

# **Hamilton County Zoning Regulations**

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(Resolution No. 514-32)**

**Hamilton County, Tennessee**

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**ARTICLE I**  
**APPLICATION AND AUTHORITY OF REGULATIONS**

100. Title of Resolution

A RESOLUTION ESTABLISHING ZONE DISTRICTS WITHIN THE UNINCORPORATED TERRITORY OF HAMILTON COUNTY, REGULATING THE USES OF PROPERTY THEREIN, ADOPTING SECTIONAL MAPS OF SAID DISTRICTS, REQUIRING ZONING FOR THE CONSTRUCTION AND USE OF BUILDINGS AND PREMISES WITHIN SAID DISTRICTS, ESTABLISHING THE OFFICE OF BUILDING COMMISSIONER, ESTABLISHING A BOARD OF ZONING APPEALS AND FIXING THE POWERS AND DUTIES THEREOF, AND PROVIDING FOR THE ADJUSTMENT, ENFORCEMENT, AMENDMENT, AND PENALTIES FOR VIOLATION OF THIS RESOLUTION.

101. Authority for Resolution

WHEREAS, The Resources Utilization Board of Chattanooga, and Hamilton County, Tennessee, a Regional Planning Commission for Hamilton County, Tennessee, was appointed by the State Planning Commission of the State of Tennessee on May 3, 1943, in accordance with the provisions of Chapter 43 of the Public Acts of 1935; and

WHEREAS, The said Regional Planning Commission has adopted, certified and recommended to this Commission for adoption a zoning plan consisting of the maps and regulations described herein for the purpose described in the title of this Resolution, as part of the Hamilton County Plan; and,

WHEREAS, This County Commission of Hamilton County has been authorized to establish districts and zoning regulations subsequent to such Planning Commission recommendation by Chapter 33 of the Public Acts of 1935; now therefore,

BE IT RESOLVED BY THE COUNTYCOMMISSION OF HAMILTON COUNTY, TENNESSEE, AS FOLLOWS:

102. General Purpose and Adoption of Zoning Plan

For the public health, morals, convenience, property and general welfare of the citizens of Hamilton County, and in order to secure the public rights in the orderly development of Hamilton County through promoting adequate light and air, lessening congestion on public roads, preventing excessive concentrations or wasteful scattering of people and settlement, and facilitating and conserving adequate provisions for transportation, water flowage, water supply, drainage, sanitation, recreation and the protection of both urban and farm development, there is hereby adopted and established an official Zoning Plan for Hamilton County consisting of the maps and regulations described herein.



## **ARTICLE II DEFINITIONS**

### 100. Reference Title of Resolution

This resolution shall be known as "The Hamilton County Zoning Resolution" and may be cited as such.

### 101. General Definitions

Certain words and terms are defined as follows: Words used in present tense include the future; words in the singular number include the plural and words in the plural number include the singular; and the word "building" includes the word "structure" and the word "shall" is mandatory and not directory. The term "Board of Appeals" shall mean the Hamilton County Board of Zoning Appeals established by this resolution, and the term "Planning Commission" shall mean the Hamilton County Regional Planning Commission, or any succeeding Regional Planning Commission with jurisdiction over Hamilton County.

**ACCESSORY BUILDING:** A subordinate building not more than two stories in height, the use of which is incidental to that of the main building on the same lot.

**ACT:** The statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128. This definition is for the benefit of the Flood Hazard Program.

**ADDITION TO AN EXISTING BUILDING:** Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled or roofed addition which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

**AMUSEMENT RESORT:** Includes shows, concerts, racing events, fairs or any other such use which is staged for the entertainment and/or participation of an assembled group of persons at or on locations where structures, buildings and/or other facilities necessary for the public welfare are provided.

**ANTENNAE:** An apparatus designed for telephonic, radio, television or other communications through the sending and/or receiving of electromagnetic waves.

**APPEAL:** A request for a review by a higher authority of the interpretation of any provision of these regulations or a request for a variance.

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

**AREA OF SPECIAL FLOOD HAZARD:** The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

**AREA OF SPECIAL FLOOD-RELATED EROSION HAZARD:** Is the land within a community which is not likely to be subject to severe flood-related erosion losses. The area may be detailed evaluation of the special flood-related erosion hazard area in preparation for publication

of the FIRM, Zone E may be further refined. This definition is for the benefit of the Flood Hazard Program.

**AUTO WRECKING YARD:** Any place where three or more vehicles not in running condition, or the parts thereof, are stored in the open, or any building or structure used primarily for the wrecking or storage of such automobiles.

**BASE FLOOD:** The flood having a one percent chance of being equaled or exceeded in any given year - commonly referred to as the "100-Year Flood". (See also Area of Special Flood Hazard")

**BASEMENT:** The portion of a building having its floor subgrade (below ground level) on all sides. The basement of a building shall not count as a story if the upper surface of the first floor above such basement is less than seven (7) feet above the average grade.

