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# ZONING RESOLUTION FOR ROANE COUNTY, TENNESSEE

## ARTICLE I - Introduction

### Section 101 – Title

The regulations and provisions of this Resolution of Roane County including amendments and the zoning district map made a part hereof, shall be referred to and cited as the Roane County Regional Zoning Regulations.

### Section 102 - Intent and Purpose

As provided in Section 13-7-103 of the Tennessee Code Annotated, this resolution is adopted to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the state and it's counties. Specifically, it is intended to lessen congestion on roads or reduce the wastes of excessive amounts of roads, secure safety from fire and other dangers; promote adequate light and air, including access to sunlight for solar energy systems; prevent both excessive concentrations of population and excessive and wasteful scattering of population or settlement; promote such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and conserve adequate provisions for transportation, water flowage, water supply, drainage, sanitation, educational opportunity, recreation, soil fertility, food supply, and the protection of urban and non-urban development.

### To carry out such intent and purpose, the Zoning Regulations shall:

- (a) Divide the County into districts of such number, shape, area, and of such different classes to carry out the intent and purpose of this Resolution.
- (b) Classify, regulate, and restrict the location of land uses and the location of buildings designed for industrial, business, residential, and other uses;
- (c) Establish, regulate, and limit building or setback lines within said districts;
- (d) Regulate and limit the density of the use of land, and the area of open space surrounding buildings;
- (e) Prohibit uses, buildings, or structures incompatible with the character of such districts;
- (f) Prohibit additions to and alteration or remodeling of existing buildings or structures, which violate the restrictions and limitations lawfully imposed by the Zoning Regulations.

### **Section 103 – Authority**

The Zoning Resolution is adopted pursuant to the general powers granted counties by the Tennessee General Assembly to adopt regional zoning plans covering the whole or a part of a planning region. These powers are included, but not limited to the provisions of Titles 5 and 13 of the Tennessee Code Annotated.

### **Section 103.1 – Effect**

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

### **Section 103.2 – Agricultural Uses and Structures**

#### 103.2.1

This resolution shall apply to those areas of Roane County, Tennessee which are located outside the corporate boundaries of the municipalities.

#### 103.2.2

The requirements of this resolution shall be limited by the provisions of the Tennessee Code Annotated, Section 13-7-114, with respect to regulations on agricultural structures and lands. However, based on the passage of State of Tennessee Private Acts, Roane County is authorized to require building permits prior to construction of all buildings, and to enforce that requirement through utility connection policy and other means. The Roane County Board of Commissioners has established administrative procedures and policies regarding a system of permits for proposed buildings.

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### **Section 103.3 – Non-conforming Uses and Structures**

**Uses and structures existing at the time of the adoption of this Resolution, which are not in compliance with the provisions of these regulations, shall be allowed to continue subject to the conditions stated below.**

- (a) An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same or higher classification, provided however, the establishment of another shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board may require in order to protect the area.
- (b) No approval shall be required for normal maintenance and repairs on lawfully non-conforming structures.

- (c) Nonconforming uses or structures which are vacated or discontinued for 365 calendar days shall not be reestablished, except after approval by the Planning Commission.
- (d) Lawfully nonconforming structures, which are damaged or destroyed by accidental cause or natural calamity, may be repaired or rebuilt, but every reasonable effort shall be made to comply with this Resolution.
- (e) Acceptable documentation of the legitimate existence of a use or structure shall include the land use or property codes indicated by data from the Roane County Assessor of Property.
- (f) No action by the Regional Planning Commission of jurisdiction, the Roane County Board of Zoning Appeals, or other official shall allow the creation or establishment of uses or structures which do not comply with the requirements of this Resolution.

#### **Section 103.4 – Expansion of Existing Industrial, Commercial, Business Establishments**

Industrial, commercial, or other business establishments in operation and permitted to operate prior to the adoption of this Resolution 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 before that adoption; provided, that there is a reasonable amount of space for such expansion on the property owned by such industry or business to avoid nuisances to adjoining landowners.

#### **Section 104 - Conflict With Other Laws**

Should any requirement, regulation, procedure or development standard conflict in any manner with any other law, rule or regulation of any local, state or federal governmental body or administrative agency, then the stricter law, rule or regulation shall be applied. It is not intended for this set of regulations to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Resolution imposes a greater restriction upon the use of property or premises or upon the height of buildings, or requires greater space than is imposed or required by other resolutions, rules or regulations, or by easements, covenants or agreements, the provisions of this resolution shall govern.

#### **Section 105 - Validity and Severability**

If any paragraph, subparagraph, sentence, clause, phrase, section or any portion of this Resolution be declared invalid or unconstitutional by any Court of competent jurisdiction, or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid, or the application of this Resolution or other circumstances not so held to be invalid. It is hereby declared to be the intent of the Roane County Commission to provide for severable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

## **Section 106 - Establishment of Districts**

### **Section 106.1 - Districts**

For the purposes of this ordinance, the unincorporated area of Roane County is hereby divided into the following districts:

- A-1      Agricultural District
- A-2      Developing Agricultural District
- R-1      Single Family Residential District
- R-2      Single Family and Two Family Residential
- R-3      Multiple Family Residential District
- MHP     Manufactured Home Park District
- C-1      General Commercial District
- C-2      Highway Commercial District
- RB       Rural Business District
- OI       Office/Institutional District
- I-1      Light Industrial District
- I-2      Medium Industrial District
- I-3      Heavy Industrial District
- PUD     Planned Unit District
- R-4      Multi-Use, Residential Commercial PUD
- F-1      Floodway District

## **Section 107 - District Boundaries**

### **Section 107.1 Incorporation of the Zoning Map.**

The boundaries of the above described districts are hereby established as shown on the map, entitled "Official Zoning Map, Roane County, Tennessee" adopted on \_\_\_\_\_ by the Roane County Commission. This map shall be the official zoning map of Roane County and is hereby made a part of this zoning ordinance as if fully set forth herein. Said map is a public record and shall be kept on file at the Roane County Zoning Office.

### **Section 107.2 - Map Amendment**

If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other information portrayed on the Official Zoning Map, such changes shall be made on the Map promptly after the amendment has been approved by the Roane County Commission.

### **Section 107.3 - Rules for Determining District Boundaries**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

Unless otherwise indicated, the district boundaries are indicated as approximately following property lines, streets, highways, alleys, or railroads, shorelines of streams, reservoirs, or other bodies of water, or civil boundaries, and they shall be construed to follow such lines.

Where district boundaries are approximately parallel to the center lines of streets, highways, or railroads, or rights-of-way of the same, or the centerlines of streams, reservoirs, or other bodies of water, or said lines extended, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.

## **ARTICLE II - Definitions**

### **Section 201 - Rules of Construction**

Words and phrases, which are not defined, shall be given their dictionary meaning except where the context clearly indicates a different or specific meaning. Unless a contrary intention is clearly apparent, the following words and phrases shall have for the purposes of this Resolution the meanings given in the following clauses.

- (a) Words used in the present tense include the future.
- (b) The singular includes the plural and vice versa.
- (c) The masculine gender includes the feminine and the neuter.
- (d) The term "shall" is mandatory; the term "may" is permissive.
- (e) The word "herein" means "in this Zoning Regulation,"
- (f) The word "person" includes a corporation, a partnership, or an association as well as an individual.
- (g) The word "lot" includes the word "plot" or "parcel."
- (h) The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."
- (i) The term "County" means Roane County, Tennessee
- (j) "Planning Commission" refers to a Municipal Regional Planning Commission or the Regional Planning Commission of Roane County, Tennessee.
- (k) "Board" means the Board of Zoning Appeals of Roane County, Tennessee.

## **Section 202 - List of Definitions**

**Other words appearing in the text of these regulations shall be construed as set forth in this Article.**

**Accessory uses:** The term applied to a building, structure or use which: (1) is subordinate to and serves a principal building or principal use; (2) is subordinate in area, extent, or purpose to the principal building or principal users or occupants of the principal building or principal use; and (3) is located on the same lot as the principal building or principal use.

**Adult Oriented Businesses:** One in which: (a) at least thirty (30) percent of the floor stock merchandise, whether printed, video, sexual aid devices, are oriented toward the adult population and appeals to prurient interests. Such merchandise generally depicts male or female genitalia and/or breasts and or sexual acts; (b) the business appeals to prurient interests by regularly featuring male or female dancers, models, waiters, waitresses, or bartenders either nude, semi-nude, and/or exposing directly by lack of covering or clothing or transparently by the use of materials such as falsies, g-string or similar items/articles which allows the direct or indirect viewing of human genitalia, or breasts as an attraction to the establishment.

**Airport:** Any ground or water surface that is used or intended for use for non-emergency landing and takeoff of aircraft.

**Buffer:** An area of land undeveloped except for landscaping, fences, etc., used to protect a use situated on one (1) lot from the deleterious effects of the use on the adjacent lot.

**Building:** Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from all other structures by space or walls in which there are no communicating doors, windows, or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals or chattels.

**Building height:** The vertical distance measured from the curb grade or its equivalent established grade at a point midway between the two side lot lines to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; provided that where buildings are set back from street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building.

**Building inspector:** The officer(s) charged with the administration and enforcement of these zoning regulations.

**Building permit:** A permit issued by the Zoning Office prior to the initiation of construction, certifying that the plans for the building, structure or site improvements for which the building permit is requested satisfy all applicable statutes, and regulations (Resolutions).

**Building, principal:** A building in which is conducted the principal use of the lot on which the structure is situated.

**Campgrounds/campsites:** Any property on which any type of camping facilities, including but not limited to, camping trailers, truck campers, travel trailers, motor homes, tents, and/or spaces for these to be placed, are rented or leased by the owner or their designee, by lease or otherwise to another party for the purpose of staying overnight.

**Caretaker or employee residence:** An accessory residence located inside or in addition to the principal structure or use of a parcel or tract of land. Said residence must be occupied by a bona fide caretaker, employee, or the owner himself as necessary to the property's orderly operation or safety.

**Carry-out restaurant:** An establishment where food including frozen deserts and/or beverages are primarily sold in a packaged, ready-to-consume state, intended for consumption by the customer off the premises.

**Certificate of zoning compliance:** Certification by the Roane County Zoning Office that a proposed use complies with the standards and regulations of this Resolution .

**Child care center:** An organized group program for the care of five (5) or more children away from their home for any part of a 24-hour day, for compensation or otherwise.

**Collective sewer:** Any sewage treatment system which serves more than one lot and is approved by the Tennessee Department of Environment and Conservation (TDEC) and the Roane County Health Department.

**Commercial agricultural use:** Good faith commercial production of agricultural products as the primary use including horticultural, floricultural, forestry, dairy, poultry, aquatic and aparian products.

**Condominium:** A type of multi-family dwelling in which each unit is owned by the occupant but in which the halls, entranceways, and underlying land are owned jointly.

**County road:** Any road, highway or street that has been approved and accepted by the Roane County Road Committee and Roane County Commission, which is listed on the Roane County road list, and is maintained by the Roane County Highway Department.

**Density:** The number of residential units that may be constructed per acre or per square feet of a lot area.

**Dilapidated structure/building:** A decayed, deteriorated or partially ruined structure or building. No dilapidated structure/building is allowed in any district.

**Drive-in:** A retail or service enterprise where service is provided to the consumer on the outside and/or inside of the principal building, the term "drive-in" includes drive-in restaurants and dairy bars, theaters, banks, laundries, food stores, and/or car washes.

**Easement:** A grant to a person or the public by a property owner of an area of land for a road right-of-way or other specified purposes.

**Family:** One or more persons permanently occupying a single residential unit, provided that unless all members are related by blood or marriage, no such family shall contain over four (4) persons, but further provided that domestic employees may be housed on the premises or in an accessory building. The term "family" does not include any organization or institutional group.

**Family cemetery:** A cemetery used exclusively for family members.

**Fast food restaurant:** Any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either (1) foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic, or other disposable containers, and where customers are not served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed, or (2) the establishment includes a drive-up or drive-through service facility or offers curb services.

**Feedlot:** A lot, yard, corral or other area in which livestock are confined, primarily for the purposes of feeding, growing, raising or birthing prior to slaughter. Feedlot does not include areas which are used for the raising of crops or other vegetation upon which livestock are allowed to graze or feed.

**Flag lot:** A lot or parcel of land where the major portion of the lot area is removed from the street. Also known as a "Pipestem" or "panhandle" shaped lot with its widest point set back from the road at the rear of another lot (called the pipe), and having a thin strip of land connecting to the road to provide legal access and frontage (called the stem).

**Floor area:** "Floor area" or "gross leasable floor area" shall mean the total interior floor area of a building or structure measured at the inside face of the exterior walls but excluding stairwells, lobbies, common corridors and other nonleasable circulation areas, elevator shafts and space occupied by mechanical equipment or space related to the operation and maintenance of the building as well as that floor surface covered by walls or partitions enclosing these common areas or elements of a building.

**Ground coverage:** The area of a lot occupied by all buildings and parking expressed as a percentage of the gross area of the lot. Driveways should not be included in the percent coverage but parking pads or areas, porches, decks, patios, pools, tennis courts, sheds, and other accessory uses shall be included.

**Gross acreage:** The total acreage of a lot prior to making site improvements.

**Guest house:** Living quarters situated within a detached or semi-detached accessory building located on the same premises with the principal building, such quarters shall: (a) be no larger in size than 600 square feet; (b) be used only by a bona fide nonpaying guest(s) or relative(s) of the occupants of the premises and (c) not be rented or otherwise used as a permanent residence.

**Home occupation:** An occupation or profession conducted entirely within a residence, whether for free or for charge (a) which is the bona fide residence of the principal practitioner; (b) in which no other person is engaged in the occupation in excess of one employee of the principal practitioner; (c) where the architectural style is not changed from its residential character; (d) at which no outside storage or display shall be allowed. Home Occupations may include, but are not limited to beauty shops, barber shops, professional offices, and minor repair services. Home Occupations shall not include the repair and/or maintenance of motor vehicles, large scale manufacturing or any use which will create excessive noise, noxious odors or any hazard that may endanger the health, safety or welfare of the neighborhood.

