguous spaces between landscape island locations.
 - i. Landscape islands used to meet the requirements of this ordinance shall have a minimum width of eight feet and a minimum landscaped area of 200 square feet.
 - ii. Landscape islands used to meet the requirements of this ordinance shall be planted with at least one canopy tree. Two understory trees may be substituted where an overhead obstacle such as a canopy or power line limits the tree height or when the tree would be located within 25 feet of a building.

- iii. All landscape island planting areas shall be stabilized and maintained with sod, ground covers, mulches, or other approved materials to prevent soil erosion and allow rainwater infiltration.
 - iv. All landscape island planting areas shall be protected from vehicle damage by the installation of curbing. However, this standard shall not prohibit the use of planting areas as on-site stormwater management devices.
- c. Delivery stalls and loading bays shall be screened from the public right of way with a buffer yard. Also see “Buffer Yard”.

E. Buffer Yard

The purpose of the buffer yard is to reduce nuisances between incompatible land uses. The buffer yard shall contain a visual screen in order to control the effects of traffic, noise, glare, trash, activity, vibration, odor, visual disorder, and any other harmful or noxious effect associated with a nonresidential use.

1. Applicability (3615- 09/04/2018)

To minimize the impact of higher impact uses on surrounding properties, a Buffer Yard is required when:

- a. A nonresidential site borders any agricultural or residential zoning district or use; and
- b. A multi-family site border an agricultural or single-family district or use.

Buffer yards may be included in the building setback requirements, but cannot interfere with existing or proposed utility easements.

2. Design Standards

Required buffer yards shall maintain a minimum width of ten feet. One of the following options may be used to meet the buffer yard screening requirements:

a. Evergreen Trees

Trees shall be installed at a minimum height of six feet and have a minimum expected mature spread of ten feet. Spacing shall be in accordance with mature spread. For example, trees with a mature spread of ten feet shall be planted ten feet on center and a minimum of five feet from the property line.

b. Fences

Where fencing is used, it shall be placed at least six feet inside of the property line. Fences must be a minimum of six feet in height, measured on the side facing away from the property to be screened. The fence must also have its finished side facing away from the property to be screened. Fencing may be made of wood, brick, or other material that is at least 75 percent opaque. Chain link does not meet buffer yard requirements. One evergreen shrub shall be planted a minimum of every 10 linear feet along the side facing away from the property to be screened. One canopy tree shall be planted every 30 linear feet along the fence row facing toward the property to be screened and located a minimum of fifteen feet from the property line.

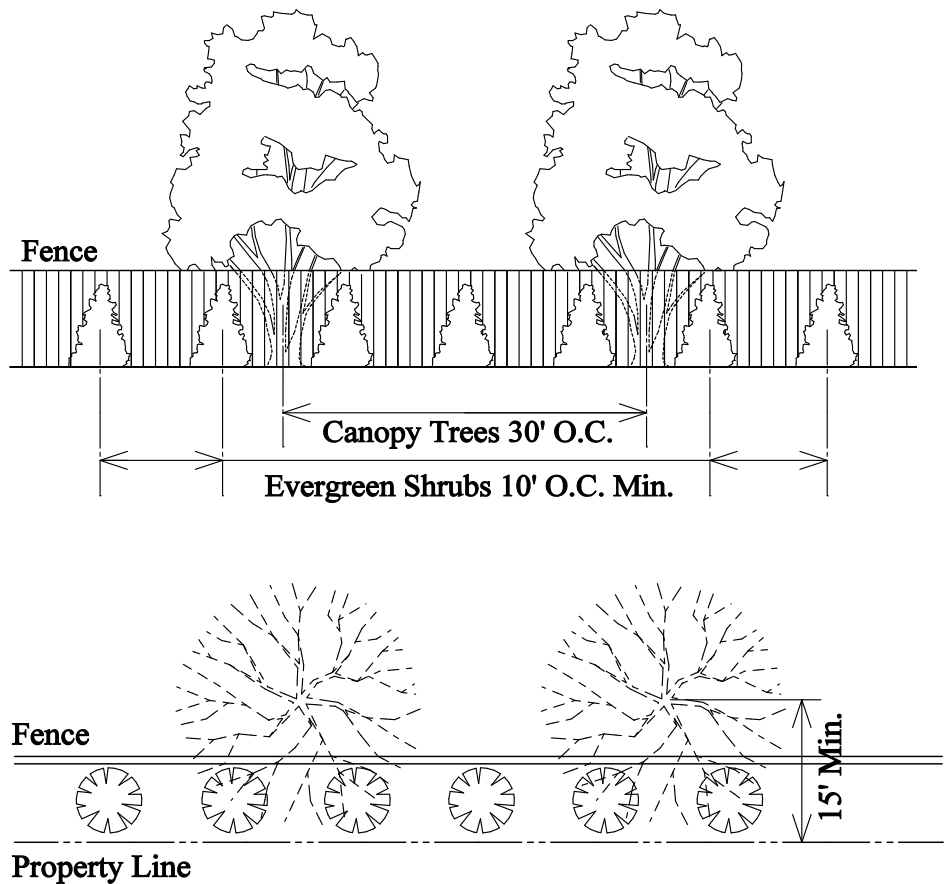


Illustration 4 – Fence Buffer (not to scale)