**BED AND BREAKFAST:** Any house, or other structure used, advertised or held out to the public to be a place where living or sleeping accommodations are supplied for pay to transients and shall contain no more than nine (9) bedrooms for that purpose. The innkeeper shall reside on premises. Meals, usually breakfast, may be provided for the tenant.

**BOARDING HOUSE:** See Lodging or Boarding House

**BORROW PIT:** An excavated area where rock, dirt or other material has been dug or blasted and hauled to another location for use as fill material for a specific project.

**BREAKAWAY WALL:** A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

**BUILDING:** A structure having a roof supported by columns or walls.

**BUILDING HEIGHT:** The vertical distance measured from the finished grade elevation across the front of the building, or from the average of the highest and lowest level at the ground foundations of the building, to the highest point of a flat roof or the mean height between eaves and ridge of a gable, hip, or gambrel roof.

**CAMPGROUND, TENT ONLY:** Any parcel or tract of land upon which two or more campsites are occupied or intended to be occupied by tents for overnight camping. Tent only campgrounds, may be one of the following types:

Semi-Developed: A campground with two or more campsites accessible by vehicular traffic on an internal private street network. Internal streets, restroom facilities and camp store may be provided.

Walk-in: A campground facility equivalent to a semi-developed campground of two or more campsites except that the campsites are not accessible by vehicle traffic. Access to walk-in campgrounds is typically by canoe, boat, bike, horses, and walking and not by motorized vehicles such as cars or recreational vehicles.

**CAMPSITE:** A plot of land within a campground for the placement of a single tent or a group of tents.



**CARPORT (ATTACHED):** A permanent structure attached to a residence and erected over a driveway, not exceeding one story in height, and open on two or more sides, designed for private passenger vehicles.

**CARPORT (DETACHED/FREESTANDING):** A permanent accessory roofed structure, open on two or more sides, designed for private passenger vehicles.

**CEMETERY:** A place used for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments or a combination thereof.

**CIVIC ORGANIZATION BUILDING AND/OR LODGE HALL:** A building where a membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities. This definition shall not include fraternities or sororities.

**CLUB:** Buildings and facilities owned or operated by an association or persons for a social or recreational purpose, but not operated primarily for profit or to render a service which is customarily carried on as a business.

**COLUMBARIUM:** A place for public storage of urns. Columbaria can be either free standing units, part of a mausoleum or another building.

**COMMUNICATIONS TOWER HEIGHT:** The distance measured from the ground level to the highest point on the communication tower, excluding antennae.

**COMMUNICATIONS TOWER:** Any structure that is designed and constructed primarily for the purpose of supporting any telecommunications antenna, dish or transmitter.

**CONTRACTOR STORAGE YARD:** Storage yards operated by, or on behalf of, a contractor for storage of large equipment, vehicles, or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of the contractor's own equipment; and may include buildings or structures for uses such as offices and repair facilities.

**CREMATION:** The act of reducing a corpse by burning, generally in a crematorium furnace or crematory fire.

**CREMATORY:** A building or structure containing properly installed, certified apparatus intended for the use in the act of cremation.

**DAY CARE CENTER:** A place operated by a person, society, agency, corporation, institution, or other group that received pay for the care of 8 or more children under 17 years of age for less than 24 hours per day, without transfer of custody. The term "Day Care Center" also includes child development centers, nursery schools, day nurseries, playschools, and kindergartens, as well as agencies providing before- and after-school care, regardless of name, purpose, or auspices. (Excluding schools graded 1-12 and kindergartens operated by governmental units or by religious organizations.) Also, a place operated by a person, society, agency, corporation or institution, or any group wherein are received for pay eight (8) or more aged persons for group care for less than 24 hours per day. This definition is not applicable to any such use operated by a government.

**DAY CARE HOME:** A home operated by any person who receives pay for providing less than 24-hour supervision and care, without transfer of custody, for 5, 6, or 7 children under 17 years of age who are not related to the operator and whose parents or guardian are not residents of the household. (A license is not required for a home providing care for fewer than 5 children.) Also, a home operated by any person who receives therein for pay not more than seven (7) aged persons, who are not related to such person, for less than 24 hours supervision and care.

**DEMOLITION DUMP:** Any area used for the purpose of permanently or temporarily storing materials from demolished buildings (including pavement) or structures or materials resulting from the clearing of land (i.e., brush and tree stumps). This does not include trash, garbage, junked autos, or other such materials as would normally be deposited at a sanitary landfill, junkyard or auto wrecking yard.

**DENSITY:** The number of dwelling units per acre. The density is calculated by dividing the number of dwelling units by the total acreage of the project site.

**DEVELOPMENT:** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**DWELLING, SINGLE-FAMILY DETACHED:** A building containing only one dwelling unit, and designed or used to house not more than one family.

**DWELLING, TWO-FAMILY (DUPLEX):** A building containing not more than two dwelling units, and designed or used to house not more than two families, living independent of each other.