1 **Hotel (Motel):** An establishment consisting of a group of attached or detached living or sleeping  
2 accommodations, each with a bathroom, located on a single lot and designed for use by the  
3 traveling public and tourists, and furnishing customary hotel services.  
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5 **House, site built:** A house constructed element by element at the site, as opposed to one that is  
6 prefabricated or built by “systems” or a mobile home.  
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8 **Junk yard:** Any land or structure used for a salvaging operation, including but not limited to:  
9 the storage and/or sale of waste paper, rags, scrap metal, and discarded materials; the  
10 collection, dismantlement, storage, or salvage of two (2) or more unlicensed, inoperative  
11 vehicles.  
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13 **Kennel, Kennels:** A kennel is an establishment in which more than six (6) dogs or other types  
14 of domesticated animals, used for pets, more than one year old, are housed, groomed, bred,  
15 boarded, trained or sold.  
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17 **Landfill:** A disposal site where solid wastes, other than putrescible wastes or hazardous  
18 wastes, are disposed of on land by placing an earth cover thereon.  
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20 **Landfill sanitary:** A disposal site where solid wastes, including putrescible wastes but not  
21 hazardous wastes, are disposed of on land by placing an earth cover thereon.  
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23 **Livestock:** All equine as well as animals which are being raised primarily for use as food or  
24 fiber for human utilization or consumption including, but not limited to cattle, swine, sheep,  
25 goats and poultry.  
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27 **Loading space, off street:** Space logically and conveniently located for bulk pickups and  
28 deliveries, scaled to delivery vehicles expected to be used, design standards for which are  
29 contained in this Resolution.  
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31 **Lot (site, parcel, tract, development area):** A developed or undeveloped tract of land legally  
32 transferable as a single unit.  
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34 **Lot frontage:** That dimension of a lot measured along the front line thereof, or if said front  
35 street line is curved, along the chord of the arc.  
36

37 **Lot of record:** A lot which is part of a subdivision recorded in the office of the county register  
38 of deeds, or a lot described by metes and bounds, the description of which has been recorded in  
39 the office of the county register of deeds prior to the effective date of this zoning resolution.  
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41 **Lot width:** The distance between the side lot lines measured at the minimum front yard  
42 (building) setback line.  
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44 **Manufactured home:** A detached dwelling constructed primarily off-site and designed to be  
45 transported on flatbed truck or trailer; provided the structure is installed on a permanent  
46 concrete or masonry foundation with permanent sewer and water connection. Such structures  
47 shall have the same appearance as required for site-built homes and shall comply with all  
48 requirements of the existing building codes. Such structures are distinguished from mobile  
49 homes as described elsewhere in this ordinance. This type of structure is sometimes referred to  
50 as a “double wide.”  
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1 **Manufactured home space:** A plot of ground within a manufactured home park designated for  
2 the accommodation of one manufactured or mobile home.  
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4 **Manufactured home subdivision:** A subdivision designed and intended for residential use  
5 where residence is primarily in manufactured or mobile homes.  
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7 **Mini warehouse:** A building or portion thereof used for dead storage, mainly of the excess  
8 personal property of an individual or family, but also of small amounts of goods or  
9 merchandise for businesses or individuals. Mini-warehouses shall not include retail sales on  
10 the premises, commercial repair or other services, manufacturing or any commercial use.  
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12 **Mining (Mine):** An excavation in the earth from which ore or minerals can be extracted.  
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14 **Mixed use occupancy:** Buildings and lots which contain more than one (1) use which can be  
15 reasonably identified as principal uses.  
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17 **Mobile home:** A factory manufactured structure constructed as a single self-contained unit  
18 mounted on a single chassis, and designed for transportation after fabrication on streets or  
19 highways on its own wheels. This type of structure is sometimes referred to as a "single wide."  
20 Travel trailers, camping trailers, truck campers, and motor homes are not to be considered  
21 mobile homes.  
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23 **Mobile home park:** A parcel of land, or adjoining parcels, owned by the same person(s) that is  
24 used, to accommodate more than two mobile or manufactured homes for a longer period of  
25 time than 30 days. Mobile homes located within such park are used only to provide living and  
26 sleeping accommodations; a mobile home park does not include an automobile or mobile home  
27 sales lot on which unoccupied mobile homes are parked for inspection or sale.  
28

29 **Motor home:** A motorized vehicle, designed and/or maintained for use as a temporary  
30 residence or sleeping place for travel or recreation purposes exclusively, having no foundation  
31 other than wheels or jacks.  
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33 **Nonconforming land use or structure:** Any building, structure, or use of land lawful at the  
34 time of passage or amendment of this Resolution which does not conform, after the passage or  
35 amendment of this Resolution, with the regulations of the district in which it is located.  
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37 **Nonconforming lot of record:** An unimproved lot which does not comply with the lot size  
38 requirements for any permitted use in the district in which it is located.  
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40 **Nursing home:** A facility in which three or more persons not of the immediate family are kept  
41 and which (1) provides nursing services on a continuing basis; (2) admits the majority of the  
42 occupants upon the advice of physicians as ill or infirm persons requiring nursing services; (3)  
43 provides for licensed physicians service or supervision; and (4) maintains medical records.  
44 Such facilities may also provide other and similar medical or health services.  
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1 **Off-street parking:** A permanently surfaced parking area, connected by a permanently surfaced  
2 driveway to a street or alley to permit ingress or egress with room for opening doors on both  
3 sides, together with properly related access to a public street with associated maneuvering  
4 room. Design standards and required number of parking spaces shall be approved by the  
5 Planning Commission.  
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7 **Overgrown vegetation:** Excessive, untrimmed weeds, grass, and/or brush that may endanger  
8 the safety and health of the public.  
9

10 **Parking space:** A surfaced area, exclusive of driveways, permanently reserved for the  
11 temporary storage of one (1) automobile and connected with a street or alley by driveway.  
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13 **Permitted use:** A use by right which is specifically authorized in a particular zoning district.  
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15 **Planned development:** A tract of land planned for development, under single ownership or  
16 control in accordance with Roane County Subdivision requirements, which by virtue of such  
17 unified planning and development, provides greater amenities, convenience or other benefits  
18 than would have otherwise been provided through the development of diverse smaller tracts  
19 under multiple ownership.  
20

21 **Plat:** A map, plan or layout showing the subdivision of land and indicating the location and  
22 boundaries of individual lots, both existing and proposed.  
23

24 **Principal use:** The primary or predominant use of land, structures, or improvements as  
25 distinguished from a secondary or accessory use.  
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27 **Private cemetery:** See Family Cemetery  
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29 **Professional and business offices:** Offices used for the conducting of business related  
30 activities, excluding the sale of merchandise or storing of merchandise on the premises.  
31

32 **Public uses:** Buildings and other uses of land to accommodate the functions of governmental  
33 entities, departments and services including but not limited to off-street parking, office,  
34 administrative, maintenance, educational and recreational facilities.  
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36 **Quarry:** An open excavation or pit from which stone is obtained by digging, cutting or  
37 blasting.  
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39 **Recreational vehicle:** As defined by Section 68-126-202 in the Tennessee Code Annotated,  
40 this is a vehicular type unit primarily designed as temporary living quarters for recreational,  
41 camping or travel use built on or permanently attached to a self-propelled motor vehicle  
42 chassis or on a chassis cab or van which is an integral part of the completed vehicle. The basic  
43 entities classified as "recreational vehicles" are: travel trailers, camping trailers, truck campers  
44 and motor homes.  
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**Recreational vehicle park:** A parcel of land which is used solely for the rental or lease of lots for transient campers, trailers, motor homes or temporary parking of any other recreational vehicle that is not a mobile home.

**Residence:** A building or portion thereof which is designed or used exclusively for residential purposes including single family, two family, multiple family residences, rooming and boarding houses, fraternities, dormitories, manufactured homes, and modular residences, but not including hotels or motels.

**Residence, attached single family:** Two or more single family residences each attached on one or more sides (or having a zero side yard setback) and intended for occupancy either on individually owned lots or on a site owned in condominium.

**Residence, detached single family:** A residence designed for single family occupancy and entirely surrounded by a yard or other separation from buildings or adjacent lots.

**Residence, multiple:** A building or portion thereof designed for three or more residential units or by three or more boarders or roomers.

**Residence, permanent:** The place in which the person's inhabitation is fixed, and to which, whenever the person is absent, the person has a definite intention to return to live.

**Residence, two family:** A detached residential building containing two residential units, designed for occupancy by not more than two families living independent of each other.

**Residence, zero lot line:** See Attached Single Family.

**Residential unit:** One room, or rooms connected together, constituting a separate, independent housekeeping establishment, containing independent cooking, sleeping and toilet facilities and which are physically separated from any other residential units which may be in the same structure.

**Restaurant:** A building that prepares and serves food to customers; including sit down, fast food, drive-thru, and drive-in facilities.

**Right-of-way:** A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or private access drive. The usage of the term "right-of-way" for land-platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

**Road:** See Street.

**Road, public:** See Street Public.

**School, nursery and kindergarten:** A school designed to provide early childhood education for children ages three (3) through six (6). Such schools shall provide at least 100 square feet of outdoor play area for each child; such play areas shall be enclosed by a fence of at least three feet six inches in height.

**Screening:** A method of shielding or buffering one use from another by fencing, walls, berms, or densely planted vegetation.

**Service station, automobile:** Building and/or lot where gasoline, oil, grease, batteries, tires and other automobile accessories may be sold at retail where the business of general motor vehicle service and minor repair is conducted; but where no part of the premises is used for the storage of dismantled or wrecked vehicle parts.

**Setback:** The minimum allowable horizontal distance between the front, rear and side lines of the lot, and the front, rear or side lines of the building. The term "minimum setback" means a line beyond which a building is not permitted to extend under the provisions of this Resolution.

**Sign:** Every outdoor advertising device, billboard, poster panel, freestanding ground sign, sign painted on a wall, window, marquee, awning or canopy, and shall include any announcement, declaration, demonstration, display, ribbon, banner, illustration, or insignia used to advertise or promote the interests of any person, group, organization, corporation, or other legal entity, when the same is placed in view of the general public traveling along a public street right-of-way.

**Site built house:** See House, site built.

**Stable, private:** A stable for horses, mules or other draught animals which is maintained for private use of the owner or lessee and which is not open to the public or operated as a commercial establishment.

**Stable, public, commercial:** A stable other than a private stable with a capacity of more than two horses or mules or other draught animals for which a fee is paid for the care, keeping, breeding or other services relating to the use of the above mentioned animals.

**Street:** A general term denoting a public or private thoroughfare which affords the principal means of vehicular movement and access to abutting property. The term includes all facilities which normally occur within the right-of-way, including such other designations as highway, thoroughfare, parkway, expressway, road, pike, avenue, boulevard, lane, place, court, but shall not include an alley or pedestrian way

**Street, arterial:** A street which is used primarily for fast and heavy traffic flow; is of considerable continuity; and is used as a traffic artery for movement between and among large areas.

**Street, collector:** A street which carries traffic from activity centers and collector streets to arterial streets and streets of higher classification. Principal entrance streets to subdivisions and the main streets for circulation within a subdivision which serve a network of four or more local streets. Collector streets are designed so that traffic circulation in a subdivision would cause such a street to be used as a link between local streets and other collector or arterial streets.

**Street, private:** Any street, easement, driveway, alley, or road that has not been accepted by the Roane County Road Committee and Roane County Commission and that is not maintained by the Roane County Highway Department.

**Street, public:** A public road, highway or thoroughfare which constitutes, or is designed to constitute, the main access to more than one lot and which has been legally dedicated and accepted for public use.

**Structure:** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, gasoline pumps, mobile homes, walls, fences, billboards, signs, and satellite dish antennas.

**Subdivision:** Any division of a tract or parcel of land into two or more lots, building sites, or other divisions, including resubdivision. The following is not included in this definition:

(a) Five (5) acres or more in which no new streets or utilities are needed.

**Townhouse:** A type of residence that is one or more stories in height which has outside, individual front and rear entrances, is separated from other residences by fire-rated common party walls extending from the foundation to the roof decking and is part of a contiguous group of at least three, and shall be considered a multifamily structure.

**Townhouse, fee simple:** A townhouse unit, as defined above, that has the common wall or walls between it and the adjoining townhouse unit or units as its property line, that has individual meters for all utilities, and that has access to a public street, and meets the standards described herein.

**Use:** The purpose for which land or a building is designed, arranged, or intended, or through which said land or building is occupied, maintained or leased.

**Utility substations:** Facilities incorporating minor buildings or equipment relating to power transmission, natural gas, telephone or telecommunications, water, or sewer.

**Yard:** A required open space located on the same lot as the principal building, unoccupied and unobstructed except for accessory uses, shrubs, and fences as otherwise provided herein.

**Yard, front:** An open, unoccupied space on the same lot with a principal building or use, extending the full width of the lot and located between the street right of way line and the front line of the building projected to the side lines of the lot.

**Yard, rear:** An open space on the same lot with a principal building or use, unoccupied except by an accessory building or use, extending the full width of the lot and located between the rear line of the lot and the rear line of the building or use projected to the side lines of the lot.

**Yard, side:** An open space on the same lot with a principal building or use, located between the building or use and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

## ARTICLE III - Zoning Districts

### ANY USE NOT PERMITTED IS PROHIBITED

#### (A-1) Agricultural District

##### Section 301

##### 301.1 - Intent and Purpose

This Zoning District is comprised of land having a predominately rural character. It is the intent of the regulations of this District to discourage the subdivision of land, which is better suited to agricultural usage, into urban-type development, which requires increased public services, such as schools, fire protection, waste disposal, etc. If the property is to be used for any purpose other than uses listed under Section 301.2 Permitted Uses, it will be necessary to rezone the property to the appropriate district.

##### 301.2 – Permitted Uses

- (a) Agricultures, excluding feedlots, pig feed lots and commercial poultry houses, as defined in the definition section.
- (b) Single family residences, including single-wide mobile homes and manufactured homes
- (c) Accessory uses
- (d) Public uses and unmanned utility substations and utility facilities necessary for the provision of public service
- (e) Places of worship
- (f) Family and private cemeteries. (Site plan, public hearing and approval required by the Board of Zoning Appeals)
- (g) Home occupations
- (h) Rural business
- (I) Communication towers (Site plan and approval required by the Board of Zoning Appeals)
- (j) Pet cemeteries (Site plan and approval required by the Board of Zoning Appeals)
- (k) Privately operated airport facilities on a minimum lot of 20 acres
- (l) Fisheries and related activities and services
- (m) Forestry activities and related services
- (n) Outdoor advertising (no portion of the sign shall be more than fifty (50) feet in height, the face of the sign shall not be larger than 672 square feet as measured on one side. The sign shall not have any more than two sides. No digital, movement, flashing, rotating or rolling or video messages/advertisements are permitted. No variance shall be permitted.

Section 2: Said billboards shall be located within two hundred (200) linear feet of either side of an interstate highway right of way.

### 301.3 – Feedlots:

All feedlots are restricted to the following number of animal units:

(Additional animals must be approved by the Roane County Planning Commission)

- (a) Slaughter and feeder cattle 200
- (b) Mature dairy cattle 200
- (c) Swine 500
- (d) Sheep or lambs 2000
- (e) Horses 100
- (f) Turkeys 11,000
- (g) Ducks 1,000
- (h) Laying hens or broilers 20,000 (for facilities with continuous overflow watering)
- (i) Laying hens or broilers 6,000 (for facilities with liquid manure systems)

### 301.4 - Area Regulations

- (a) Minimum Lot Area: **One (1) acre**
- (b) Minimum Frontage: **75 feet** (measured at the front property line)  
Minimum Lot Width: **100 feet**

### Setbacks for Primary Structures:

**Front**            **30 ft.** (from road right-of way line, front property line.)  
**Side**            **10 ft.**  
**Rear**            **10 ft.**

### Setbacks for Accessory Structures:

**Front**            **30 ft.** (from road right-of way line, front property line.)  
**Side**            **5 ft.**  
**Rear**            **5 ft.**

Maximum building height for residential is **35 ft (Unless sprinkled)**

**Other Structures: 48 ft.** excluding silos, barns, windmills, communication towers, utility facilities, and church steeples.