c. Berms

Where allowed, berms shall comply with the following standards:

1. Berms shall be a minimum of four feet in height and shall be capped with a hedge of evergreen shrubs, installed at a minimum of 18 inches high and have an expected maturity height of at least five to six feet and mature spread of a least five feet. Spacing shall be in accordance with mature spread.
2. The slope of all berms shall not exceed a three-to-one ratio (horizontal to vertical), shall have a top width at least one-half the berm height, and a maximum height of eight feet above the toe of the berm.
3. Berms exceeding four feet in height shall maintain a four-to-one ratio (horizontal to vertical).
4. Berms, regardless of size, shall be stabilized with sod, a ground cover, or other suitable vegetation.

5. Berms proposed to be placed along street rights of way shall not be permitted within the sight distance triangle at intersections.
6. Berms shall in no case damage the roots or trunks of existing healthy trees on adjacent properties.

F. Service Area Screening

All service areas, including garbage collection and utility service areas, shall be screened from public rights of way and adjoining residential property.

1. Dumpsters

Dumpsters shall be screened in the following manner:

- a. Screening shall be a minimum height of 6 feet.
- b. All four sides of the dumpster shall be screened.
- c. The screen should incorporate access to the dumpster by using a wood fence or other opaque device to serve as a gate.
- d. Screening materials can be any combination of evergreen plantings, wood, composite, or masonry material.

2. Utility Services

Exposed non-power utility features, power utility substations and exposed metal cabinets exceeding five feet in height shall be screened in the following manner:

- a. Screening materials can be any combination of evergreen plantings, wood, composite, or masonry material.
- b. Screening shall be at least one foot higher than the service area being screened.
- c. Screening shall be in accordance with all applicable building, electrical, and fire codes.
- d. The Planning Director may grant a special exemption where these provisions may interfere with security measures.

G. Stormwater Facilities

Stormwater facilities may be located in the landscape area subject to the following conditions:

1. Rip-rap, crushed stone, concrete, or other impervious materials are screened from view by evergreen plantings.
2. Trees and other vegetation may be planted along the stormwater facility.

14-3305. UTILITY EASEMENT POLICY

The applicant is responsible for identifying existing and proposed utility easements within the property on the Landscape Plan. Trees and shrubs used to meet the requirements of this ordinance shall not be located within proposed or existing utility easements unless one of the following special exceptions applies:

- A. Written permission has been obtained from the holder of the utility easement.
- B. Where overhead power lines cross an area required by this ordinance to be planted with canopy trees, smaller understory trees may be substituted.

If none of the special exceptions above apply, the following options shall be considered:

- A. Planting the trees or shrubs as close to the easement as possible (no canopy tree may be located within fifteen feet of existing or proposed overhead utilities); or
- B. Planting the trees or shrubs at another location on the property that would not typically have landscape requirements associated with it.
- C. If the above options also cannot be met, an in-lieu payment to the Tree Bank may be considered.

14-3306. TREE BANK

A. Purpose

The Tree Bank shall be a fund to receive:

- 1. In-lieu payments from applicants who are unable to successfully plant and maintain tree plantings required on sites under development;
- 2. Fines received for the illegal cutting of trees; and
- 3. Charitable contributions given to the city for planting trees.

B. Use of Funds

Payments and contributions to the Tree Bank shall be used solely for landscaping and beautification projects on public lands such as parks, public open spaces, at community and civic facilities, and within public rights of way within the City of Morristown.

C. Payments In-Lieu

1. Eligibility

The Planning Department may consider requests for in-lieu payments to the Tree Bank only when:

- a. The site does not provide for adequate landscape surface area to accommodate the total number of required trees; or
- b. The unique soil types, topography or unusual nature of the site would not assure growth of the trees required.

The preference of an applicant to use an in-lieu payment is not an adequate justification for determining eligibility. In-lieu payments shall not be used to address screening, buffering or vehicular use area requirements.