**DWELLING, MULTI-FAMILY:** A building containing three or more dwelling units, and designed or used to house three or more families.

**DWELLING UNIT:** Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, cooking, sleeping, and eating.

**ELEVATED BUILDING:** A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

**EMERGENCY FLOOD INSURANCE PROGRAM (or EMERGENCY PROGRAM):** The program as implemented on an emergency basis in accordance with section 1226 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

**EROSION:** The process of the gradual wearing away of landmasses. This peril is not per se covered under the National Flood Insurance Program.

**EXCEPTION:** A waiver from the provisions of the Resolution which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Resolution.

**EXISTING CONSTRUCTION:** Any structure for which the "start of construction" commenced before August 1, 1979. This definition is for use only for the benefit of Flood Hazard requirements

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before July 25, 1979. This definition is for use only for the benefit of Flood Hazard requirements.

**EXISTING STRUCTURES:** See **EXISTING CONSTRUCTION**

**EXPANSION TO EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads. This definition is for use only for the benefit of Flood Hazard requirements.

**FAMILY:** A group of one or two persons or parents with their direct descendants and adopted children (and including the domestic employees thereof), together with not more than three persons not so related, living together in a room or rooms comprising a single housekeeping unit. Every additional group of five or less persons living in such housekeeping unit shall be considered a separate family for the purpose of the resolution.

**FIREPROOF CONSTRUCTION:** Fireproof construction is one that meets at least the Fire Protection Requirements, Type I-Fireproof Table 602.5, Southern Standard Building Code, as amended.

**FIRE-RESISTIVE CONSTRUCTION:** Fire-resistive construction is one that meets at least the Fire Protective Requirements, Type II-Fire-Resistive, Table 603.5, Southern Standard Building Code, as amended.

**FLOOD OR FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD BOUNDARY AND FLOODWAY MAP (FLOODWAY):** An official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazard have been designated and defined.

**FLOOD ELEVATION DETERMINATION:** A determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater change of occurrence in any given year.

**FLOOD ELEVATION STUDY:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) or flood-related erosion hazards.

**FLOOD INSURANCE RATE MAP (FIRM):** An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY:** The preparation of the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

**FLOOD PLAIN (or FLOOD-PRONE AREA):** Any land area susceptible to being inundated by water from any source (see definition of “flooding”).

**FLOOD PLAIN MANAGEMENT:** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

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

**FLOOD PROOFING:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

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

**FLOOD-RELATED EROSION AREA (or FLOOD-RELATED EROSION PRONE AREA):** A land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

**FLOOD-RELATED EROSION AREA MANAGEMENT:** The operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation.

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

**FLORICULTURE:** The cultivation and management of ornamental and flowering plants.

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

**FRONTAGE:** The width of the lot measured at (1) the required front yard set-back line, or (2) in the case of a flag lot, the narrowest part not in that narrow part that extends to a street.

**FUNCTIONALLY DEPENDENT FACILITY:** A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

**FUNCTIONAL CLASSIFICATION OF STREETS AND ROADS:** The following shall be the criteria whereby streets and roads are classified:

- (1) Principal Arterials: Significant intra-area travel; such as between central business districts and outlying residential areas, between major inner city communities, or between major suburban centers should be served by this system. Principal arterials are not restricted to controlled access routes. For principal arterials, the concept of service to abutting land should be subordinate to the provision of travel service to major traffic movements.
- (2) Minor Arterials: Should interconnect with and augment the urban principal arterial system and provide service to trips of moderate length at a somewhat lower level of travel mobility than principal arterials. These facilities place more emphasis on land access than the higher system. Minor arterials, ideally, do not penetrate identifiable neighborhoods.
- (3) Collector Streets: Provides both land access and traffic circulation within residential neighborhoods as well as commercial/ industrial areas. It differs from the arterial system in that facilities on the collector system may penetrate through the area to the ultimate destination. In other areas of like development and traffic density, the collector system may include the street grid which forces a logical entity for traffic circulation.
- (4) Local Streets: Comprises all facilities not on one of the higher systems. It serves primarily to provide direct access to abutting land and access to the higher order systems. It offers the lowest level of mobility and through traffic movement usually is deliberately discouraged.

**FUNERAL HOME:** A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the storage of caskets, funeral urns and other related funeral supplies; (c) display of the deceased and rituals connected therewith before burial or cremation; and (d) the storage of funeral vehicles. Facilities for cremation may be allowed if the zone permits.

**GARAGE (PRIVATE):** A building or a portion of a main building located on the same lot that provides for the storage of one or more motor vehicles. This does not include a business, occupation or service for profit within this area.

**GARAGE (PUBLIC):** A principal building or accessory building other than a private garage, used primarily for the parking and storage of vehicles which is available to the general public and operated on a for profit basis.

**GARAGE (STORAGE):** A structure or part thereof used for the temporary storage of motor vehicles, recreational vehicles or boats.