## **(A-2) Developing Agricultural District**

### **Section 302**

#### **302.1 - Intent and Purpose**

The Developing Agriculture District is composed primarily of general farming areas where some development of single-family residential is occurring. The regulations for this district are designed to encourage a compatible relationship between agricultural and residential subdivision in the district. The regulations are intended to allow low-medium rural residential densities, compatible agricultural activities and recreational developments without encouraging commercial development or multi-family development. The permitted uses are intended to provide a range of use possibilities in keeping with the district definition and the existing and potential land uses of the area.

#### **302.2 – Permitted Uses**

- (a) Agricultural uses
- (b) Single family residences including singlewide mobile homes
- (c) Accessory uses
- (d) Public uses and unmanned utility substations, and utility facilities necessary for the provision of public service
- (e) Places of worship
- (f) Home occupations
- (g) Privately operated airport facilities on a minimum lot of 20 acres
- (h) Communication towers (Site plan and approval required by Board of Zoning Appeals).
- (i) Fisheries and related activities and services
- (j) Forestry activities and related services
- (k) Outdoor advertising (no portion of the sign shall be more than fifty (50) feet in height, the face of the sign shall not be larger than 672 square feet as measured on one side. The sign shall not have any more than two sides. No digital, movement, flashing, rotating or rolling or video messages/advertisements are permitted. No variance shall be permitted).

**Section 2:** Said billboards shall be located within two hundred (200) linear feet of either side of an interstate highway right of way.

#### **302.3 - Area Regulations**

- (a) Minimum Lot Area: **One-half (1/2) acre**
- (b) Minimum Frontage: **50 feet** (measured at the front property line)
- (c) Minimum Lot Width: **100 feet**

#### **Setbacks for Primary Structures:**

**Front**            **30 ft.** (from road right-of way line, front property line.)  
**Side** **10 ft.**  
**Rear**            **10 ft.**

#### **Setbacks for Accessory Structures:**

**Front**            **30 ft.**  
**Side** **5 ft.**  
**Rear**            **5 ft.**

Maximum building height for residential: **35 ft (Unless sprinkled)**

**Other structures: 48 ft.** excluding silos, barns, windmills, communication towers, utility facilities and church steeples.

Density maximum of two residential units per acre.

# **R-1 (Low Density) Single Family Residential District**

## **Section 303**

### **303.1 - Intent and Purpose**

The intent of this district is to accommodate low density single family residential uses without access to an approved collective sewage treatment system to minimize the short and long term potential for pollution due to septic tank failure, erosion and other pollution sources. This district is also appropriate in other areas of the County where a large lot residential character is desirable and where collective sewage treatment is unavailable.

### **303.2 - Permitted Uses**

- (a) Single family residences, excluding singlewide mobile homes
- (b) Accessory uses
- (c) Places of worship
- (d) Public uses and utility substations and other above ground fixed equipment
- (e) Home Occupations

### **303.3 - Area Regulations**

- (a) Minimum Lot Area: **20,000 Square Feet**
- (b) Minimum Frontage: **30 feet** (measured at the front property line)
- (c) Minimum Lot Width: **100 feet**

### **Setbacks for Primary Structures:**

<b>Front</b>	<b>30 ft.</b> (from road right-of way line, front property line.)
<b>Side</b>	<b>10 ft.</b>
<b>Rear</b>	<b>10 ft.</b>

### **Setbacks for Accessory Structures:**

<b>Front</b>	<b>30 ft.</b>
<b>Side</b>	<b>5 ft.</b>
<b>Rear</b>	<b>5 ft.</b>

Maximum Building Height for Residential: **35 ft (Unless sprinkled)**

**Other Structures: 48 ft.** excluding silos, barns, windmills, communication towers, utility facilities and church steeples.

## **(R-2) Single and Two Family Residential**

### **Section 304**

#### **304.1 - Intent and Purpose**

This district is intended to accommodate single and two family residential structures as a primary use. This district is generally most compatible adjacent to or in the general vicinity of multifamily and higher density single family zoning districts.

#### **304.2 – Permitted Uses**

- (a) Single or two family residences, including mobile homes.
- (b) Accessory uses
- (c) Public uses and utility substations, line routings and other fixed, visible equipment
- (d) Churches and other places of worship
- (e) Home Occupations
- (g) All uses and structures allowed in an R-1 District

#### **304.3 - Area Standards**

- (a) Minimum Frontage:      **50 feet** (measured at the front property line)
- (b) Minimum Lot Width:    **100 feet**

Minimum Lot Area:            **20,000 Square Feet**

#### **Setbacks for Primary Structures:**

<b>Front</b>	<b>30 ft.</b> (from road right-of way line, front property line.)
<b>Side</b>	<b>10 ft.</b>
<b>Rear</b>	<b>10 ft.</b>

#### **Setbacks for Accessory Structures:**

<b>Front</b>	<b>30 ft.</b> (from road right-of way line, front property line.)
<b>Side</b>	<b>5 ft.</b>
<b>Rear</b>	<b>5 ft.</b>

Maximum building height for residential is **35 ft (Unless sprinkled)**

**Other Structures: 48 ft.** excluding silos, barns, windmills, communication towers, utility facilities, and church steeples.

## **(R-3) Multiple Family Residential District**

### **Section 305**

#### **305.1 - Intent and Purpose**

The intent of the Multiple Family Residential District is to provide for the development, protection and conservation of Multiple family residential dwellings constructed for rental occupancy or ownership of individual units within a Multiple family building. Property in this category must at a minimum be served by a public water supply and a public sewer system or by a public water supply and an approved collective sewer system.

#### **305.2 – Permitted Uses**

- (a) Single family residences, including singlewide mobile homes
- (b) Multiple family residences and condominiums with subdivision of land up to 12 units/acre
- (c) Accessory uses
- (d) Places of worship
- (e) Public uses and utility substations and other fixed equipment
- (f) Home occupations
- (g) Child Care Centers
- (h) Additional parking on other than principal lot
- (i) All uses and structures allowed in a R-1 and R-2 District

#### **305.3 - Area Regulations**

- (a) Maximum Density - Units/Acre for multi-family apartments and/or condominiums –eight (8), (only with public water and public collective sewer or public water and prior approval of the sewage disposal system by the Roane County Health Department)
- (b) Minimum Lot Area: **One half** (1/2) acre for single family homes
- (c) Minimum Frontage: **100 feet** (measured at the front property line)
- (d) Minimum Lot Width: **125 feet** (measured at the front setback line)
- (e) Setbacks:
  - Front** (from road right-of way line, front property line)
    - 40 ft.** (Arterial or Collector Streets)
    - 30 ft.** (all other streets)
  - Side** **10 ft.**
  - Rear** **20 ft.**
- (f) Maximum building height: **35 ft.** unless sprinkled.
- (g.) Minimum acreage required for multi-family residences and condominiums = five (5).

### **305.4 - Required Report and Plans**

Each Planned Development shall consist of a written report and a set of site plans prepared in accordance with the following guidelines:

- (a) **Written Report** - A written report shall be submitted which will explain the type, nature, size, intent and characteristics of the proposed development. This report shall include, where applicable:

1. A general description of the proposed development and its location,
2. The proposed standards for development including restrictions on the use of the property, density, yard (setback) requirements and any proposed restrictive covenants.
3. Plans for the provision of utilities, including water, fire hydrants, sewer, and drainage facilities including storm water certifications for a 2, 5, and 10 year storm event.
4. A proposed development timetable.
5. Additional data as may be required by the Planning Commission.
6. A traffic study stating the specific number of vehicles per day that will be generated by the proposed development at full build out and by phase and the impact on the county road. Addressed shall be any upgrades that may be needed to the carrying capacity of the county road as well as proposals for those upgrades. The cost shall be borne by the developer.

- (b) **Required Site Plans** - A detailed site plan prepared by a registered engineer, architect, land surveyor or landscape architect shall be required for all Planned Developments. The required site plan shall include as a minimum the following information:

1. A survey of the property indicating all property dimensions, property size, adjoining owners, scale, north arrow and tie in point to a known location,
2. Proposed platting (subdivision), streets, setbacks, building sites, type of use for each building site, ingress and egress to the site, internal access and circulation, off street parking areas, proposed public facilities and open areas, name of the development and any special drainage features,
3. If the proposal includes the subdivision of land for any purpose or for the provision of new public or private streets, the information required above and any additional information required for the submittal of plats under the Roane County Subdivision Regulations shall be submitted. The requirements of the Roane County Subdivision Regulations shall be met. The rezoning request and the proposed subdivision of the property shall be processed simultaneously.

## **(MHP) Mobile home Park District**

### **Section 306**

#### **306.1 - Intent and Purpose**

The intent of this district shall be to provide standards for certain lands in the County intended to be used for the development of Mobile Home Communities wherein either a Mobile Home space or a space and a Mobile Home may be used for residential occupancy. Mobile Home parks share some of the characteristics with multifamily developments and therefore should be located in areas where the level of public services can provide for the anticipated higher density development. Care should be taken in designating such areas so as not to create land uses which would be in conflict with the long range development plans for other types of residential development anticipated to occur in the immediate vicinity. Mobile Home sales lots are not permitted in this district.

#### **306.2 Mobile Home Park Standards:**

- I. Mobile home park standards shall apply to any residential development consisting of more than two (2) singlewide mobile homes. A mobile home park is defined as more than two (2) units on one lot, tract or parcel, more than two (2) units on individual contiguous lots, tracts or parcels under the same ownership or corporate partnership, or corporate ownership or shared ownership, which has one (1) or more lots of 7,500 square feet or greater, regardless of the number of lots in the park. When there are less than three (3) mobile homes on a parcel, the minimum lot size shall be 20,000 square feet for each mobile home.
- II. All mobile home parks are required to obtain a building permit prior to the change of use of a building, structure or land. All individual mobile homes must obtain a separate building permit.
- III. The Roane County Regional Planning Commission shall require all mobile home parks to meet the following regulations:
  - A. **Road/Street Standards:** All mobile home parks shall meet the minimum road standards of four (4) inches of compacted rock. If road is abutting a paved road, 50 foot of paving is required at all entrances and exits.  
 Road width footage requirements shall be:  
     Up to 4 lots - 10 foot.  
     Over 4 lots - 18 foot.
  - B. **Utilities:** All mobile homes shall be provided with sanitary sewer and water service. If public utility service is available, and within 500 foot, it must be utilized when feasible. If no public utility service is available, such service is to be provided though the use of wells or septic systems or other utility systems approved by the local Health Department and/or Tennessee Department of Environment and Conservation.

- 1 C. **Dimensional Regulations:** All mobile home lots shall be required to meet 25 foot front setback  
2 from edge of road, 20 foot rear setback and 10 foot side yard setbacks of the zoning district in  
3 which the park is located. The minimum lot width shall be 50 feet. There shall be a 25 foot  
4 setback perimeter surrounding park.  
5
- 6 D. **Parking:** On street parking is prohibited. Each lot must have a graveled parking space for two  
7 cars of a minimum of 18' x 18' for each space. A secure and safe entrance to dwelling shall be  
8 provided including a minimum of permanent steps and landing area for each exterior door.  
9
- 10 E. **Other Regulations:** Tie-downs and underpinning or skirting are required at occupancy.  
11 Individual dwelling units must comply with federal, state and county code regulations. Mobile  
12 homes and lots shall be used for residential purposes only.  
13
- 14 F. **Access:** Any entrance to the park must be by public road. No park shall be permitted by alley or  
15 private easements. The following maximum densities per mobile home park are permitted based  
16 upon the type of public road contained in the major road plan: primary roads - no maximum;  
17 secondary roads - 200; collector roads - 60, and minor residential - 50. The point of intersection  
18 of the public road and the entrance drive shall have a clear sight distance of 90 feet in each  
19 direction.  
20
- 21 G. **Expansion:** At the time a mobile home park is expanded, the road and utility regulations for the  
22 higher density park shall be required even in the pre-existing section. Therefore, any park  
23 expansion must have the approval of the Planning Commission.  
24
- 25 H. **Solid Waste:** The developer shall prohibit trash, garbage and waste build up. No used  
26 appliances or inoperable vehicles are allowed in park. Dumpster stations or other appropriate  
27 containers will be provided and collected for disposal at a sanitary landfill.  
28
- 29 I. **Signage:** One permanent double-faced sign per entrance is allowed, not to exceed 50 square  
30 feet. It may not contain flashing lights.  
31
- 32 J. **Permanent Facilities:** One office and washerette facilities are permitted. Residential  
33 recreational facilities such as parks, playground and swimming pools are permitted.  
34
- 35 K. **Drainage:** The mobile home park shall be located on a well-drained site, properly graded to  
36 insure rapid drainage system which is certified by a licensed and qualified engineer. A variance  
37 to this requirement may be granted due to lack of severity of topography (sloped no greater than  
38 10% grade at any point, not averaged) and/or a mobile home park with no more than 20  
39 dwellings.  
40
- 41 L. **Prohibited:** Travel trailers and other similar camping devices shall not be permitted to be  
42 occupied as living quarters in mobile home parks. No other use than residential may be  
43 permitted in the park.  
44  
45  
46  
47  
48  
49

- IV. Plans and schedules for mobile home parks are required. Mobile home parks are required to obtain approval of preliminary plans. All developers should be aware that it is advisable to apply for preliminary approval as soon as possible. All Preliminary and Final plans must be filed with the Zoning Officer at least 15 days before the next regular Planning Commission meeting. If the developer has questions, a conceptual plan should be submitted. Preliminary mobile home park approvals are null and void after one year. Final approval for mobile home parks are null and void after three years unless the development had been completed. The Planning Commission may extend preliminary and final mobile home park approvals upon application if the developer gives a reasonable explanation for the delay.

**The following information shall be shown on the required site plan:**

**A. Preliminary Mobile Home Park Site Plan**

1. A letter from utility company manager approving the sanitary sewer tap on or state environmentalist's approval of soil for septic system.
2. A letter from the Roane County Road Superintendent verifying county road. A stamp with signature is required.
3. A letter from the utility company manager approving plans for water line construction, including water availability and pressure.
4. A letter approving an electrical service plan from utility company.
5. A site plan certified by a licensed surveyor which contains:
  - a. Topography at 5 ft. intervals.
  - b. Name, location, location sketch map and acreage.
  - c. Name (s) and address (s) of the owners.
  - d. Name, address, phone number, seal and license number of site plan designer.
  - e. Date of site plan, north point and graphic scale.
  - f. Tax map number, parcel number, deed reference numbers, zoning district.
  - g. Names of adjoining property owners.
  - h. Location of property lines with dimensions--and lot sizes, dimensions and numbers.
  - i. Location and availability of utilities, including existing and proposed water lines, sewer lines, gas lines, fire hydrants, transmission lines.