2. Maximum Payment Amounts

Tree installation cost estimates obtained from a minimum of two plant nurseries must be provided to the Planning Director for approval. The tree installation cost, which shall be the cost of the trees installed (not the wholesale price), shall be based on material and installation costs of the uninstalled landscape material, as shown on the submitted Landscape Plan, plus a 50% contingency cost.

3. Procedure

- a. Following receipt of a written request to use an in-lieu payment from an applicant, the Planning Department shall determine the eligibility and allowable extent during the Site Plan review stage. If, after the Site Plan is approved, the applicant wishes to reevaluate a decision to contribute to the Tree Bank, a revised landscaping plan and payment proposal shall be submitted to the Planning Department for approval.
- b. The applicant shall provide the in-lieu payment before a Building Permit is issued.

14-3307. SPECIES RECOMMENDATIONS

The following recommendations are offered as a guide and are based upon landscape design principles and practical applications. Tree species are listed alphabetically by their common name with the scientific name listed to the side in *italics*. General heights and spread are also listed. Other tree and shrub species may be substituted with approval of the Landscape Plan. It is the responsibility of the developer, landscape architect, and/or landscape installer to verify site soil conditions, plant disease resistance, and that mature plant height and spread is suitable for the location. Native tree species are marked with an asterisk (*).

A. Canopy Trees (*min. expected maturity height of 35 feet*)

<u>Common Name</u>	<u>Scientific Name</u>	<u>Mature Height/Spread</u>
English Oak	<i>Quercus robur</i>	40'-60'/30'
European Hornbeam	<i>Carpinus betulus</i> and cultivars	40'/40'
Ginkgo (Maidenhair Tree)	<i>Ginkgo biloba</i> (male)	50'-60'/25'-40'
Golden Raintree	<i>Koelreuteria paniculata</i>	20'-35'/25'-40'
Green Ash*	<i>Fraxinus pennsylvanica</i>	50'-60'/25'-30'
Hedge Maple	<i>Acer campestre</i>	70'/30'
Honey Locust*	<i>Gleditsia triacanthus</i>	35'-70'/25'-35'

Katsura Tree	<i>Cercidophyllum japonicum</i>	40'/40'
Lacebark Elm	<i>Ulmus parvifolia</i>	40'-60'/25'-40'
<i>(Canopy Trees - continued)</i>		
Little-Leaf Linden	<i>Tilia cordata</i>	35'-50'/20'-30'
Pin Oak	<i>Quercus palustris</i>	50'-80'/25'-40'
Red Maple*	<i>Acer rubrum</i> and cultivars	60'/40'
River Birch*	<i>Betula nigra</i>	50'-90'/40'-60'
Sawtooth Oak	<i>Quercus acutissima</i>	35'-45'/35'-45'
Silver Linden	<i>Tilia tomentosa</i>	40'-50'/20'-30'
Southern Magnolia	<i>Magnolia grandiflora</i> 'Carolina'	80'/40'-60'
Yellow Wood*	<i>Cladrastis kentukea</i>	35'-50'/20'-25'
Yoshino Cherry	<i>Prunus x. yedoensis</i>	40'/30'

B. Understory Shade Trees (max. expected maturity height of 25 feet)

<u>Common Name</u>	<u>Scientific Name</u>	<u>Mature Height/Spread</u>
American Smoke Tree*	<i>Cotinus obovatus</i>	20'-30'/20'-30'
Amur Maple	<i>Acer tataricum ginnala</i>	20'-25'/20'-25'
Eastern Redbud*	<i>Cercis canadensis</i>	25'/25'
English Hawthorn	<i>Crataegus laevigata</i>	15'-25'/15'-20'
Flowering Cherry	<i>Prunus</i> 'Okame'	25'/20'
Flowering Dogwood*	<i>Cornus florida</i> and cultivars	20'-25'/20'-25'
Japanese Crapemyrtle	<i>Lagerstroemia fauriei</i>	25'/25'
Kousa Dogwood	<i>Cornus kousa</i> and cultivars	20'/20'
Paperbark Maple	<i>Acer griseum</i>	25'/15'-25'
Serviceberry (Juneberry)*	<i>Amelanchier arborea</i>	20'/20'
Sweetbay Magnolia	<i>Magnolia virginiana</i>	10'-20'/10'-20'
Trident Maple	<i>Acer buergerianum</i>	20'-25'/20'-25'
Winter King (Green) Hawthorn*	<i>Crataegus viridis</i> 'Winter King'	25'-30'/25'-30'