**GARDEN CENTER:** A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery product and stock, potting soil,

hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

**GREENHOUSE, COMMERCIAL:** A building used for the retail and/or wholesale of plants grown within such building.

**GREENHOUSE, NON-COMMERCIAL:** A building used for the growing of plants but not for retail or wholesale.

**GROUP HOME:** A home represented and held out to the general public as a home which accepts handicapped and/or aged persons for permanent, domiciliary care, and which provides room, board, and personal services (excluding nursing services). This facility may include up to two (2) additional persons (plus their dependents) acting as house parents or guardians, who need not be related to each other or to any of the handicapped or aged persons residing in the facility. The term "handicapped" includes "mentally retarded" persons who have been formally diagnosed by a licensed psychologist with competency in clinical psychology as suffering from psychiatric illness, and is receiving treatment or care for mental illness; but the term "handicapped" does not include persons who are mentally ill, and who, because of such mental illness pose a likelihood of serious harm (as defined in T.C.A 33-604) or who have been convicted of serious criminal conduct related to such mental illness. The term "aged" usually means those persons who are sixty (60) years or older.

**HALFWAY HOUSE (Penal or correctional):** A place where persons are aided in readjusting to society following a period of imprisonment, hospitalization or institutionalized treatment. Rehabilitation services include drug and alcohol rehabilitation, assistance to emotionally and mentally disturbed persons, prison parolees, and juveniles.

**HIGHEST ADJACENT GRADE:** The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

**HISTORIC STRUCTURE:** Any structure that is

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

**HOME OCCUPATION:** An occupation conducted in a dwelling unit, provided that:

- (1) No persons other than those residing on the premises shall be engaged in such occupation;
- (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation except that one non-illuminated

nameplate, which shall not exceed 3' x 3' (9 square feet) in area, attached to building or mailbox is allowed for parcels identified as "Live & Work" on adopted East Brainerd Corridor Community Land Use plan.

- (4) There shall be no sales of products or commodities on the premises;
- (5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
- (6) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises.

**HORTICULTURE:** The use of land for the growing of fruits, vegetables, flowers, ornamental plants, or trees.

**HOSPITAL:** An institution where the sick or injured are given medical or surgical care.

**HOTEL:** A building in which lodging is provided and which is open to the public for compensation, and which is open to transient guests and is not a rooming or boarding house as herein defined and which is distinguished from a motel by having 2 or more floors.

**JUNK YARD (Salvage Yard):** A lot, land, facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment. Scrap or discarded material includes but is not limited to metal, paper, rags, tires, bottles, motor vehicle parts, machinery, structural steel, equipment and appliances. The term includes facilities for separating trash and debris from recoverable resources, such as paper products, glass, metal cans, and other products which can be returned to a condition in which they may again be used for production. A junkyard can also include an auto wrecking yard.

**LANDSCAPE CONTRACTOR:** Businesses principally engaged in law mowing and yard maintenance. It also includes decorative and functional alteration, planting and maintenance of such grounds. Landscape contractor also includes businesses that apply fertilizers, pesticides and other treatments for plants, trees and grass.

**LANDSCAPE MATERIALS YARD;** Any land or buildings uses primarily for the storage of equipment, vehicles, machinery, employee parking or other materials commonly used in the individual Landscape Contractor's business.

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

**LEVEE SYSTEM:** A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**LODGE HALL:** See Civic Organization Building

**LODGING OR BOARDING HOUSE:** A building designed or used for the more or less permanent occupation, with or without serving of meals, of more than three lodgers or boarders.

**LOT:** A parcel of land or any combination of several lots of record occupied or intended to be occupied by a principal building or building group as permitted in these regulations, together with their accessory building or uses and such access, yards, and other open spaces as required in these regulations. If on-site waste disposal systems are used, the lot must be capable of sustaining such a disposal system within the limits of the particular lot.

**LOT, CORNER:** A corner lot is a lot abutting on two or more streets at their intersections, or upon a curved street provided that the two sides of the lot, or the tangents to the curve of the street line as its starting points at or within the side, lines of the lot, intersect to form an interior angle of not more than 135 degrees.

**LOT, DEPTH:** The depth of a lot for the purpose of this Regulation, is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite main rear line of the lot.

**LOT, FLAG:** An interior lot located to the rear of another lot, but with a narrow portion of the lot extending to a street. No part of the narrow portion of the lot can be less than twenty-five (25) feet in width except in cases where an existing structure(s) and its required side yard could not be accommodated, then the width shall not be less than fifteen (15) feet capable of being used for ingress and egress. The front yard requirements shall apply to all the yards of a flag lot.

**LOT, INTERIOR:** A lot which is not a corner lot is an interior lot.

**LOT LINE, FRONT:** The front lot line of an interior lot is the line separating the lot from the street or easement of principal access. The front lot line of a corner lot shall be the lot line of least length abutting the street or streets, except that any street lot line may be elected to be the front lot line for the purposes of this Resolution, provided it is so designated on the application for a zoning permit.