- j. Preliminary street profile (may be required).
- k. Names, locations and width of rights of way and pavement of street and roads (existing and proposed).
- l. Drainage areas, creeks, sinkholes, drainage structures (existing and proposed) including and proposed.
- m. Certification that the property does not lie in a designated flood hazard area or location of flood hazard areas.
- n. Signature of licensed surveyor.

**B. Final Mobile Home Park Site Plan: (Must be filed 15 days before meeting)**

1. A site plan certified by a licensed surveyor which contains:
  - a. Name(s) and address(s) of the owners.
  - b. Name, address, phone number, seal and license number of site plan designer.
  - c. Name, location, location sketch map and acreage.
  - d. Date of site plan, north point and graphic scale.
  - e. Tax map number, parcel number, deed reference numbers, zoning districts.
  - f. Names of adjoining property owners.
  - g. Dimensions, angles, bearings, monuments, lot numbers, property lines. All dimensions to the nearest 1/100 ft. and all angles to the nearest minute. Right of way lines and dimensions. The dimensions of all lot lines.
  - h. Location of utilities including water lines, sewer lines, gas lines, fire hydrants, transmission lines, underground electrical service lines. Location of all utility easements.
  - i. Final street profile with names and locations.
  - j. Dwelling unit and building setbacks.
  - k. Drainage, drainage easements, creeks, sinkholes, drainage structures (existing and proposed) including tiles, culverts, drains.
  - l. Certification that the mobile home site does not lie in a designated flood hazard area or location of flood hazard areas including 100 & 500 year flood areas.

**In addition, the following supporting documents shall be submitted:**

- A. Certification by the department of the State of Tennessee having jurisdiction that the proposed mobile home park complies with all applicable state regulations pertaining to sewage disposal.
- B. Certification by the appropriate utility agency that an adequate supply of public water will be provided.
- C. Certification by a licensed engineer stating that the required roads are adequate, and meets road and street standards set forth by this document.
- D. A time schedule for development which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall not be for a period of more than one (1) year for preliminary site plans and not for a period of more than three (3) years for final site plans.
- E. Such other architectural, engineering, or topographic data as may be required to permit the department of the State of Tennessee having jurisdiction, Roane County Road Superintendent, Planning Commission, or the Board of Zoning Appeals to determine if the purpose of the zoning resolution is being followed.
- F. The Planning Commission may deny any mobile home park proposal for any one of the following reasons:
  1. Land unsuitability located. The Planning Commission shall not approve what it considers to be scattered or premature development of mobile home parks for lack of, or adverse affect on, water supply or sewage disposal, schools, good transportation, adequate roads, and other services.
  2. Public agency approvals. The Planning Commission shall not approve the mobile home park or may limit the size of such development if from adequate investigation by all public agencies concerned, it has been determined that in the interest of the public, the site is not suitable for development purposes of the kind proposed.
  3. Land physically unsuitable. Land which the Planning Commission has found to be unsuitable for development because of flooding, bad drainage, steep slopes, rock formations, poor soil for septic tank usage, and other such features which may endanger health, life, or property, aggravate erosion increase flood hazard, shall not be approved for a mobile home park unless adequate methods are formulated by the developer for, meeting the problems created by mobile home parks.

- 1 4. Land subject to flooding and land deemed to be topographically unsuitable shall not be  
2 developed for residential occupancy or for any other uses that may increase flood hazard,  
3 endanger health, life, or property, or aggravate erosion. Such land within the development shall  
4 be set aside for such uses as shall not be endangered by periodic or occasional inundation or  
5 shall not produce satisfactory living conditions.  
6
- 7 5. Inadequate access, The Planning Commission shall not approve a mobile home park which  
8 would require extension or upgrading of existing streets or roads or require the installation of  
9 new streets by the county to provide adequate access to the mobile home park. If extension of  
10 existing streets or roads is required for access to a mobile home park, the extension shall be the  
11 expense of the developer. All extensions shall meet county road standards and shall be approved  
12 by the county road superintendent.  
13

### 14 **306.3 - Other Development Standards**

15 See Roane County Subdivision Regulations (Manufactured Home Park Standards).  
16  
17  
18

## **(C-1) General Commercial District**

### **Section 307**

#### **307.1 - Intent and Purpose**

This District is established to provide for both highway commercial and planned commercial shopping or service centers. This district is for those commercial uses which cater to community and regional shoppers as well as the traveling public, occupy relatively large sites and require access to major thoroughfares.

#### **307.2 - Uses Permitted**

##### **Must be served by approved water and sewer systems**

- (a) Retail sales and services
- (b) Offices: business, professional, medical
- (c) Private clubs, lodges, or organizations of a fraternal nature
- (d) Financial institutions
- (e) Places of worship
- (f) Cabinet shops
- (g) Transportation terminal facilities except truck terminals
- (h) Commercial parking lot
- (i) Public uses and utility substations, and other fixed above ground equipment
- (j) Single-family and two-family dwellings
- (k) Recreational vehicle parks
- (l) Private clubs
- (m) Outdoor display area
- (n) Mini-warehouses
- (o) Outdoor advertising (no portion of the sign shall be more than fifty (50) feet in height, the face of the sign shall not be larger than 672 square feet as measured on one side. The sign shall not have any more than two sides. No digital, movement, flashing, rotating or rolling or video messages/advertisements are permitted. No variance shall be permitted).

**Section 2:** Said billboards shall be located within two hundred (200) linear feet of either side of an interstate highway right of way.

**307.3 - Area Regulations**

(a) Minimum Lot Area: Must meet Roane County Health Department for lot size.

(b) Minimum Frontage: **100 feet**

(c) Minimum Lot Width: **100 feet**

(d) Setbacks:

**Front:** (from property line) **40 feet** (Arterial Street)

**Side:** **10 feet**

**Rear:** **15 feet**

## **(C-2) Highway Commercial District**

### **Section 308**

#### **308.1 - Intent and Purpose**

This District is intended to accommodate and regulate those business and commercial uses which draw customers primarily by automobile and for which a location on a highway or arterial street is therefore desirable if not necessary. The purpose of this district is to control the impact of uses on the efficiency and safety of traffic movement, as well as on the character of adjacent commercial and residential uses.

#### **308.2 – Permitted Uses**

- (a) Retail sales and services
- (b) Offices: business, professional, medical
- (c) Private clubs, lodges, or organizations of a fraternal nature
- (d) Commercial parking lot
- (e) Financial institutions
- (f) Transportation terminal facilities except truck terminals
- (g) Places of worship
- (h) Public uses and utility substations, and other fixed above ground equipment
- (i) Cabinet shops
- (j) Pet cemeteries
- (k) Automobile service stations
- (l) Drive-in or carry-out sales of food or other goods or services including drive-in bank facilities
- (m) Mortuary
- (n) Repair, maintenance, washing or installation of accessories, tires and batteries for automobiles, trucks, recreational vehicles, or motorized farm equipment

- (o) Indoor or outdoor commercial entertainment or recreational facilities including theaters, bowling alleys, swimming pools, billiard parlors, etc
- (p) Sales, rental, leasing of motor vehicles, trailers or boats
- (q) Restaurant, tavern or cocktail lounge
- (r) Hotel or motel
- (s) Nursing home
- (t) Off-site advertising
- (u) Hospitals or veterinary clinics for animals
- (v) Warehousing as an indoor or outdoor use
- (w) Privately operated airport facilities on a minimum lot of 20 ac
- (x) Adult oriented business as a Use Permitted on Review by the Board of Zoning Appeals. The minimum requirements for adult oriented businesses in the C-2 District are: 1,000 feet minimum is required between adult-oriented business and any residential district, school, church, or a day care center. Between adult-oriented businesses, a minimum of 500 feet is required. A site plan shall be required for review before the planning commission. A planted buffer of twenty-five feet, consisting of permanent evergreens with a caliper diameter at breast height (4 and ½ feet) of three (3) inches. Tree plantings shall be staggered so as to eliminate visibility between the trees.
- (y) All uses and structures allowed in a C-1 District

### **308.3 - Area Regulations**

- (a) Minimum Lot Area: Must meet Roane County Health Department for lot size.
- (b) Minimum Frontage: **100 feet**
- (c) Minimum Lot Width: **100 feet**
- (d) Setbacks:
  - Front:** (from road right-of way line to front property line)
    - 40 feet** (Arterial or Collector Street)
    - 30 feet** (All other Streets).
  - Side:** **15 feet**
  - Rear:** **25 feet**

## **(RB) Rural Business District**

### **Section 309**

#### **309.1 - Intent and Purpose**

This District is established to provide for individual retail or service commercial establishments and planned commercial shopping or service centers. This district is for those areas currently not served with both public water and sewer but are along potential growth corridors. District shall be located only on an arterial or collector street.

#### **309.2 – Permitted Uses**

- (a) Retail sales and services
- (b) Offices: business, professional, medical
- (c) Private clubs, lodges, or organizations of a fraternal nature
- (d) Commercial parking lot
- (e) Financial institutions
- (f) Transportation terminal facilities except truck terminals
- (g) Places of worship
- (h) Public uses and utility substations, and other fixed above ground equipment
- (i) Cabinet shops
- (j) Sales of new and used cars
- (k) Beauty/barber shop
- (l) Auto repair
- (m) Convenience stores
- (n) Automobile service stations
- (o) Drive-in or carry-out sales of food or other goods or services including drive-in bank facilities
- (p) Repair, maintenance, washing or installation of accessories, tires and batteries for automobiles, trucks, recreational vehicles, or motorized farm equipment
- (q) Sales, rental, leasing of motor vehicles, trailers or boats
- (r) Restaurant, tavern or cocktail lounge
- (s) Hospitals or veterinary clinics for animals
- (t) All uses and structures allowed in the A-2 District, except outdoor advertising.

### **309.3 - Area Regulations**

(a) Minimum Lot Area:  
None, but must meet Roane County  
Health Department requirements.

(b) Minimum Frontage: **50 feet**  
(measured at the front property line)

(c) Minimum Lot Width: **50 feet**  
(measured at the front setback line)

(d) Setbacks:

**Front:** (from property line) **50 feet** (Arterial or Collector Street)

**Side:** **10 feet**

**Rear:** **15 feet**

## **(OI) Office/Institutional District**

### **Section 310**

#### **310.1 - Intent and Purpose**

The purpose of this district is to provide areas where office, institutional and residential uses can co-exist without the threat of encroachment of more intense commercial or retail uses. Only very specialized sale, wholesale storage or processing of merchandise is permitted in this district as secondary uses. This district is primarily intended to be located along major arteries where existing structures can accommodate both residential, office and institutional uses and in areas dominated by institutional uses. Its use is also appropriate where a carefully designed office development is sited adjacent to an existing residential area.

#### **310.2 – Permitted Uses**

- (a) Offices, business, professional services and medical hospitals
- (b) Mixed use occupancy
- (c) Fraternal organizations and lodges
- (d) Museums and art centers
- (e) Churches and other places of worship
- (f) Public uses and utility substations and other visible fixed equipment
- (g) Colleges and related facilities
- (h) Radio and television broadcasting stations
- (i) Bed and breakfast establishments

#### **310.3 - Area Regulations**

- (a) Minimum Lot Area: None, but must meet Roane County Health Department requirements.
- (b) Minimum Frontage: **50 feet**  
(measured at the front property line)
- (c) Minimum Lot Width: **50 feet**  
(measured at the front setback line)
- (d) Setbacks:
  - Front:** (from road right-of way line, front property line)  
**30 feet** (Arterial or Collector Streets)
  - Side:** **15 feet**
  - Rear:** **20 feet**

## **(I-1) Light Industrial District**

### **Section 311**

#### **311.1 - Intent and Purpose**

This District is meant to encourage warehousing, research and development and component assembly in areas in close proximity to business and residential districts. The district is intended to provide settings that will be compatibly arranged to be most compatible with adjacent uses, while minimizing the negative impacts often associated with industrial uses on business and residential districts.

#### **311.2 – Permitted Uses**

**All 1-1 Districts must be endorsed by the Roane County Industrial Board and a site plan approved by the Roane County Planning Commission**

- (a) Warehousing or wholesaling of manufactured goods, except explosives, flammable gases or liquids as finished products
- (b) Research and development laboratories and facilities
- (c) Retail activities conducted accessory to the assembly, fabrication and/or warehousing of commodities. For the purpose of this provision, the term "accessory" shall mean a retail activity limited to not more than thirty percent (30%) of the floor area of the building
- (d) Offices: business, professional, medical
- (e) Enclosed or open recreational uses, including tennis, handball or paddleball, swimming, skating, gymnasiums or health club, bowling, etc., but excluding drive-in theaters
- (f) Places of worship
- (g) **Public uses** and utility substations and other above ground fixed equipment
- (h) Restaurants
- (i) Cabinet shops
- (j) Veterinary hospital
- (k) Automobile service stations
- (l) Additional parking on other than the principal lot
- (m) Privately operated airport facilities on a minimum lot of 20 acres

### **311.3 -Area Regulations**

(a) Minimum Lot Area: **One (1) Acre** with Health Dept. approval.

(b) Minimum Frontage: **50 feet**  
**50 feet** with public water  
(measured at the front property line)

(c) Minimum Lot Width: **100 feet**  
(measured at the front setback line)

(d) Setbacks:

**Front:** (from road right-of way line (Property line)

**Front** **60 feet** (Arterial or Collector Streets);

**Side:** **25 feet**

**Rear:** **30 feet**

## **(I-2) Medium Industrial District**

### **Section 312**

#### **312.1 - Intent and Purpose**

This District provides industrial activities and wholesale and warehouse uses which represent a major component of the County's employment and tax base. The district is intended to be located in areas which are connected to truck or rail or air transport services yet buffered from commercial and residential districts to protect the value, character and function of non-industrial areas.

#### **312.2 - Permitted Uses**

**All I-2 Districts must be endorsed by the Roane County Industrial Board and a site plan approved by the Roane County Planning Commission**

**The following uses are permitted:**

- (a) Manufacturing or fabrication of any commodity except explosives or flammable gases or liquids.
- (b) Retail sales of goods and services.
- (c) All uses permitted in an I-1 District.

#### **312.3 - Area Regulations**

- (a) Minimum Site Size: **One (1) Acre**
- (b) Minimum Frontage: **50 feet** without public water  
**50 feet** with public water  
(measured at the front property line)
- (c) Minimum Lot Width: **100 feet**  
(measured at the front setback line)
- (d) Setbacks:

**Front:** (from road right-of way line, front property line)

**60 feet** (Arterial or Collector Streets),

**Side: 25 feet**

**Rear: 30 feet**

## **(I-3) Heavy Industrial District**

### **Section 313**

#### **313.1 - Intent and Purpose**

This District provides for heavy and light industrial activities and wholesale and warehouse uses that may include the handling of hazardous material. The district is intended to be located in areas which are connected to truck and rail transport services yet buffered from commercial and residential districts to protect the value, character and function of non-industrial areas.