C. Evergreen Trees for Screening

American Holly	<i>Ilex opaca</i>	40'-50'/20'-40'
Atlas Cedar	<i>Cedrus atlantica</i>	60'/30'
Canadian Hemlock	<i>Tsuga Canadensis</i>	40'-70'/20'-35'
Carolina Hemlock	<i>Tsuga caroliniana</i>	40'-70'/20'-35'
Colorado Blue Spruce	<i>Picea pungens</i>	30'-60'/10'-20'
Eastern Red Cedar	<i>Juniperus virginiana</i>	40'-50'/15'-30'
Foster Holly	<i>Ilex attenuata</i> 'Fosteri'	12'-30'/6'-15'
Leyland Cypress	<i>Cupressocyparis</i>	60'-70'/8'-15'
Loblolly Pine	<i>Pinus taeda</i>	50'-90'/30'-40'
Virginiana Pine	<i>Pinus virginiana</i>	45'-55'/30'-40'
White Pine	<i>Pinus strobus</i>	50'-80'/20'-40'

D. Shrubs for Foundation Plantings and Screening

Burford Holly	<i>Ilex cornuta</i> 'Burfordii'
Carolina Cherry Laurel	<i>Prunus caroliniana</i>
English Holly	<i>Ilex aquifolium</i>
English Laurel	<i>Prunus laurocerasus</i>
Japanese Boxwood	<i>Bruxus microphylla japonica</i>
Japanese Yew	<i>Taxus cuspidate</i>
Leatherleaf Viburnum	<i>Viburnum rhytidophyllum</i>
Nellie R. Stevens Holly	<i>Ilex cornuta</i> 'Nellie R. Stevens'
Nandina	<i>Nandina domestica</i>
Silverberry	<i>Elaeagnus pungens</i>

E. Ground Covers

Blueridge St. Johnswort	<i>Hypericum buckleyi</i>
Creeping Juniper	<i>Juniperus horizontalis</i>
Evergreen Candytuft	<i>Iberis sempervirens</i>
Ivy	<i>Hedera</i>
Monkey Grass	<i>Liriope</i>
Periwinkle	<i>Vinca minor</i>
Wintercreeper euonymus	<i>Euonymus fortune</i>

CHAPTER 34 HISTORIC ZONING

- 14-3400. STATEMENT OF PURPOSE.
- 14-3401. HISTORIC DISTRICTS, LANDMAKRS AND LANDMARK SITES DEFINED.
- 14-3402. CREATION OF HISTORIC ZONING COMMISSION: COMPOSITION AND TERMS.
- 14-3403. POWERS OF THE HISTORIC ZONING COMMISSION.
- 14-3404. RULES OF ORDER (BY-LAWS).
- 14-3405. DESIGNATION OF HISTORIC DISTRICTS, LANDMARKS AND LANDMARK SITES.
- 14-3406. CERTIFICATES OF APPROPRIATENESS.
- 14-3407. CRITERIA FOR ISSUANCE OF CERTIFICATES OF APPROPRIATENESS.
- 14-3408. PROCEDURES FOR ISSUANCE OF CERTIFICATES OF APPROPRIATENESS.
- 14-3409. ECONOMIC HARDSHIP.

Chapter 34
Historic Zoning
(3415-04/19/2011)

14-3400. STATEMENT OF PURPOSE

In accordance with *Tennessee Code Annotated* Chapter 13, Part 4, a historic zoning ordinance is established for the City of Morristown to promote the health, safety, prosperity, education and general welfare of the people living in and visiting Morristown and Hamblen County.

More specifically, this historic zoning ordinance is designed to achieve the following goals:

- A. Protect, enhance, and perpetuate resources which represent distinctive and significant elements of the city's historical, cultural, social, economic, political, archaeological and architectural identity;
- B. Insure the harmonious, orderly and efficient growth and development of the city;
- C. Strengthen civic pride and cultural stability through neighborhood conservation;
- D. Stabilize the economy of the city through the continued use, preservation and revitalization of its historic resources;
- E. Promote the use of historic resources for the education, pleasure and welfare of the people of the City of Morristown;
- F. Provide a review process for the preservation and development of the city's historic resources.

14-3401. HISTORIC DISTRICTS, LANDMARKS AND LANDMARK SITES DEFINED

In order to achieve these goals, the historic district or landmark classification may be superimposed in addition to existing zoning classifications. A historic district shall be defined as a geographically definable area which possesses a significant individual structure or a concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and which meets one (1) or more of the following criteria:

- A. Associated with an event which has made a significant contribution to local, state or national history;
or
- B. It includes structures associated with the lives of persons significant in local, state or national history;
or
- C. It contains structures or groups of structures which embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. It has yielded or may be likely to yield archaeological information important in history or prehistory;
or

- E. It is listed in the National Register of Historic Places.