**LOT LINE, REAR:** The rear lot line is the boundary opposite and more or less parallel to the front lot line. The rear lot line of an irregular or triangular lot shall be for the purpose of this Resolution a line not less than 10 feet long, lying wholly within the lot, and parallel to a farthest distance from the front lot line.

**LOT LINE, SIDE:** A side lot line is any boundary line not a front lot line, or a rear lot line. A side lot line separating a lot from a street line is an exterior side lot line. Any other side lot line is an interior side lot line.

**LOT, RECORD OF:** A "Lot of Record" is a parcel of land with dimensions of which are shown on a document or map on file with the Register of Deeds, or in common use by county officials, and which actually exists as so shown, or any part of the remainder thereof.

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

**MACHINE SHOP:** A building where lathes, presses, grinders, shapers and other wood and/or metal working machines are used. I.E.: blacksmith, tin-smith, welding and sheet metal shops.

**MANUFACTURED HOME, SINGLE WIDE:** A structure, transportable in one section, which is built on a permanent chassis and is designed for use as a residence with a permanent foundation and connected to the required utilities. All manufactured homes on individual,



standard lots shall be placed on a permanent foundation and have a permanent enclosure around the bottom of the structure. There shall also be a permanently affixed porch or entrance steps with hand railings as regulated by the currently adopted Building Code. The requirement for permanent foundation and affixed porch shall not be enforced for manufactured homes permitted by Temporary Permits issued by the Board of Appeals.

For flood plain management purposes ONLY, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

For insurance purposes ONLY, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

**MANUFACTURED HOME, DOUBLE WIDE:** A structure, transportable in two (2) or more sections, which is built on a permanent chassis and is designed for use as a residence with permanent foundation and connected to the required utilities. For purposes of these regulations, a "double-wide" manufactured home can be considered a single-family dwelling. A "double-wide" manufactured home is designed and built in two (2) or more separate sections and when placed together form a single dwelling structure. Two (2) or more "single-wide" manufactured homes placed together in any fashion does not constitute a "double-wide" manufactured home and does not meet the definition or intent of these regulations. All "double-wide" manufactured homes shall have a permanent foundation and have a permanent enclosure around the bottom of the structure for the appearance of a standard single-family dwelling structure. There shall also be a permanently affixed porch or entrance steps with hand railings as regulated by the currently adopted Building Code.

**MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel (or contiguous parcels) of land for the placement of two or more manufactured homes lots. See Article IV, Section 1001(C) Manufactured Home Parks

**NEW MANUFACTURED HOME PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of facilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after July 25, 1979. This definition is for use only for the benefit of Flood Hazard requirements.

**MAP:** The Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

**MAUSOLEUM:** A building used for the entombment of human remains above ground.

**MORTUARY:** See funeral home definition.

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

**MINE:** A pit or excavation in the earth from which mineral substances are taken.

**MINIMUM BUILDING SITE:** The minimum building site is the area bounded by the building footings and/or foundations.

**MODULAR UNIT:** (sectional or relocatable home): A factory fabricated transportable building which does not meet the definition of manufactured home in these regulations and is designed to be used by itself or to be incorporated with similar units at a building site into a single structure without chassis, carriage, or hitch. The term is intended to apply to major assemblies and does not include prefabricated sub-elements which are to be incorporated into a structure at the site. Such units are designed as stationary construction for placement upon permanent foundation, to be connected to utilities and may consist of one or more components. For purposes of these regulations, a modular unit can be considered to be a one-family dwelling.

**MOTEL:** A building (or group of buildings), with multiple units each, in which lodging is provided to transient guests, offered to the public for compensation, and which is distinguished from a hotel primarily by reason of providing direct independent access to, and adjoining parking for, each rental unit.

**NATIONAL GEODETIC VERTICAL DATUM (NGVD):** As corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**NEW CONSTRUCTION:** Structures for which the "start of construction" commenced on or after the effective date of these regulations.

**NURSERY, COMMERCIAL:** An enterprise that conducts the retail and/or wholesale of plants grown on the premises.

**NURSERY, NON-COMMERCIAL:** Any land used to raise trees, shrubs, flowers, and other plants but not for retail or wholesale.

**100-YEAR FLOOD:** See **BASE FLOOD**

**OPEN AIR MARKET:** A retail market or sale operated outdoors, or beneath unenclosed shelters and doing business on a continuing basis, or for as many as six (6) days during a sixty (60) day period, where inexpensive and/or second hand items and/or food stuffs are offered for sale by one or more vendors and including all fruit or vegetable markets, flea markets, rummage sales, garage or attic sales, and similar undertakings when operated in such a manner as to fall within the limits of this definition.

**PUBLIC BUILDING:** Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal, without reference to ownership of the building or of the realty upon which it is situated. A building belonging to or used by the public for the transaction of public or quasi-public business.

**PLANNED UNIT DEVELOPMENT:** A Planned Unit Development is a completely planned residential development, professionally designed as a unit, and approved by the Hamilton County Commission on a site of not less than two (2) acres.