#### **313.2 - Permitted Uses**

**All 1-3 Districts must be endorsed by the Roane County Industrial Board and a site plan approved by the Roane County Planning Commission**

**The following uses are permitted, provided they fulfill any applicable state and federal environmental or anti-pollution standards, and said uses meet any applicable requirements of this resolution.**

- (a) Manufacturing or fabrication of any commodity including
- (b) Waste Transfer Stations
- (c) Mining operations on a minimum lot of 50 acres
- (d) Quarry operations on a minimum lot of 50 acres
- (e) All uses permitted in an I-1 and I-2 District

#### **313.3 - Area Regulations**

- (a) Site plan approval is required by the Roane County Planning Commission
- (b) Minimum Site Size: **One (1) Acre** (excluding mining or quarry operations)
- (c) Minimum Frontage: **50 feet** without public water  
**50 feet** with public water  
(measured at the front property line)
- (d) Minimum Lot Width: **100 feet**  
(measured at the front setback line)
- (e) Setbacks: **Front:** (from road right-of way line, front property line)  
**60 feet** (Arterial or Collector Streets),  
**Side: 25 feet**  
**Rear: 30 feet**

### **I-3A**

All uses and Special Exception uses that are permitted in I-1, I-2 or I-3, but not contained in any other classification.

### **I-3B – Junkyards**

Any land area, lot, parcel or tract within the unincorporated portions of Roane County that is used for the holding, parking, storage or accumulation of junk (including, but not limited to metal, rope rags, plastics, paper, trash, other debris and used appliances and equipment) that covers in excess of 100 square feet of any land parcel or combination of parcels. The collection, dismantlement, storage, or salvage of two (2) or more unlicensed, inoperative vehicles.

### **I-3C – Landfills**

A facility where solid wastes are disposed of by burial in excavated pits or trenches or by placement on land and covering with soil or other approved materials. This includes Class I, II, III and IV landfills or as defined by the Solid Waste Act of 1991, as amended.

### **I-3D – Incinerators**

An enclosed device using controlled flame combustion, the primary purpose of which is to thermally break down solid waste. Examples of such incinerators are rotary kiln, fluidized bed, and liquid injection incinerators.

### **I-3E - Hazardous waste facility**

All contiguous land, structures and other appurtenances and improvements on land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage or disposal operational units. Hazardous waste means waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may,

- a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, or
- b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

## **R-4 – (Multi-use , Residential, Commercial PUD – Planned Unit Development)**

### **Section 314**

#### **314.1 - Intent and Purpose**

This District is established for the following purposes:

- (a) to encourage larger scale planned development which will produce a logically organized and compatibility related set of land uses resulting in a higher overall quality of community development than if accomplished in incremental unplanned stages.
- (b) to allow a mixture and/or density of land uses not otherwise allowed in an established zoning district by careful site planning the appropriate site improvements are incorporated into the plan which establish compatible relationships between uses within the site and uses adjacent to the site.
- (c) to encourage creative site design which seeks to preserve the open space and unique environmental features, conserve energy through efficient building design and clustering, efficiently use the land and increase the efficiency of public service delivery.
- (d) to be applied in a manner consistent with the Land Use Plan for Roane County.

#### **314.2 - General Conditions for denial of a PUD**

A PUD plat may be denied for incompatibility with the surrounding areas or if the proposed development negatively impacts or proposes substandard infrastructure, Incompatibility or negative impacts include but shall not be limited to: no county public road access; county road pavement width of eighteen (18) feet width or less; no public water or inadequate water pressure to support fire hydrants and fire flow; lack of public sewer, inadequacy of the existing roadway as determined buy the required traffic study. Failure to meet all requirements of the zoning resolution or subdivision regulations, the need for variances, inadequate drainage plans or conveyances, inadequate bonding, incomplete or inadequate approvals for an on-site system as well as other similar issues shall be grounds for a denial of a PUD proposal.

#### **314.3 - Special Requirements**

All proposed Planned Unit Development District applications shall conform to the following specific requirements.

- (a) The site proposed for this district classification must contain an area of ten (10) acres or more unless specifically approved by the Planning Commission. In no case shall the minimum lot size be less than five (5) acres.
- (b) The site must abut a public street for a distance of at least 100 feet.
- (c) The plans required for inclusion in an application shall be prepared by a registered engineer, architect, land surveyor or landscape architect, proof of which shall be their official registration seal appearing on the plans submitted.

#### **314.4 - Uses Within a Planned Unit Development**

Any use allowable by Planning Commission, except single-wide mobile homes, in an R-1, R-2, R-3 zoning district may be proposed for inclusion in a Planned Unit Development. Each proposed use should be consistent in application with the intent and purpose of the zoning districts in which it is allowed. Only the specific uses proposed in an application and approved shall be allowed in the district. Any addition of uses, change of plans or increase in size or density shall require a separate amendment to the original approved Planned Unit Development site plan/plat. Initial approval of a Planned Unit Development by Roane County does not mean that subsequent amendments to that Planned Unit Development carry any obligation to be approved.

#### **314.5 – Change of plans**

Any addition of uses, change of plans or increase in size or density shall require a separate amendment to the original approved Planned Unit Development site plan/plat. Initial approval of a Planned Unit Development by Roane County does not mean that subsequent amendments to that Planned Unit Development carry any obligation to be approved.

#### **314.6 - Required Report and Plans**

Each Planned Development shall consist of a written report and a set of site plans prepared in accordance with the following guidelines:

- (a) **Written Report** - A written report shall be submitted which will explain the type, nature, size, intent and characteristics of the proposed development. This report shall include, where applicable:
  1. A general description of the proposed development and its location,
  2. The proposed standards for development including restrictions on the use of the property, density, yard (setback) requirements and any proposed restrictive covenants.
  3. Plans for the provision of utilities, including water, fire hydrants, sewer, and drainage facilities including storm water certifications for a 2, 5, and 10 year storm event.

1 4. A proposed development timetable.

2  
3 5. Additional data as may be required by the Planning Commission.

4  
5 6. A traffic study stating the specific number of vehicles per day that will be generated by the  
6 proposed development at full build out and by phase and the impact on the county road.  
7 Addressed shall be any upgrades that may be needed to the carrying capacity of the county road  
8 as well as proposals for those upgrades. The cost shall be borne by the developer.

9  
10 (b) **Required Site Plans** - A detailed site plan prepared by a registered engineer, architect, land  
11 surveyor or landscape architect shall be required for all Planned Developments. The required  
12 site plan shall include as a minimum the following information:

13  
14 1. A survey of the property indicating all property dimensions, property size, adjoining owners,  
15 scale, north arrow and tie in point to a known location,

16  
17 2. Proposed platting (subdivision), streets, setbacks, building sites, type of use for each building site,  
18 ingress and egress to the site, internal access and circulation, off street parking areas, proposed  
19 public facilities and open areas, name of the development and any special drainage features,

20  
21 4. If the proposal includes the subdivision of land for any purpose or for the provision of new  
22 public or private streets, the information required above and any additional information required  
23 for the submittal of plats under the Roane County Subdivision Regulations shall be submitted.  
24 The requirements of the Roane County Subdivision Regulations shall be met. The rezoning  
25 request and the proposed subdivision of the property shall be processed simultaneously.

26  
27 (a) The site plan or written report shall indicate the proposed size, location, number of units and  
28 number of bedrooms of all residential structures.

29 (b) The site plan/plat shall indicate the proposed site preparation and grading, streets, rail facilities,  
30 outdoor storage areas size, location and number of stories.

31 (c) The entrance, exit points to the development, the number and location of all parking spaces  
32 together with all loading and no parking areas shall be shown in detail.

33 (d) Any streets and common open spaces shall have the proposed maintenance and ownership  
34 agreements explained in detail.

35 (e) The proposed siting of all multifamily, attached single family or other residential structures  
36 shall be indicated on the plat with the location of each site.

37 (f) The development controls for the subject property shall be shown (lot coverage, setbacks,  
38 building heights, lot sizes etc.). The site plan/plat shall indicate the proposed size, location,  
39 number of stories, and estimated number of employees in each office building.

- 1 (g) The proposed location and type of all buffers shall be shown and described.
- 2 (h) Proposed recreation areas shall be required such as biking/walking trails, boat launch facilities,
- 3 tennis or swimming pools or similar amenities. These shall be shown on the plat.
- 4 (i) Any proposed exterior lighting, signs, or identification graphics shall be indicated as to location,
- 5 number, size and height.

6 **314.7 - Procedures**

7

8 The procedures as specified in Section 602 - Zoning Resolution Amendments shall apply to

9 Planned Development Districts.

10

- 11 (a) All further development on the property shall conform to the standards adopted for the district,
- 12 regardless of any change in ownership.
- 13
- 14 (b) Any proposed changes shall be treated as amendments to the Zoning Regulations and must be
- 15 considered in accordance with the procedures set forth in Section 602 - Zoning Resolution
- 16 Amendments.
- 17
- 18 (c) The violation of any provision of the Planned Development Standards as submitted and
- 19 approved under the provisions herein, shall constitute a violation of these Regulations.
- 20

21 **314.8 - Setbacks**

22

23 The following setbacks shall apply in the PUD District:

24

25 Density shall be two units per acre. Side and rear setbacks on lots shall be ten (10) feet in

26 addition to buffer area.

27

28 A fifty (50) feet wide buffer strip shall be required along the entire boundary of the PUD

29 development.

30

31 All units proposed in the development shall have a setback of twenty-five (25) feet from any

32 public or private road within the development.

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34 Building setbacks shall be at least twenty (20) feet apart.

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### **315 - Designation of Flood Hazard Areas**

These regulations shall apply to any area within the jurisdiction of the governing authority of Roane County that has been identified as having known or potential flood hazards as a result of any of the following actions:

- (a) 100-Year Floodway and Floodway Fringe
  1. Identification by the Federal Emergency Management Agency (FEMA) in a flood insurance study (including appropriate maps and supporting data) affecting territory within this jurisdiction dated or dated subsequent to March 1980.
  2. Identification by any state or federal agency generally recognized for its expertise or authority in the identification of flood hazard areas
- (b) Local Designations of Flood Hazard Areas
- (c) Identification by the Roane County Planning Commission and approved for regulation and identification as a flood hazard area by the county commission.
- (d) Identification by a registered surveyor or professional engineer, and recognized by the planning commission as a part of an approvable development plan.

### **(F-1) Flood Hazard District**

#### **Section 315.1**

- (a) Floodway districts shall consist of portions of flood hazard areas that include the channel of rivers and other watercourses and the adjacent land areas (100-year floodplains) that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- (b) Encroachments, including fill, new construction, including the placement of manufactured dwellings, substantial improvements, to existing development and structures, and other development shall conform with the Floodplain Resolution adopted by the Roane County Board of Commissioners on \_\_\_\_\_.
- (c) Any encroachments permitted as a result of an appeals action or approved as a part of a Development and Utilization Plan shall comply with approved current Floodplain Development and Construction Standards of Roane County, Tennessee.

## **SUP - Special Use Permit**

### **Section 316**

#### **316.1- Special Uses**

This section of the regulations allows for the following special uses in any district as a Special Exception approved by Roane County Board of Zoning Appeals, after public hearing, notification of adjacent and abutting property owners, and after review of such conditions as to operation, site development, signs, and time limit as may be deemed necessary in order that such use will not seriously injure the appropriate use of the neighboring property, and will conform to the general intent and purpose of this title and shall comply with the height and area regulations of the district in which they may be located unless otherwise specifically granted.

- (a) Amusement parks, privately owned baseball or athletic fields, race tracks;
- (b) Aviation fields or airports, under such restrictions as the Commission may impose on land, buildings or structures within an approach or transition plane or turning zone, to promote safety of navigation and prevent undue danger from confusing lights, electrical interference or other hazards;
- (c) Cemeteries, mausoleums, or crematories for the disposal of the dead;
- (d) Drive-in theaters;
- (e) Golf driving ranges, commercial or illuminated;
- (f) Gun clubs, skeet shoots, or target ranges;
- (g) Campgrounds, picnic groves and fishing lakes, including minor and incidental concession facilities for patrons only;
- (h) Mines or quarries, including the removing, screening, crushing, washing or storage of ore, sand, clay, stone, gravel or similar materials, provided, however, that no permit shall be issued until and unless the locations, site plan, and method of operation, including necessary structures, have been submitted to and approved in writing by the Planning Commission, which permit shall be for a limited period of time;
- (i) Nursery sales office, building, greenhouse, or area (wholesale or retail);
- (j) Veterinary clinics, dog kennels, animal boarding facilities, and animal shelters. (However, no facility shall house, keep, or maintain any animal identified in Class I of Section 70-4-403, as amended, the Tennessee Code Annotated).
- (k) Reservoirs, towers, filter beds, or water treatment plants;
- (l) Riding stables and tracks;
- (m) Sewage, refuse, garbage disposal plants or sanitary fills;
- (n) Buildings, structures, and premises for public utility services, or public service corporations;
- (o) Assembly halls, community centers, philanthropic organizations;
- (p) Airport or airfields, public or private;
- (q) Keeping of horses, ponies, cows, or fowl on less than two acres;

(r) Sanitary Waste Transfer Stations;

(s) Zoo (Must be accredited by the American Association of Zoological Parks.

(t) Temporary use of land for residential, commercial or industrial purposes, provided that any building or structure constructed thereon which is not otherwise permitted in the District in which such land is situated, shall be temporary, and any stored equipment or material shall be removed upon the date of expiration of the special use permit, which permit shall be valid for not more than two years but may be renewable after public hearing. This provision is sometimes referred to as “use on review” and allows the county to permit temporary uses.

(u) Cemeteries, mausoleums or crematories for disposal of the dead may be approved by the Board of Zoning Appeals if the following requirements are met:

**1. For Profit:** Cemeteries, mausoleums or crematories that charge for services or grave lots must meet the following criteria in order to receive a special use permit:

- a. Four acre lot or greater
- b. Twenty-five (25) feet wide continuous road frontage for access to a major thoroughfare. No easements are permitted.
- c. Each grave lot, mausoleum or maintenance building must be setback fifty (50) feet from any perimeter property line.
- d. Any crematory must be setback two hundred (200) feet from any property line.
- e. Must be served by public water
- f. Perimeter evergreen landscaping must be provided along all exterior property lines to one evergreen per twenty (20) feet
- g. The declarations of the lots and restrictions must be presented to the Board of Zoning Appeals
- h. A survey of the entire proposed cemetery, mausoleum, and/or crematory site shall be presented to the Board of Zoning Appeals. The survey shall include the locations of all proposed grave lots, mausoleums, crematories, maintenance buildings, sheds, public water lines, drawn to scale by a surveyor licensed in the State of Tennessee.
- i. A traffic study may be required for any proposed site that may impede traffic as determined by the Board of Zoning Appeals.
- j. Any approved site must be recorded in the Roane County register of deeds office.
- k. No cemetery or mausoleum shall be located in a floodway or floodplain or with a designated FEMA flood hazard area.