A landmark or landmark site shall be defined as an individual structure or site that possesses one or more of the criteria associated with a historic district.

14-3402. CREATION OF HISTORIC ZONING COMMISSION: COMPOSITION AND TERMS

In accordance with *Tennessee Code Annotated* 13-7-401, the city is authorized to establish a Historic Zoning Commission (HZN) to preserve, promote and develop the city's historical resources and to advise the City on the designation of historic districts, landmarks and/or landmark sites and to perform such other functions as may be provided by law.

- A. The HZN shall consist of no less than five (5) and no more than nine (9) members, which shall consist of:
1. A representative of a local patriotic or historical organization;
 2. An architect or engineer, if available;
 3. A person who is a member of the Morristown Regional Planning Commission at the time of his/her appointment; and
 4. The remainder shall be from the community in general, however all commission members shall have a demonstrated knowledge of or interest, competence or expertise in historic preservation, to the extent available in the community.
- B. Each member of the HZN shall be appointed by the Mayor, subject to confirmation by the City Council. The terms of members of the commission shall be five (5) years, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member, but not more than two (2) members, shall expire each year. All members shall serve without compensation. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the unexpired portion of the term. No member shall serve more than two (2) consecutive terms, with no limit on total terms served.

14-3403. POWERS OF THE HISTORIC ZONING COMMISSION

- A. The Historic Zoning Commission (HZN) shall conduct or cause to be conducted a continuing study and survey of historic resources within the City of Morristown.
- B. The HZN shall recommend to the City the adoption of ordinances designating historic districts, landmarks and/or landmark sites.
- C. The HZN may recommend that the City recognize sub-districts within any historic district in order that the commission may adopt specific guidelines for the regulation of properties within such a sub-district.
- D. The HZN shall review applications proposing construction, alteration, demolition or relocation of any resource within the historic districts, landmarks and/or landmark sites.
- E. The HZN shall grant or deny Certificates of Appropriateness and may grant Certificates of Appropriateness contingent upon the acceptance by the applicant of specified conditions.

- F. The HZC does not have jurisdiction over interior arrangements of buildings and structures except where such change will affect the exterior of the buildings and structures.
- G. The HZC, subject to the requirements of the City, is authorized to apply for, receive, hold and spend funds from private and public sources in addition to appropriations made by the City for the purpose of carrying out the provisions of this ordinance.
- H. The HZC is authorized to employ such staff or contract with technical experts or other persons as may be required for the performance of its duties and to obtain the equipment, supplies and other materials necessary for its effective operation.
- I. The HZC is authorized, solely in the performance of its official duties and only at reasonable times, to enter upon private land or water for the examination or survey thereof. No member, employee, or agent of the HZC shall enter any private dwelling or structure without the express consent of the owner of record or the occupant thereof.

14-3404. RULES OF ORDER (BY-LAWS)

To fulfill the purposes of this ordinance and carry out the provisions contained therein:

- A. The Historic Zoning Commission (HZC) annually shall elect from its membership a Chair and Vice-Chair. It shall select a Secretary from its membership or its staff. If neither the Chair nor the Vice-Chair attends a particular meeting, the remaining members shall select an acting Chair from the members in attendance at such meeting.
- B. The HZC shall develop and adopt rules of order (by-laws) which shall govern the conduct of its business, subject to the approval of the city. Such rules of order (by-laws) shall be a matter of public record.
- C. The HZC shall develop Design Review Guidelines for determining appropriateness as generally set forth in Section 14-3407 of this ordinance. Such criteria shall insofar as possible be consistent with local, state and federal guidelines and regulations including, but not limited to, building safety, fire codes and the Secretary of the Interior's Standards for Rehabilitation.
- D. The HZC shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations and decisions. All such material shall be a matter of public record.
- E. The HZC shall establish its own regular meeting time; however, once established, regular meetings shall be scheduled at least once every three (3) months. The Chair or any two (2) members may call a special meeting to consider an urgent matter. All meetings are public meetings and shall be open to the public at all times. Public notice of meeting times and places shall be given a minimum of seven (7) days prior to any meeting.

14-3405. DESIGNATION OF HISTORIC DISTRICTS, LANDMARKS AND LANDMARK SITES

By ordinance, the City may establish historic districts, landmarks and/or landmark sites within the area of its jurisdiction. Such historic districts, landmarks, and/or landmark sites shall be designated following the criteria specified in Section 14-3401.