**QUARRY:** An open excavation for obtaining building stone, slate, limestone or other mineral substances. The process of removal can include blasting, crushing, screening, sizing and conveying of the material. The material derived is usually sold on a commercial basis.

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

**RESIDENTIAL HOME FOR THE HANDICAPPED AND/OR AGED OPERATED ON A COMMERCIAL BASIS:** A home represented and held out to the general public as a home which accepts not more than eight (8) handicapped and/or aged persons for permanent, domiciliary care, and which provides room, board, and personal services (excluding nursing services). This facility may include up to two (2) additional persons (plus their dependents) acting as house parents or guardians, who need not be related to each other or to any of the handicapped or aged persons residing in the facility. The term “handicapped” includes “mentally retarded” persons who have been formally diagnosed by a licensed psychologist with competency in clinical psychology as suffering from psychiatric illness, and is receiving treatment or care for mental illness; but the term “handicapped” does not include persons who are mentally ill, and who, because of such mental illness pose a likelihood of serious harm (as defined in T.C.A. 33-604) or who have been convicted of serious criminal conduct related to such mental illness. The term “aged” usually means those persons who are sixty (60) years or older.

**RECREATIONAL MARINA:** A marina or port, whether or not organized and operated for profit, which is used primarily to provide facilities for recreational or pleasure boats, craft, ships or vessels.

**RECREATIONAL VEHICLE:** Any self-propelled vehicle being used as transportation upon public streets or highways, and construction in such a manner as will permit a sleeping place for one (1) or more persons and designed or used as a temporary dwelling for travel, recreational and vacation uses.

**RIVERINE:** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**SALVAGE YARD:** See Junk Yard

**SANATORIUM:** An institution or establishment which provides for (1) rest and recuperation (as of convalescents), (2) treatment for the chronically ill, and (3) physical therapy and other treatment.

**SHOOTING RANGE, outdoor:** The use of land for archery and/or the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, temporary competitions, such as turkey shoots or trailing facilities (non-governmental operated); whether private membership only or commercial basis. Excluded from this type use shall be general hunting and unstructured and nonrecurring discharging of firearms on private property with the property owner’s permission.

**SHORT-TERM VACATION RENTAL:** A single family detached dwelling unit that is rented in part or its entirety on a daily or weekly basis for not more than 30 days for overnight stay where a permanent residence is not established (mailing address, vehicle registration, etc.) and are generally advertised or otherwise held out to the public. Short-Term Vacation Rentals are also sometimes referred to as “tourist homes” or “short-term residential rentals” and advertised as such. Short-Term Vacation Rentals do not include hotels, motels, or bed and breakfast establishments. Short-Term Vacation Rentals are only permitted in zoning districts that specifically list them as a permitted use, provided that:

1. There shall be no signage.
2. The residence shall not be rented for events such as weddings, business meetings, or other such group events.
3. There shall be no more than five (5) sleeping rooms.

**SIEVING PLANT:** A plant where a device with meshes or perforations is used to separate finer particles of mixture of (as of ashes, flour, or sand) various sizes from coarser particles.

**SPECIAL HAZARD AREA:** An area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

**STABLES, PRIVATE:** A building used to shelter horses, mules, burros or ponies kept or ridden for the sole purpose of recreation or pleasure by the property owner. The stable is not held out for compensation or hire.

**STABLES, BOARDING:** A building used for shelter of horses, mules, burros or ponies, open to the general public, and used for commercial riding for compensation or hire.

**START OF CONSTRUCTION:** Either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**STATE COORDINATING AGENCY:** The Tennessee Department of Economic and Community Development's, Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

**STOCKYARD:** A yard in which transient cattle, sheep, swine, or horses are kept temporarily for slaughter, market, or shipping.

**STRUCTURE:** Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having permanent location on the ground. (Including gasoline pumps, most advertising signs, summer houses, and similar objects.)

**STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, girders, floor joists, or roof joists.

**STUDIO:** A studio includes, in addition to other usual meanings, the process, finishing, framing, and incidental handling of portrait, photographic and other artistic work generated by or from the premises or by persons employed in or reporting to the premises.

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before damaged occurred.

**SUBSTANTIAL IMPROVEMENT:** Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a five (5) year period, in which the cumulative costs equals or exceeds fifty (50) percent of the market value of the building. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. For the purposes of this definition, "substantial

improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of that building. The term does not, however, include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Director of Building Inspection and which are solely necessary to assure safe living conditions.

**SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** The repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**TENT:** A collapsible shelter of canvas or other material stretched and sustained by poles and intended for human occupancy as a temporary dwelling for short periods of time.

**TOURIST COURT:** An area where a building (or group of buildings) with one unit each in which lodging is provided to transient guests, offered to the public for compensation, and which is distinguished from a hotel by reason of providing direct independent access to, and adjoin parking for each rental unit.