**2. Family Owned Grave Plots or Mausoleums:** Cemeteries, grave lots or mausoleums that are currently owned by family members may be utilized for family grave plots which are not sold. These not-for-profit cemeteries and mausoleums may be approved by the Board of Zoning Appeals if the following requirements are met:

- a. Must have twenty (20) feet frontage on a public road. Private easements are not allowed.
- b. A survey must be drawn separating the proposed cemetery and/or mausoleum from the remainder of the property. The cemetery plot and the remaining property from which it was split must be at least one half an acre each.
- c. The limit is four grave lots per half an acre.
- d. No grave lot or mausoleum may be closer than twenty (20) feet from the property line.
- e. No cemetery plots shall be permitted when surrounding properties utilize well water within five (500) hundred feet. No cemetery or mausoleum shall be located in a floodway or floodplain or with a designated FEMA flood hazard area.
- f. All lots must have a survey and be recorded in the Roane County register of deeds office if approved.

## **ARTICLE IV – DEVELOPMENT SPECIFICATIONS**

### **Section 401 - Minimum Site Development and Use Requirements**

**Except as may be provided in this Resolution, the following shall be observed in the use and development of land:**

#### **401.1 - Lots:**

No more than three (3) lots, tracts or parcels shall be allowed on a private easement. Easement shall be a minimum of 20 feet wide.

A condominium, apartment complex, shopping center, industrial park, and mobile home park shall abut a public street a minimum of 50 feet.

#### **401.2 - Height and Density:**

No building or structure shall be erected or constructed as to exceed approximately forty-eight (48) feet or four stories, with the exception of Industrial and Commercial properties, silos, barns, windmills, church steeples, communication towers and utility facilities. Development density shall be governed by the requirements of the district or as may be approved by the Board of Zoning Appeals.

##### **401.2.1 – Height Restriction:**

Residential height restrictions for residential one and two family dwelling units will be thirty-five (35) feet. This will be measured from the lowest point of ground level of the street side of the structure to the ceiling of the top habitable floor. Any one and two family dwelling greater than thirty-five (35) feet will be required to have an automated sprinkler system.

#### **401.3 - Flood Protection:**

No structure or use proposed to be located in a Flood Hazard District or within thirty (30) feet of a natural drainage or stream shall be approved by the Planning Commission except in compliance with the Roane County Floodplain Management Resolution.

### **Section 402 - Storm Water Runoff Design Standards**

#### **402.1 - Intent and Purpose**

The intent of this standard is to address on-site storm water runoff issues to assure that structural and/or natural drainage systems retain adequate capacity, thus avoiding the need for extensive public expenditures for storm water system improvements. Further, this standard is intended to prevent environmental problems such as erosion, flooding, etc. as a result of increased runoff velocity and/or volume caused by development.

#### **402.2 - Applicability**

The requirements set forth in this Section shall apply to all uses excepting single family and agricultural uses.

### **402.3 - Storm water Discharge Design Criteria**

The on-site storm water drainage for all developments approved or allowed by right by the adoption of this resolution shall be designed to assure that the rate of storm water runoff from the site after development is no greater than the rate of runoff from the site immediately prior to commencing development. On-site detention facilities may be required to meet this criteria. The Zoning Office shall be consulted to verify compliance of a storm water plan with the specifications for storm water drainage established herein.

### **Section 403 – Signs**

No lighting from signs fronting streets, roads, or highways shall be directed toward lanes of travel, whether in the form of continuous or intermittent light.

A fifteen (15) foot setback from property line is required for any portion of a sign.

**404. Site Plan Requirements**

(approved 7/14/08 by Co. Comm.)

For any commercial or industrial uses, or any apartment or condominium consisting of over four (4) individual housing units, a site plan for the proposed use shall be required and approved by the Roane County Planning Commission before a building permit can be issued. The site plan shall include the following:

- A. A site plan map
  - B. A site plan, drawn to scale at least 1" equals thirty (30) feet
  - C. Size and dimensions of the proposed building(s) and a drawing of all setbacks
  - D. Location of loading zones, if any
  - E. Ingress and size or dimensions of the driveway(s)
  - F. Parking area including number of spaces and design of those spaces; parking lots must be paved
  - G. Location and size of proposed water and sewer lines, fire hydrants, and any attendant facilities such as pumping stations, transmission lines, storm sewers
  - H. Location of any signs and the dimensions of location and height of such signs
  - I. Additional information such as traffic flows, average daily sewer or water usage and/or any other environmental factors may be required by the Planning Commission
  - J. In the case of a shopping center a master plan for the entire shopping center may be reviewed and approved at one time; However, if any additional development is proposed to be constructed after the approval of the shopping center plans, the additional development will be required to submit a site plan for review and approval
  - K. A drainage plan for a ten year storm event is required All drainage areas, retention or detention ponds, drainage easements, culvert/tile size and proposed improvements shall be shown.
  - L. A lighting plan shall be submitted with the location of all proposed exterior lighting as well as the fixture wattage.
  - M. Any chemical or hazardous material storage or use.
-

## **ARTICLE V – DEVELOPMENT SPECIFICATIONS**

### **Accessory uses and Structures**

#### **Section 501**

##### **Section 501.1 - Authorization**

Accessory uses and structures are permitted in any zoning district in connection with a permitted principal use.

##### **501.2 - Permitted Accessory uses and Structures**

**Accessory uses and structures shall meet the required setbacks for that district.**

A permitted accessory use or structure is any use or structure which complies with the definition of accessory use provided in Article II, including but not limited to the following typical uses:

- (a) Private garages or carports.
- (b) Off-street parking and loading spaces and any additional off-street parking or loading spaces which are devoted exclusively to the principal use or activity, unless specifically prohibited under Section 505.
- (c) A freestanding structure(s) for storage incidental to a permitted use, limited to a floor area equivalent to fifteen percent (15%) of the total gross floor area of the use to which it is accessory, except that in no case shall more than one accessory structure be allowed in a residential zoning district.
- (d) A child's playhouse.
- (e) Noncommercial greenhouses.
- (f) Noncommercial storage of personal recreational equipment including boats, camping trailers, and motor homes behind the front building line.
- (g) Swimming pools within established yard setback lines of the applicable zoning district and when in conformance with all other applicable standards and regulations established by Roane County, Tennessee.

### **501.3 - Specifically Prohibited Accessory uses**

It shall be unlawful for any person, firm or corporation to occupy or use any land, building or part thereof for any accessory use, which is specifically prohibited herein.

The following are specifically prohibited as Accessory uses:

Use of a camping trailer, camper, recreational vehicle or motor home as a permanent residence is prohibited.

No accessory use shall not be used for living, sleeping, or housekeeping purposes except as specifically permitted in Section 501.

### **501.4 - Bulk Regulations**

Accessory structures and uses shall comply with the bulk regulations applicable to the district in which they are located.

### **501.5 - Use Limitations**

All accessory structures and uses shall comply with the use limitations applicable to the zoning district in which they are located

## **Home Occupation**

### **Section - 502**

#### **502.1 – Authorization**

Occupations which are customarily incidental to the principal use of a residence and which fulfill the provisions of 502.2, Use Limitations, and 502.3, Permitted Home Occupations, shall be permitted.

#### **502.2 - Use Limitations**

In addition to all use limitations applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following provisions:

#### **The Roane County Planning Commission must approve all other uses not mentioned.**

- (a) The business shall not employ more than one (1) person other than members of the family residing on the premises. The Roane County Planning Commission may, upon application by the home occupant, permit up to three (3) members of the family residing on the premises to be employed by the business.
- (b) No more than twenty-five percent (25%) of the total enclosed floor area, including basement, or occupable attic spaces of a residential unit, excluding residential Accessory uses, may be used for such business.
- (c) No alteration of a principal residential structure shall be made to accommodate a home occupation, which changes the character and function of the structure as a residence.
- (d) No mechanical equipment or process shall be used which creates excessive noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal sense outside the residential structure.
- (e) There shall be no exterior storage of equipment or material used in connection with the occupation or business that is not customary in a residential area.
- (f) Traffic or parking generated by a home occupation shall be no greater than is customary for a residence without a home occupation.
- (g) One (1) non-illuminated sign of one (1) square foot shall be allowed for permitted home occupations.
- (h) No warehousing or storage of merchandise or bulk sales-related material shall be allowed.

### **502.3 - Permitted Home Occupations**

**Permitted home occupations include, but are not limited to, the following list of occupations.**

- (a) Dressmakers, seamstresses, tailors.
- (b) Teachers, provided that instructions shall be limited to four (4) pupils at a time.
- (c) Artists, sculptors, authors or composers.
- (d) Office facilities for architects, engineers, lawyers, realtors, insurance agents, brokers and members of similar professions.
- (e) Office or study for a cleric.
- (f) Office facilities for salesmen, sales representatives, manufacturers representatives.
- (g) Word processing, computer programming and other services which are accomplished primarily with the benefit of a computer.
- (h) Home crafts, such as model making, rug weaving, lapidary work, etc., provided that no machinery or equipment be used or employed other than which would customarily be found in a home. Machinery or equipment, which would customarily be found in the home, shall include machinery or equipment, which would customarily be employed in connection with a hobby not conducted for gain or profit.
- (i) Day care for four (4) children or less.
- (j) Beauty parlor and/or barber shop.

**503 - Development Standards:****(a) Setbacks:**

1. The setback requirements of the established zoning district shall be applicable to the uses addressed in this Section.
2. Structures which exceed the maximum height limit of the established zoning district should be set back from the lot line of an adjoining single family residential use or lot zoned for single family residential use the minimum required setback as specified in the established zoning district. For purposes of this provision the height of the structure shall exclude spires, utility poles, towers, etc.
3. Structures must meet setback requirements even if the lots are adjoining and under the same ownership.

**(b) Traffic:**

4. The impact of traffic on adjacent residential and commercial areas should be minimized through thoughtful site planning and strategic screening and landscaping. Particular attention should be given to routing traffic to primary streets, avoiding through traffic in residential areas and avoiding dependence on street parking in residential areas.

**(c) Access:**

All lots, tracts or parcels requiring new entrances and/or exits must obtain a driveway permit from the Roane County Highway Department before construction is to begin.

**(d) Dilapidated structures or buildings:**

1. No dilapidated structures or buildings that would effect the public health, danger or general welfare of the community will be allowed in any district.

## **Section 504 - Communication/Microwave towers**

### **504.1 - Requirements:**

The requirements of this section apply to the placement of commercial communication and microwave towers and receiving antennas, including any incidental structures/buildings.

### **504.2 - Priority of Co-locations:**

An applicant proposing to construct a new communication/microwave tower shall give priority to the placement of an additional antenna on an existing tower, instead of erecting a new tower. Furthermore, approval of the construction of a new tower generally shall be contingent on the capability of future installations of additional antenna on such a tower. The applicant requesting the placement of a new tower shall provide written authorization to the Planning Commission indicating that the proposed tower is designed to allow the installation of additional antenna.

### **504.3 - Application for the erection of a communication/microwave tower:**

A request to erect a tower within Roane County's planning region shall be submitted to the Roane County Zoning Office.

(a) A permit for construction of a tower shall not be issued without the approval of the Board of Zoning Appeals. If substantial progress on a tower project has not been made within six (6) months of the issuance of a permit, then that permit shall be void. Prior to any consideration, the following must be submitted to the Zoning Office to be placed on the Board of Zoning Appeal's Agenda at least fourteen (14) days before the public hearing at which the proposal is to be addressed.

(b) A scaled site plan displaying the location, type, and height of the proposed tower, the locations and dimensions of any proposed buildings/structures on the site, locations of guy wires and their anchor points on the ground, dimensions of property boundaries, proposed or existing access points into the site, a landscape plan, along with indications of any needed screening and fencing.

(c) Lighting for the tower shall not exceed the requirements of Federal and State regulations, with regard to the number and color of lights. Intermittent or strobe lights shall be allowed on a tower only to the extent needed to satisfy Federal and State regulations. Lighting in excess of the applicable requirements shall not be permitted.

(d) Measures to prevent erosion and drainage from a tower site is required.

(e) When the active use of a tower ceases for a period of six (6) consecutive months, then the tower shall be removed at the owner's expense. It shall be the responsibility of the owner of the tower to notify the zoning office when that tower has ceased operations, except for ordinary maintenance or minor repairs.

## **Section 505 - Off Street Vehicle Parking**

### **505.1 - Assembly:**

One space per fifty (50) square feet of the structure/building area.

### **505.2 - Business and Mercantile:**

- (a) Retail sales: At least ten (10) spaces per 2,000 square feet of gross floor plus one (1) space per four (4) employees.
- (b) Offices: One (1) space per three (3) employees plus one (1) space per 200 square feet of client/patron waiting area.
- (c) Automotive services: Five (5) spaces per service bay plus one (1) space per three (3) employees.

### **505.3 - Hazardous:**

At least one (1) space per five (5) employees.

### **505.4 - Factory, Industrial and Storage**

At least one (1) space per five (5) employees. However, Planning Commission may require one (1) additional parking space per every 2,000 square feet of gross floor area.

### **505.5 - Institutional:**

One (1) space per every four (4) sleeping beds provided plus one (1) for every three (3) employees.

### **505.6 - Residential:**

At least two (2) spaces per dwelling unit.

## **Section 506 - Rural Businesses**

### **506.1 - Intent and Purpose**

A rural business shall be a small office or small scale retail sales or service type business which shall be secondary or incidental to the primary use of property for agricultural or residential purposes. Such business shall be primarily directed toward providing local or neighborhood services to rural-residential areas. Rural businesses are intended to be of a smaller size, intensity and scale than commercial uses which would be more commonly found in commercial or business zoning districts. Rural businesses shall be similar to home occupations except that the activity can occur in an accessory structure detached from the principal residence and shall be limited to the A-1 and A-2 District.

### **506.2 – Permitted Uses**

- (a) Offices.
- (b) Beauty shops, barber shops.
- (c) Retail sales or services.
- (d) Small repair shops for appliances, machinery, farm equipment or automobiles, with the following limitations:
  - 1. Repair shops shall not create excessive noise, noxious odors or any hazard which would adversely affect the health, safety or welfare of the adjoining property owners or the neighborhood in general.
  - 2. Outdoor storage of inoperable machinery, equipment or vehicles shall be limited to seven (7) days.
  - 3. All spare parts (new or used) shall be stored within a structure and the storage space shall be included in the total space allocated for the rural business.