- A. The Historic Zoning Commission (HZC) shall initiate a continuing and thorough investigation of the archaeological, architectural, cultural and historic significance of the city's resources. The findings shall be collected in a cohesive format, made a matter of public record and made available for public inspection. The commission shall work toward providing complete documentation for previously designated historic districts which would include:
 1. A survey of all property within the boundary of the district, with photographs of each building.
 2. A survey which would be in a format consistent with the statewide inventory format of the Tennessee Historical Commission (SHPO).
- B. The HZC shall advise the City on the designation of historic districts, landmarks and/or landmark sites and submit, or cause to be prepared, ordinances to make such designation.
- C. Resource(s) may be nominated for designation upon motion of three members of the HZC, or by an organization interested in historic preservation, or by an owner of the property being nominated. A nomination shall contain information as specified by the HZC. The HZC must reach a decision on whether to recommend a proposed nomination to the city within six (6) months in the case of a historic district and two (2) months in the case of either a landmark or landmark site. After six (6) months for a district and two (2) months for a landmark or landmark site, if no action has been taken by the HZC, the nomination shall proceed to the Morristown Regional Planning Commission for their recommendation to the City Council.
- D. The HZC shall hold a public hearing on the proposed historic district, landmark or landmark site. If the HZC votes to recommend to the City the designation of a proposed resource, it shall promptly forward to the Morristown Regional Planning Commission its recommendation in writing.
- E. The HZC recommendations to the Morristown Regional Planning Commission for designation of a historic district shall be accompanied by:
 1. A map of the historic district that clearly delineates the boundaries;
 2. A written boundary description and justification;
 3. A written statement of significance for the proposed historic district.
- F. Upon recommendation by the Morristown regional Planning Commission, the City Council shall conduct a public hearing, after notice, to discuss the proposed designation and boundaries thereof. A notice of the hearing shall be published in a newspaper in the City of Morristown or Hamblen County.
- G. Once approved, the HZC shall notify, as soon as is reasonably possible, the appropriate state, county and municipal agencies of the official designation of all historic districts, landmarks and/or landmark sites. An updated list and map shall be provided to such agencies and be made available to the public.

14-3406. CERTIFICATES OF APPROPRIATENESS

No exterior feature of any resource shall be altered, added to, relocated or demolished until after the Historic Zoning Commission (HZC) has approved an application for a Certificate of Appropriateness of such work. Likewise, no construction which affects a resource shall be undertaken without a Certificate of Appropriateness. Therefore,

- A. The HZC shall serve as a review body with the power to approve and deny applications for Certificates of Appropriateness.

- B. In approving and denying applications for Certificates of Appropriateness, the HZC shall accomplish the purposes of this ordinance.
- C. A Certificate of Appropriateness shall not be required for work deemed by the HZC to be ordinary maintenance or repair of any resource.
- D. The decisions of the HZC shall be in writing and shall state the findings of the commission, its recommendations and the reasons therefore.
- E. Expiration of a Certificate of Appropriateness: A Certificate of Appropriateness shall expire twelve (12) months after its issuance. When a certificate has expired, an applicant may seek a new Certificate.
- F. Re-submittal of Applications: Twelve months after denial of an application for a Certificate of Appropriateness, the application may be re-submitted without change. A changed application may be re-submitted at any time.

14-3407. CRITERIA FOR ISSUANCE OF CERTIFICATES OF APPROPRIATENESS

The Historic Zoning Commission (HZC) shall use the *Secretary of the Interior's Standards for Rehabilitation* as the basis for Design Review Guidelines created for each historic district or landmark and the following general criteria in granting or denying each Certificate of Appropriateness:

A. General Factors:

- 1. Architectural design of existing building, structure or appurtenance and proposed alteration;
- 2. Historical significance of the resource;
- 3. Materials composing the resource;
- 4. Size of the resource;
- 5. The relationship of the above factors to, and their effect upon the immediate surrounding historic district and its architectural and historical character and integrity.

B. New Construction:

- 1. The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related, including but not limited to: height, gross volume, proportion between width and height of the façade(s), proportions and relationship between doors and windows, rhythm of solids to voids created by openings in the façade, materials, textures, patterns, trims and roof design.
- 2. Existing rhythm created by existing building masses and spaces between them shall be preserved.
- 3. The Landscape Plan, if applicable, shall be compatible with the resource, and it shall be visually compatible with the environment with which it is visually related. Landscaping shall also not prove detrimental to the fabric of a resource or adjacent public or private improvements such as sidewalks or walls.
- 4. No specific architectural style shall be required.

C. Exterior alteration:

- 1. All exterior alterations to a buildings, structure, object, site or landscape feature shall be

compatible with the resource itself and other resources with which it is related. The design, over time, of a building, structure, object or landscape feature shall be considered in applying these standards.