**TOWNHOUSE:** A townhouse is a single-family dwelling unit attached by fireproof common walls to other similar type units, each unit having an open space for light, air, and access in the front and rear. There shall be not less than three (3) nor more than twelve (12) such units connected together. A two (2) unit townhouse may be permitted if it is part of a townhouse-only or mixed-residential development that consists predominantly of townhouses with three (3) or more units. The two-unit townhouses should be sited to the interior of a development and shall not be placed adjacent to any existing single-family detached dwelling unless landscaping is provided as required by the Landscaping Regulations, or Type B landscaping is provided, or if the existing single-family dwelling and the two-unit townhouse are part of the same development. Two-unit townhouses shall not have frontage on an exterior public street or have a rear or side property line abutting an exterior public street. This does not apply to existing duplexes being converted into two (2) unit townhouses for subdivision in fee simple purposes.

**TRAVEL TRAILER:** Any non self propelled vehicle used, or so constructed as to permit its being used as conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons, and designed for short-term occupancy, for frequent and/or extensive travel, and for recreational and vacation use.

**TRAVEL TRAILER CAMP:** Any plot of land upon which two or more travel trailers and/or recreational vehicles are located and used as temporary living or sleeping quarters. The occupants of such camps may not remain in the same trailer camp more than 90 days.

**UNDERTAKING:** See funeral home definition

**VARIANCE:** A grant of relief to a person from the requirements of these regulations which permits construction in a manner otherwise prohibited by these regulations where specific enforcement would result in unnecessary hardship.

**VIOLATION:** *(For Flood Hazard District requirements)* The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other

evidence of compliance required in Article IV, Flood Hazard District is presumed to be in violation until such time as that documentation is provided.

**VITICULTURE:** The cultivation or culture of grapes.

**WATER SURFACE ELEVATION:** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

**YARDS:** An unoccupied space on a lot, open and unobstructed from the ground to the sky, except as otherwise provided in this Resolution. (See exceptions in ARTICLE VI, Section 103D)

**YARD, FRONT:** An open space extending the full width of the lot and a uniform depth measured horizontally at right angles to the front lot line.

**YARD, SIDE:** An open space extending along the side of the lot, between the front yard, and the rear yard and of a uniform width measured horizontally at right angles to the side lot line.

**YARD, REAR:** An open space extending the full width of the lot, and of a uniform depth measured horizontally at right angles to the rear lot line.

**ARTICLE III  
ESTABLISHING DISTRICTS AND DISTRICT BOUNDARIES  
AND LIMITING THE USES OF PROPERTY THEREIN**

**100. Division into Districts**

In order to regulate, restrict, and segregate the use of land, buildings, and structures, and to regulate and restrict the height and bulk of buildings and the area of yards and other open spaces about buildings and to regulate and restrict the density of population, the unincorporated territory of Hamilton County is hereby divided into districts, as follows:

A-1	AGRICULTURAL DISTRICT
R-1	SINGLE-FAMILY RESIDENTIAL DISTRICT
RT-1	RESIDENTIAL TOWNHOUSE DISTRICT
R-T/Z	RESIDENTIAL TOWNHOUSE/ZERO LOT LINE DISTRICT
R-2	URBAN RESIDENTIAL DISTRICT
R-2A	RURAL RESIDENTIAL DISTRICT
R-3	MULTI-FAMILY RESIDENTIAL DISTRICT
R-3MD	MODERATE DENSITY APARTMENT-TOWNHOUSE DISTRICT
R-5	SINGLE-WIDE MANUFACTURED HOME DISTRICT
MH	MANUFACTURED HOME PARK DISTRICT
O-1	OFFICE DISTRICT
C-1	TOURIST COMMERCIAL DISTRICT
C-2	LOCAL BUSINESS COMMERCIAL DISTRICT
C-3	GENERAL BUSINESS COMMERCIAL DISTRICT
C-5	NEIGHBORHOOD COMMERCIAL DISTRICT
M-1	INDUSTRIAL DISTRICT
M-2	WHOLESALE AND LIGHT INDUSTRY DISTRICT
M-3	WAREHOUSE AND WHOLESALE DISTRICT
M-4	OUTDOOR INDUSTRIAL USE DISTRICT
F/H	FLOOD HAZARD DISTRICT

**101. The Zoning Map**

The Hamilton County Commission has adopted the Official Zoning Map (also known as the Digital Zoning Map or Zoning Map). This map contains the boundary of the above zones and all overlay boundaries as described in this Zoning Regulation and conforms to provisions of this Zoning Regulation and all resolutions and laws related to zoning that are now in effect and which in the future may be in effect. The map and all notations, references and other information shown thereon are a part of this Regulation.

The repository for the Official Zoning Map, in any form including digital as shown on a geographic coverage layer as part of the geographic information system (GIS), is the Regional Planning Agency (RPA). The RPA also has the responsibility for maintenance of the Official Zoning Map.

The Planning Director, or designee, shall revise the Official Zoning Map when amendments are passed by the governing body.