### **506.3 – Prohibited Uses**

- (a) Truck terminals, heavy equipment rental.
- (b) Industrial and manufacturing uses which require specialized equipment not ordinarily associated with agricultural and residential uses, i.e. forges, large milling machines, poultry or meat processing and packing equipment (except as provided above).
- (c) Drive-in theaters, restaurants, entertainment facilities, skating rinks or any use which as a result of its normal operation would generate large amounts of vehicular traffic.
- (d) Any use which is clearly out of scale or character with agricultural and residential areas.

#### **506.4 - Development Standards**

The following standards shall apply to all rural businesses unless specifically exempted by the Planning Commission. The petitioner must satisfactorily demonstrate that exemption from one or more of these standards will not result in adverse impacts upon surrounding property. A modification of development standards shall only be permitted if: (a) there are special and unusual topographic or physical conditions unique to the property or structure, or (b) the proposed use is clearly stated and will remain of such a small scale that conducting or operating the business would not be obvious or noticeable from the adjoining property or by the public in general, and (c) a modification of development standards shall only be approved if the intent of the Rural Business section is maintained.

- (a) An approved rural business shall be valid only so long as the original petitioner owns the property, names the business owner, and the occupier of the property. Whenever the user of the property changes or there is a change in the ownership of the property, Planning Commission approval shall be void and a new application shall be submitted to the Planning Commission for consideration.
- (b) The property containing the site of the rural business must also be the bona fide residence of the principal practitioner.
- (c) Structure:
  - 1. Any detached structure (existing or proposed) housing the rural business must be located to the sides or the rear of the principal residence on the subject property.
- (a) Any rural business which is to be operated in a structure not existing at the time of approval shall not exceed 2,000 square feet.
- (b) Rural businesses shall be located on property containing at least five (5) acres of land and the site upon which the rural business is actually conducted shall not exceed one half acre of land.
- (c) Only one non-illuminated sign, limited to a maximum of 16 square feet shall be permitted. This sign may have two (2) faces of 16 square feet each, back-to-back, on one set of supports.

**Section 507-Development standards for Racetracks, Go-cart Tracks and other Motorized Trails/Motor Cross Tracks**

The following standards shall apply to all private or public racetracks having three or more cars, carts, or ATV's on raceways, go-cart tracks, ATV trails and other motorized/motorcross trails whether operated for profit or free of charge:

- A. Any petitioner for a racetrack, go-cart track, raceway, ATV or motorized track/trail must have at least ten (10) acres under one ownership. The property must be located in a C-1, C-2, I-1, I-2, or I-3 zone only. Setbacks of three hundred (300) feet from all exterior property lines are required. In this setback, parking is allowed but no structures or any part of the track are permitted. A fifty (50) feet wide buffer strip shall be required and included within the 300 feet setbacks. This fifty(50) feet wide buffer strip shall be located along the property line and be used for landscaping and noise barriers. No parking or structures are allowed in this fifty (50) feet wide buffer strip unless it is a noise abatement structure approved by the planning commission.
- B. The petitioner must present a request for approval to the BZA for a special exception. In making that request, a site plan must be submitted showing:
  1. The entire location and layout of the racetrack or ATV trails drawn to a scale of 1 inch = 50 feet by a licensed surveyor.
  2. Proof that the vehicles, sound system or anything on site, operating individually and cumulatively on the racetrack or trail, does not exceed a decimal level of 70db which is the maximum allowed as measured on the property line.
  3. A plan showing how the petitioner intends to negate dust originating from the track or trail and negate its impact on nearby residences.
  4. A drainage plan for the site showing drainage contained on the racetrack site.
  5. A fifty (50) feet wide landscape or noise barrier along the property lines adjacent to residences.
  6. A lighting plan showing the wattage and location of outdoor lights. All outdoor lights must be pointed down and away from residences. No light encroachment is permitted off the property line onto adjacent properties. No lights are permitted in the fifty feet wide landscape and noise buffer.
  7. A statement on maximum hours of operation and number of days per week. No track or trail may be operated or utilized after 10 p.m. or before 9 a.m.
  8. Parking lots are required for tracks, raceways or trails that are for public use, i.e. payment required for track usage or other on-site sales. One identified and graveled 10 by 20 parking space is required for each two guest and a 10 by 30 space for each participant.
  9. Capacity of the track must be noted with the maximum number of cars, motorcycles, or ATV's that will be allowed to participate concurrently.
  10. The site plan must contain a plan for all sanitation facilities, showing locations, including trash and restrooms. The planning commission may require additional restrooms or other sanitation facilities.
  11. The site plan must contain a traffic impact design showing ingress and egress data.
- C. The Board of Zoning Appeals may deny the request due to insufficiency of any documents submitted or the failure to provide adequate noise, dust, light or drainage from negatively impacting adjacent properties.
- D. The planning commission may deny the site plan due to lack of information, inaccurate information, failure to obtain a state license, failure to meet site plan criteria, failure to provide safe access or a failure to provide necessary noise impact data.

## **ARTICLE VI - Administration**

### **Section 601 - Applications, Petitions and Filing**

#### **601.1 - General Procedures**

All applications, requests, and petitions for permits, certificates of zoning compliance, variances, planned developments, classifications and reclassifications of property, notices of appeal, amendments to this Resolution, and other similar matters, together with all supporting documents required for such application, request or petition, and fees therefore, shall be filed with the Zoning Office in the appropriate form as specified herein. All data, drawings, narrative and other supporting documentation required herein must be provided for an application to be officially received for staff review and scheduling of consideration by the Regional Planning Commission in accordance with the scheduling provisions established herein.

### **Section 602 - Zoning Resolution Amendments**

#### **602.1 - Proposed Amendments**

These Zoning Regulations of Roane County, Tennessee, including the Official Zoning Map, may be amended from time to time by the County Commission of Roane County. Amendments to the Zoning Regulations, including the Official Zoning Map, may be proposed by the County Commission of Roane County, the appropriate Regional Planning Commission or by any individual, firm or organization, or their duly appointed agent or attorney. Provided however, no amendment shall become effective unless it has first been submitted to the appropriate Planning Commission for review and recommendation, and approved by the Roane County Commission.

#### **602.2 - Planning Commission Consideration and Recommendation**

- a. The Planning Commission, after appropriate public notice has been given will consider the merits of each application.
- b. After hearing from all interested parties, the Planning Commission shall have forty (40) days within which to make its decision and submit its recommendation to the Roane County Commission. Upon request of the applicant and the approval of the Planning Commission, the time period for making a decision or recommendation may be extended.
- c. The Planning Commission shall review the need and justification for the change based on a determination of the facts applicable to the particular case and the following general lines of inquiry may include, but not be limited to:

1. Is change contrary to the established land use pattern that presently exists in the area?
2. Would change create an isolated district unrelated to the surrounding districts?
3. Would change drastically increase the population density pattern and thereby increase the load on public facilities (schools, sewers, streets, law enforcement, fire protection)?
4. Are present zoning district boundaries illogically drawn in relation to existing conditions in the area?
5. Will the change adversely influence living conditions for residents in the immediate area?
6. Will the change create or excessively increase traffic congestion or traffic hazards?
7. Will the change adversely affect property values in adjacent areas in accordance with their present zoning and use?
8. Will the change be a deterrent to the improvement or development of adjacent property in accordance with existing regulations?
9. Will the change constitute a grant of a special privilege to an individual as contrasted to the general welfare of the community or neighborhood?
10. Are there substantial reasons why the property cannot be used in accord with existing zoning?
11. Is the change requested out of scale with the needs of the:
  - (a) County as a whole?
  - (b) Immediate neighborhood?
12. Is it impossible to find adequate sites for the proposed use in appropriately zoned districts?
13. If approved, is the site suitable for the proposed use, i.e., off-street parking, setbacks and open space?
14. Is the requested change for speculative reasons?
15. Is the property accessible to a public street?
16. Would this change, if near a city limit boundary, adversely affect the zoning or land use within the city?
17. Would there be an ecological or pollution impact resulting from major modifications to the land if this request was granted?
18. Is there a relative gain to the public by retaining the present zoning as compared to the hardship imposed upon the individual property owner?
19. Have there been land use changes in the immediate area that would justify a zoning change on this property?
20. Is there reasonable evidence based upon existing and anticipated land use that would indicate there was a mistake in the original zoning of the property?

### **602.3 - Required Notice of Public Hearings**

The Roane County Board of Zoning Appeals and the Roane County Commission taking actions on zoning applications shall provide for Public Hearings on the proposed actions. A notice of the Public Hearing going before County Commission shall be published at least fifteen (15) days, prior to said Public Hearing in a newspaper of general circulation within the territorial boundaries of Roane County. A ten (10) day notice is required for Board of Zoning Appeals Public Hearings.

### **602.4 - Content of the Published Public Notice**

#### **The Published Public Notice shall state:**

- a. The time, place, and purpose of the hearing, and:
- b. The location of the property, and
- c. The present zoning classification, and
- d. The proposed zoning classification of the property.

### **602.5 - Posting of a Public Notice Sign Required**

A sign notifying the public of a proposed zoning map amendment shall be placed in a conspicuous place on the subject property at least ten (10) days prior to the meeting at which it is to be considered.

- (a) County Commission shall consider all recommendations and findings of the Planning Commission, including specific recommended conditions of approval and any additional information the applicant wishes to present at a Public Hearing on the date advertised, at which time all interested parties and citizens shall have an opportunity to comment upon the proposed amendment. County Commission may follow the general lines of inquiry as set forth in Section 602.2 (c) of this Resolution.
- (b) If new, relevant information not available to the Planning Commission at the time of its deliberation is presented to County Commission, the application may be returned to Planning Commission for reconsideration.
- (c) The decision rendered by County Commission regarding the proposed amendment shall be deemed to be the final action on the application.
- (d) The vote of Roane County Commission shall require a majority of the full legislative body. Board of Zoning Appeals and Planning Commission vote requires a majority of the quorum present at the meeting.
- (e) If a zoning application is denied by County Commission, then the same property may not again be considered for rezoning until the expiration of at least one (1) year immediately following the defeat of the zoning application by County Commission.

**602.6 - Filing Requirements**

An application for a rezoning shall be submitted to the Zoning Office at least 15 days in advance of the next regular Planning Commission meeting at which it is to be considered. The completed application shall be accompanied by payment of fifty dollars (\$50.00) to the zoning office to cover administrative and advertising costs. The following items of information shall be supplied by the applicant in or attached to the formal application:

- (a) Name and address of applicant;
- (b) Name and address of the owner or operator of the proposed structure or use, if different from the applicant;
- (c) Nature of the proposed use, including type of activity proposed, manner of operation, number of occupants or employees, and similar matters;
- (d) Location of the proposed use or structure, and its relationship to existing adjacent uses or structures;
- (e) Area and dimensions of the site for the proposed structure or uses;
- (f) Location and number of proposed parking/loading spaces and access way;
- (g) Identification and location of all existing or proposed utilities, whether public or private; and/or
- (h) Any pertinent information that the Planning Commission and/or County Commission may require.

## **Section 603 – Board of Zoning Appeals**

The following shall apply to the Board of Zoning Appeals, as created and established by the Roane County Commission to serve the Roane County Planning Region and as authorized by state laws:

### **603.1 - Intent and Purpose**

The general intent and purpose of the Board of Zoning Appeals is to vary the terms of the zoning regulations of Roane County in appropriate circumstances which are consistent with the conditions and safeguards of this Resolution and in accordance with the other applicable provisions contained herein and to rule on grievances regarding any decision or order of the Zoning Office in any matter related to the interpretation or enforcement of this Resolution.

### **603.2 - Composition, Appointment, Term, Removal**

**Membership.** The Board of Zoning Appeals shall consist of five (5) members and five (5) associate members. One voting member and one (1) associate member shall be appointed per Civil District, to be nominated by the County Commissioners representing that Civil District. Associate members shall serve as alternates for respective voting members. Members shall be appointed by the County Commission for five year terms, with one term to expire annually.

#### **Members must be:**

- (a) a citizen of the United States
- (b) at least 21 years of age and
- (c) resident of Roane County, Tennessee

Roane County Commission shall have the authority to remove any member for cause stated in writing after a public hearing advertised for general circulation at least 10 days in advance.

The absence of a member of the Board of Appeals from three (3) consecutive regularly scheduled meetings without giving prior notice to the Chairman of the Board or the Zoning Office shall terminate said member's appointment. Notice of termination shall be transmitted by the Chairman of the Board of Zoning Appeals to the terminated member as well as to County Commission who shall designate a replacement according to the provisions for appointment established above.

All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties and approved in advance by the County Executive.

### **603.3 - Election of Officers**

The Board of Zoning Appeals shall elect a Chairman and Vice-Chairman for a one year term. The Chairmanship and Vice-Chairmanship may be held for consecutive terms. The Board shall appoint a secretary who may be an officer or employee of Roane County.

### **603.4 - Rules and Regulations**

As necessary, desirable and consistent with the provisions of the zoning codes, other County Resolutions and relevant status of the State of Tennessee, the Board of Zoning Appeals may adopt such rules and regulations to carry out the provisions of this Resolution .

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine.

The Chairman, or in the Chairman's absence, the acting Chairman may administer oaths and compel the attendance of witnesses.

The Board shall keep minutes of its proceedings (1) showing the full text of each motion and the vote of each member on each motion (2) identifying absent members, (3) documenting the questioning and examination of applicants and witnesses and other official actions. Minutes of the Board of Zoning Appeals meetings shall be promptly filed in the Zoning Office.

All meetings, actions and decisions of the Board of Zoning Appeals shall be open to the public and all records shall be a public record.

A quorum must be present to consider an applicant and a majority of the quorum must concur to approve an application or otherwise take action.

No request for reconsideration of a denied application for which the Board of Zoning Appeals has authority shall be received or heard by that Board for a period of one (1) year following the date of the official decision, unless outstanding new findings are brought forth regarding the request.

No member shall discuss with any other member of the Board of Zoning Appeals, participate in the consideration of, or act on any agenda item before the Board which constitutes a conflict of interest for that member.

### **603.5 - Powers and Duties**

#### **The Board of Zoning Appeals shall have the following powers and duties:**

- (a) To hear and decide appeals where it is alleged by an appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Office or other administrative official in the carrying out or enforcement of zoning and building regulations adopted for the region.
- (b) To hear and decide, in accordance with the provisions of the zoning regulations, requests for special exceptions or for interpretations of the zoning map and/or regulations or for decisions upon other special questions authorized by this resolution.
- (c) To grant variances from the terms of the zoning regulations in specific cases where there exists a lot (parcel or tract) recorded prior to the enactment of zoning regulations, and such lot is exceptionally narrow, shallow, or shaped, or such piece of property has exceptional topographic conditions or other extraordinary and exceptional situation or condition that the strict application of certain zoning requirements would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner. (Hardship does not include conditions and/or situations resulting in financial problems resulting from an act or acts by past and/or present owner). Variances may be granted to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and regulations.
- (d) To grant density, height and setback variances for projects identified in major developments such as planned unit developments, shopping centers, housing developments and smaller developments upon presentation of a site plan.