2. Exterior alterations shall not adversely affect the architectural character or historic quality of a landmark and shall not destroy the significance of landmark sites.

D. Demolition: In considering an application for the demolition of a landmark or a resource within a historic district, the following shall be considered:

1. The individual architectural, cultural and/or historical significance of the resource;
2. The importance or contribution of the resource to the architectural character of the district;
3. The importance or contribution of the resource to neighboring property values; and
4. The difficulty or impossibility of reproducing such a resource because of its texture, design, material or detail.
5. Prior to receiving demolition or new construction permits, the applicant must receive approval for demolition from the HZC.
6. Applicants that have received a recommendation for demolition from the HZC shall be required to receive a demolition permit as required by the City.

14-3408. PROCEDURES FOR ISSUANCE OF CERTIFICATES OF APPROPRIATENESS

No building permit shall be issued by the Chief Building Official which affects a designated resource without a Certificate of Appropriateness. In the event that a building permit need not be obtained for construction, alteration, demolition or relocation of any designated resource, a Certificate of Appropriateness is still required before such work can be undertaken. Such application shall be reviewed in accordance with the following procedure:

- A. When any such application is filed, the Chief Building Official shall immediately notify the HZC Chair, Vice-Chair or staff representative of the application being filed.
- B. The HZC Chair or Vice-Chair shall set the agenda for the regular meeting date, or set a time and date which shall be not later than thirty (30) days after the filing of the application for a hearing by the HZC.
- C. The applicant shall, upon request, have the right to a preliminary hearing by the HZC for the purpose of making any changes or adjustments which might be more consistent with the Design Review Guidelines.
- D. Not later than fifteen (15) days before the date set for the said hearing, the HZC or its staff representative shall mail notice thereof to the applicant at the address in the application and to all members of the HZC.
- E. Notice of the time and place of said hearing shall be given by publication in a newspaper having general circulation in the City of Morristown or Hamblen County.
- F. At such hearing, the applicant for a Certificate of Appropriateness shall have the right to present any relevant evidence in support of the application. Likewise, the governing body and the public shall have the right to present any additional evidence relevant to the application.

- G. Either at the meeting or within not more than fifteen (15) days after the hearing on an application, the HZC shall act upon it, either approving, approving with conditions, denying or deferring action until the next meeting of the HZC, giving consideration of the factors set forth in Section 14-3407 hereof. Evidence of approval of the application shall be by Certificate of Appropriateness issued by the HZC, and whatever its decision, notice in writing shall be given to the applicant and to the Chief Building Official.
- H. The issuance of a Certificate of Appropriateness shall not relieve an applicant for a building permit, special use permit, variance or other authorization from compliance with any other requirement or provision of the laws of the City concerning zoning, construction, repair or demolition.

14-3409. ECONOMIC HARDSHIP

No decision of the Historic Zoning Commission (HZC) shall cause undue economic hardship. If a Certificate of Appropriateness request has been denied, an applicant may request a hearing on economic hardship. At no time will an application for economic hardship be determined simultaneously with an application for a Certificate of Appropriateness.

If a Certificate of Appropriateness has been denied to a property owner within a historic district or for a landmark or landmark site, the property owner has the right to present evidence to the HZC that such denial has deprived the owner of reasonable use or economic return of the property.

A. Application for Certificate of Economic Hardship

Application for a Certificate of Economic Hardship shall be made on a form available from the HZC. The following information shall be submitted with an application for Certificate of Economic Hardship:

1. A statement detailing the condition(s) leading to economic hardship. The application should discuss the circumstances under which denial of a Certificate of Appropriateness has led or will lead to deprivation of reasonable use, or reasonable economic return of the property. The standards which the HZC shall go by to determine economic hardship include the following:
 - a. That by reason of the exceptional deterioration of the structures or by reason of the particular economics of the proposed project, the strict application of the Design Review Guidelines would result in peculiar and practical difficulties or undue economic hardship upon the owner.

CHAPTER 35
REGIONAL GATEWAY COMMERCIAL DISTRICT

SECTION

- 14-3501. PURPOSE.
- 14-3502. PERMITTED USES.
- 14-3503. LOT REQUIREMENTS AND SETBACKS.
- 14-3504. SITE AND BUILDING REQUIREMENTS.
- 14-3505. VIEW FROM GATEWAYS.
- 14-3506. REVIEW AND APPROVAL.