In exercising the above powers the Board of Zoning Appeals may in conformity with the provisions of this Resolution, reverse or affirm, wholly or in part, or may modify an order, requirement, decision or determination, and to that end shall have all powers of the officer from whom the application is taken and may direct the issuance of a Building Permit, Occupancy Permit or Certificate of Zoning compliance. In no case shall the powers of the Board be construed to include authority to reclassify use zones.

**The official actions of the Roane County Board of Zoning Appeals shall be the final decision and may be appealed only to a Court of Jurisdiction.**

## **Section 604 - Building Permit**

### **604.1 - Permit Required**

Before any building or structure may be constructed, erected, enlarged, altered, repaired, changed or converted, application for a building permit shall be made to the Zoning Office.

### **604.2 - Issuance of Permits**

A building permit and inspections are required for all docks that are more than 250 square feet in size, or for any dock with utilities, a roof, or upper deck structures with the permit fee being based on the value of the structure, for all docks less than 250 square feet in size, a building permit of \$20 will be required, however, no inspection is necessary.

If an application including all supporting documentation does not comply, in all respects, with the regulations of this Resolution, and other applicable regulations, it shall be disapproved by the Zoning Office. The Zoning Office may, before disapproving any applications, return such application to the applicant, who may amend the said application, plans or specifications in order to make the proposal comply with the regulations of this Resolution. In such event, the Zoning Office shall proceed to pass upon the application as if it were an original one.

If the application, filed together with the plans and specifications, conforms in all respects with the requirements of this Resolution, the Zoning Office shall, within reasonable time, issue the permit applied for. If an application is disapproved, the applicant shall be notified in writing, with reason for the disapproval.

### **604.3 - Expiration**

Whenever a permit is granted under the provisions of this Resolution, this permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced.

The Board of Zoning Appeals may grant an extension to the initial period of validity not to exceed 180 days, if the grantee documents only cause for the delay to the satisfaction of the Board.

### **Section 604.4 - Fees**

Upon receipt of the recommendations of the Zoning Office, County Commission shall establish a schedule of fees, charges and expenses, and a collection procedure for all matters pertaining to the administration of this Resolution. The schedule of fees shall be filed in the Zoning Office. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any matter or on any appeal provided by this Resolution.

## **Section 605 - Enforcement**

### **605.1 - Zoning Office**

This Resolution shall be enforced by the Zoning Office. The construction, reconstruction and/or alteration of buildings shall not be undertaken, and the development of land shall not be commenced except in accordance with the provisions of this Resolution. No permit or application for the construction, alteration or change of use of buildings or land shall be approved if the proposed use or activity would be in violation of the Zoning Regulations.

### **605.2 - Notice of Violation and Sanctions**

If the Zoning Office finds that any of the provisions of this Resolution are being violated, the person responsible for such violations shall be notified in writing. The Zoning Office shall indicate the nature of the violation, and order the action necessary to correct it. The Zoning Office shall take any other action authorized by law to ensure compliance with or to prevent violation of the provisions of this Resolution.

### **605.3 - Conformance with Approved Plans and Conditions**

All permits issued on the basis of plans and/or applications approved by the Zoning Office, Planning Commission and/or County Commission shall authorize only the use, arrangement and/or construction set forth in such approved plans and/or applications, and no other use, arrangement, or construction.

## **Section 606 - Violations and Penalties**

### **606.1 - Violations**

Violations shall include, but are not limited to, the following:

- (a) The use, alteration, or construction of buildings or the use or improvement of land of a site not in accordance with the provisions of this Resolution or with approvals given or permits issued pursuant to this Resolution.
- (b) Failure to obtain permits as required by this Resolution.
- (c) Failure to comply with the terms, conditions or restrictions of a variation issued pursuant to this Resolution.

### **606.2 - Persons Liable for Violation**

- (a) Those who commit, assist in, or otherwise participate in a violation.
- (d) The owner or other persons who maintain the building, premises, property, or other place where the violations has been committed or exists.
- (c) The owner's agent or person in charge of the building, premises, property or other place where the violation has been committed or exists.
- (d) The lessee or tenants of all or part of the building, premises, property, or other place where the violation has been committed or exists.
- (e) The developer, agent, architect, contractor, subcontractor, or any other person who performs work or enters into a contract for work in violation of this Resolution.

### **606.3 - Instituting Action**

In case any building or structure is constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structures, or land is used in violations of the regulations established by this Resolution, the County, or any owner or tenant of real property abutting the subject property, in addition to other remedies, may institute any appropriate action or proceeding:

- (a) to prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use,
- (b) to prevent the occupancy of the building, structure or land
- (c) to prevent any illegal act, conduct, business, or use in or about the premises, or
- (d) to restrain, correct, or abate the violation. When any such action is instituted by an owner or tenant, notice of such action shall be served upon the County at the time suit is begun, and no such action may be maintained until such notice has been given.

#### **606.4 - Corrective Action Orders**

Whenever the Zoning Office finds, by inspection or otherwise, that any lot, structure or use, or work thereon, is in violation of this Resolution, he/she shall so notify the responsible party, and shall order appropriate corrective action.

- (a) Contents of Order - The order to take corrective action shall be in writing and shall include: a description of the premises sufficient for identification; a statement indicating the nature of the violation; a statement of the remedial action necessary to effect compliance; the date by which the violation(s) must be corrected; a statement that the alleged violator is entitled to a conference with the Zoning Office if he/she so desires; the date by which an appeal of the corrective action order must be filed, and a statement of the procedure for so filing; and a statement that failure to obey a corrective action order shall result in revocation of the certificate of zoning compliance and may result in the imposition of fines.
- (b) Service of Order - A corrective action order shall be deemed properly served upon the owner, occupant, or operator of the offending lot, structure, or use if it is served upon him/her personally, sent by certified mail to his last known address, or posted in a conspicuous place or about the affected premises.

#### **606.5 - Emergency Measures**

Notwithstanding any other provisions of the Resolution, whenever the Zoning Office determines that any violation of the Resolution poses an imminent peril to life or property, he/she may institute, without notice or hearing, any necessary proceedings to alleviate the perilous condition.

#### **606.6 - Penalties For Violations**

Enforcement. Violations of these regulations are punishable under the state statutes governing misdemeanors authorized in Title 13, Tennessee Code Annotated. The Zoning office shall have primary enforcement authority.

## **ARTICLE VII**

### **Establishment of Planning Commission**

#### **Section 701 - Regional Planning Commission**

Within this document references to the “planning commission” shall mean the “regional planning commission of jurisdiction,” unless otherwise specified. Four regional planning commissions within the county have review authority exclusive of city boundaries. These include the Roane County Planning Commission, Harriman Regional Planning Commission, Kingston Regional Planning Commission and Rockwood Regional Planning Commission. Harriman, Kingston and Rockwood have designated regional boundaries which were created through approval of the State of Tennessee Local Government Planning Advisory Committee. Within each planning region, the planning commission having jurisdiction shall review subdivision plats, street and road efforts with other regional planning commissions or common issues and activities. Each regional planning commission shall also review proposed amendments to the text of the Roane County Zoning Resolution and make recommendations.

#### **Section 701.1 - Zoning Officer, Appointment and Purpose**

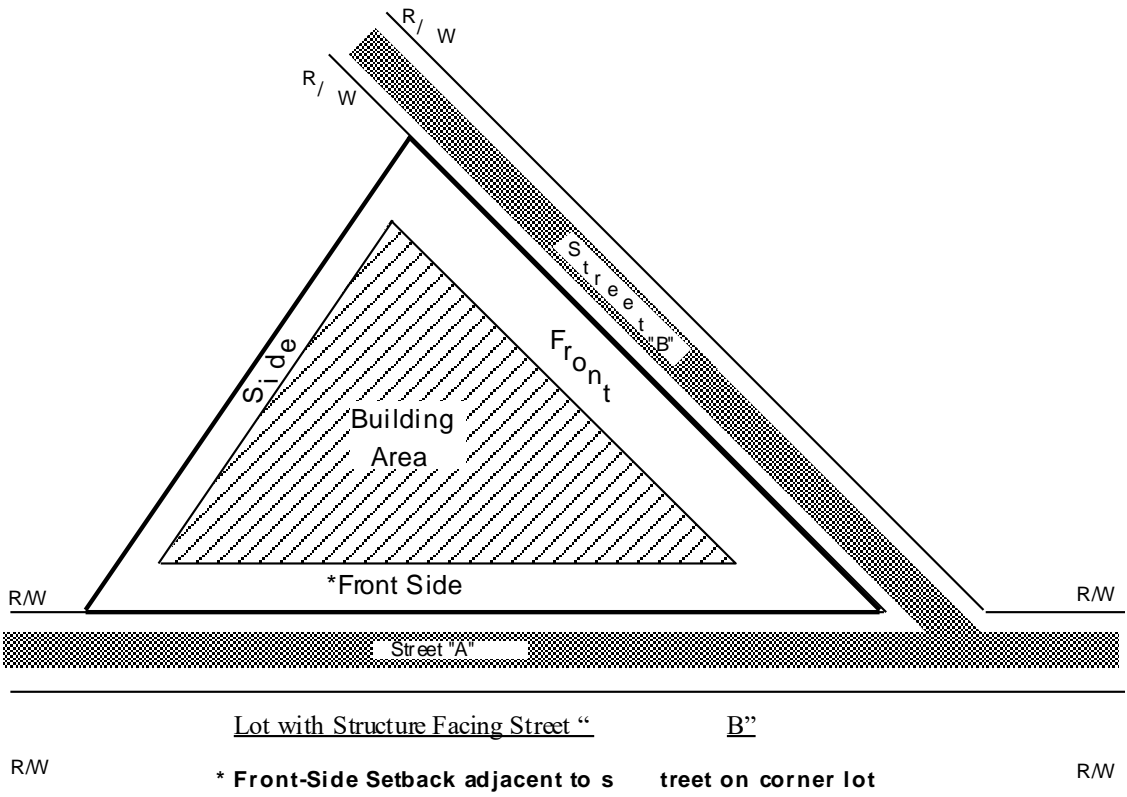
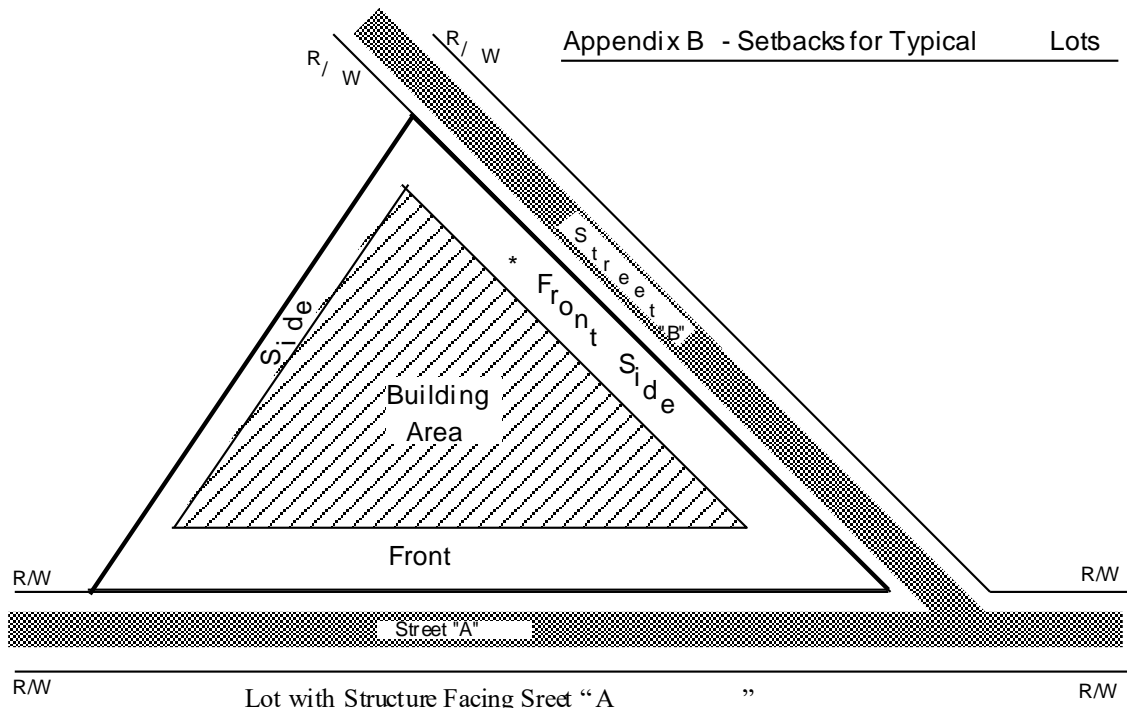
The Zoning Officer shall be appointed by the Roane County Executive and shall receive such compensation as may be authorized by County Commission. The Zoning Officer shall be accountable to the County Executive. The Zoning Office, as designated by the zoning regulations shall have responsibility for administration of regional zoning regulations. Furthermore, it shall be the responsibility of the Zoning Office to assist the Planning Commission and the Board of Zoning Appeals in carrying out their functions and responsibilities; the Zoning Officer or building inspector shall have the authority to enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon.

#### **701.1 - Powers and Duties**

The Zoning Office is hereby authorized and directed to administer the provisions of this Resolution. In addition to the powers and duties outside the scope of this Resolution, the Zoning Office’s responsibility encompasses, but is not limited to, the following specific duties.

- (a) To certify zoning compliance for all building permits, to inspect land, structures and uses to determine compliance with this Resolution and to initiate appropriate corrective action when there are violations.
- (b) To coordinate inspection and enforcement actions to ensure consistent applications of the provisions contained herein.

- (c) To inform the Planning Commission of any provisions contained herein which are causing enforcement problems or should be reevaluated for consistency with the overall objectives of the Comprehensive Plan and zoning and subdivision regulations.
- (d) To review and forward to the Board of Zoning Appeals all applications for variations and appeals.
- (e) To review and forward all applications to the Planning Commission.
- (f) To maintain current and permanent records of the administration of this Resolution including, but not limited to, zoning district maps, certificates of zoning compliance, permits, variations, interpretive decisions of the Board of Zoning Appeals, amendments, and all applications related to any of these matters.
- (g) To periodically review the provisions of this Resolution to determine whether revisions are needed, and to make recommendations on these matters to the Planning Commission at least once each year.
- (h) To publish, as necessary, up-to-date copies of this Resolution including the zoning district map and any amendments thereto.
- (i) Provide information to the general public on matters related to this Resolution, planning and planning related matters.
- (j) Provide clerical and technical assistance as may be required by the Planning Commission, Board of Zoning Appeals and County Commission in the exercise of their duties if it is within the capacity of the staff of the Zoning Office.
- (k) To manage the preparation and periodic updating of the Comprehensive Plan for Roane County.
- (l) Other duties that may be assigned by the Board of Zoning Appeals, Planning Commission, County Commission or the County Executive.



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