Chapter 35
(RGC) Regional Gateway Commercial District
(3450-09/04/2012)

14-3501. PURPOSE

The Regional Gateway Commercial District provides a higher standard of appearance for transportation corridors that serve as the main entrances to the community. The purpose of this district is to distinguish the entry points into the city from other areas, enhance the visual appearance to motorists, tourists, visitors, and prospective investors and citizens of the natural and built environment. The City takes pride in being a community in control of its future. The city affirms that the quality of the physical environment has a direct bearing on its livability and its economic prosperity.

14-3502. PERMITTED USES

Permitted uses are limited to those in the underlying zoning districts.

The following uses shall not be permitted:

1. Adult Entertainment
2. Automobile Salvage Yards
3. Incinerators
4. Junkyards
5. Methadone Treatment Facilities
6. Pain Clinics
7. Recycling Facilities
8. Sanitary Landfills

14-3503. LOT REQUIREMENTS AND SETBACKS:

The following minimum requirements shall apply in the Gateway Overlay district. Additional requirements, exceptions and modifications are set forth in this title for the underlying districts; the more restrictive shall apply.

- A. Lot Area: Requirements specified in the underlying district shall apply.
- B. Lot Width: Requirements specified in the underlying district shall apply.
- C. Setbacks: No commercial or industrial building or structure (excluding permitted signage) may be constructed, placed, or erected on any Lot nearer than fifty feet (50 ft.) to the right-of-way line of any Street that is classified as an arterial street in the City of Morristown Major Thoroughfare Plan; or nearer than thirty feet (30 ft.) to any property line, and no parking lot shall be constructed nearer than five feet (5 ft.) to the right-of-way line of any street or property line except where access to public streets or adjoining properties is proposed. Lots under 200 feet in depth shall meet the setback requirements of the underlying zoning district (3459-12/04/2012). Residential and Mixed Use buildings and structures shall follow the requirements specified in the underlying district.

14-3504. SITE AND BUILDING REQUIREMENTS

Multi-family, commercial and industrial properties abutting gateways or their frontage road shall meet the following site standards:

- A. Buildings & Similar Structures: The exterior solid wall of all buildings and similar structures constructed, placed or erected on the land shall be composed of face brick, stone, masonry material or stucco to finish grade, vinyl, metal siding, wood or fabricated wood. A building elevation plan shall be submitted as part of the site plan approval process.
- B. Signage: Signage allowed in the underlying district shall apply. However, No Temporary signage shall be allowed within the rights-of-ways. In addition to the signs allowed within that district, Planned Commercial Developments and Industrial Uses with a combined retail use shall be permitted one Highway Identification Sign. A "Highway Identification Sign" shall be oriented towards the major highway (Interstate 81). The "Highway Identification Sign" may be permitted up to one hundred twenty-five (125) feet in height, and four hundred (400) square feet per sign face with a maximum of two sign faces. If the visibility is such that a sign less than one hundred twenty-five (125) feet in height or four hundred (400) square feet can be identified 1,275 feet from the exit ramp, the Planning Commission may direct the sign height and dimensions be less than stated. An elevation plan of the proposed signage shall be submitted as part of the site plan.
- C. Landscaping and Buffer yards: Plantings used to fulfill the requirements of the City guidelines shall be grouped for visual impact from the gateways, located to accentuate the building and maximize environmental benefits. Each lot shall contain a minimum of two (2) trees for each forty feet (40 ft.) of frontage. Each tree shall be at least three inches (3") in caliper when planted. 50% of the total amount of required Trees shall be evergreen. A Landscaping plan illustrating these requirements shall be submitted as part of the site plan approval process.
- D. Lighting: Any lighting used to illuminate an off street parking area, sign or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets and shall only illuminate the ground or building. This section shall not apply to sports stadiums and athletic fields or to public recreational facilities.
- E. Storage and Display shall not be stored in the open or exposed to public view or view from the Adjacent Land or any improvements. Any storage shall be fenced with a screening fence of permanent construction designed of materials used in the principal structure. No screening or fencing shall be less than eight feet (8 ft.) in height. All storage shall be limited to the rear of any building improvements and in no event shall any materials or equipment be stored closer than ten feet (10 ft.) to any side or rear property line. Dumpster's must be screened with one of the following: Brick, stone or masonry walls, picket fence style gate or solid metal gate, or evergreen trees.

14-3504. VIEW FROM GATEWAYS

Development plans for property adjacent to gateways or their frontage roads shall include both building elevation and vista drawings. Context and compatibility with neighboring buildings shall be considered in the plan review.

14-3506. REVIEW AND APPROVAL

All development plans, site plans, landscaping and lighting plans herein described shall be approved by the Morristown Regional Planning commission prior to the issuance of a building permit to begin construction.