No unauthorized person may alter or modify the Official Zoning Map. Errors in the Official Zoning Map shall be corrected as they are discovered, and the corrected information shall be shown on the GIS system.

#### **102. Measurement of Boundaries**

- (1) The boundaries of the various districts as shown on the said map shall be determined by use of the scale shown on said maps, unless the actual dimensions are noted. Scale and field measurements and map dimensions shall be figured from the centerline of streets, alleys, and railroad right-of-ways. Where uncertainty exists as to the exact location of said boundaries, the following rules shall apply.
- (2) Where district boundaries lie on or within streets, roads, alleys, or railroad rights-of-ways, the district boundaries shall be the centerlines of streets, alleys, railroad right-of-ways, or such lines extended.

#### **103. Adoption of Boundaries**

The boundaries of such districts as shown on said map are hereby adopted and approved, and the regulations of this Resolution are hereby established and declared to be in effect upon all land (including water area) included within the boundaries of each and every district shown upon said map.

#### **104. Limiting the Uses of Property**

- A. Buildings: Except as hereinafter provided, no building shall be erected or altered, nor shall any building or premises be used for any purpose other than the permitted use in the district in which such buildings or premises is located, nor shall any building be erected or structurally altered except in conformity with the height, area, and regulations herein established for the district in which such building is located.
- B. Unlisted Uses: The Director of Building Inspection, in consultation with the Regional Planning Agency staff as deemed necessary, is authorized to determine if an unlisted use is similar in character, type or effect to the specified principal permitted uses of any zoning district in question. Otherwise, that unlisted use shall be prohibited.

#### **105. Measurements from Property Lines**

For purposes of the Regulation and any location restrictions set forth herein, unless otherwise specified to the contrary, all measurements shall be made from the property line of any property desiring a particular use to the nearest property lines of any properties within a distance restriction.

#### **106. Scrivener Error Corrections**

For purposes of the Regulations, the Regional Planning Agency is authorized to correct scrivener errors as they are discovered and modify numbering in order to follow the basic format of the Regulations.



### **107. Vested property rights within approved development plans**

The following list details which development plans will cause property rights to vest, as set forth in Tennessee Code Annotated Section 13-3-413 and 13-4-310, and the action that constitutes approval of that development plan:

- A. Approval of Preliminary Subdivision Plat by the Chattanooga-Hamilton County Regional Planning Commission.
- B. Approval of Final Subdivision Plat by the Chattanooga-Hamilton County Regional Planning Commission.
- C. A Final Plat that meets the definition of a staff approved subdivision plat upon the date of the last signature of approval required on the plat for recording.
- D. Approval by the Chattanooga-Hamilton County Regional Planning Commission of a Special Permit that is required by the zoning regulations to complete a site or development plan.
- E. Approval by the Board of Zoning Appeals of a Temporary or Special Permit that is required by zoning regulations to furnish a site or development plan.
- F. Approval by the Hamilton County Commission of a Special Permit that is required by the zoning regulations to furnish a site or development plan.

(Added 1/7/2015)



**ARTICLE IV  
SCHEDULE OF DISTRICT REGULATIONS**

**100. A-1 AGRICULTURAL DISTRICT REGULATIONS**

**101. Use Regulations**

**A. Principal Uses Permitted**

- (1) Agricultural uses such as the growing of crops, dairying, grazing, the raising and maintaining of poultry and livestock, horticulture, viticulture, floriculture, forest and woods. Also permissible as an agricultural use are such uses as the raising of fur-bearing animals, fish and minnow hatcheries, riding academies, livery or boarding stables, dog kennels and other similar enterprises and uses.
- (2) Detached single-family dwellings
- (3) One farm stand for the sale of edible products or product of the soil produced entirely on the premises, provided that the stand does not exceed an area of two hundred (200) square feet.
- (4) Signs limited to:
  - (a) Signs not over twelve (12) square feet in area advertising the sale of farm products produced on the premises.
  - (b) Churches, schools, public buildings, and other non-agricultural permitted land uses may have one bulletin board or identification sign, not to exceed twenty-four (24) square feet in area; such bulletin board or identification sign shall indicate nothing more than the name and/or address of the premises, and schedule of services or other information relevant to the operation of the premises. Such sign shall not be located closer than 15 feet from the road right-of-way and may have direct illumination.
- (5) Day Care Homes
- (6) Churches or similar places of worship with accessory structures and including a columbarium and/or mausoleum as an accessory use.
- (7) Elementary or high schools, public or private, and institutions of higher learning
- (8) Lodge Halls and other Civic Organization's Buildings
- (9) Athletic fields, tennis and country clubs, golf courses (except as those types of courses requiring a special permit in subsection C3e listed below), parks, playgrounds, community swimming pools and recreational areas operated by membership organizations for the benefit of their members

**B. Accessory Uses Permitted**

- (1) Buildings, structures, and uses customarily incidental to any of the above uses when located on the same lot or tract, subject to the regulations or restrictions of ARTICLE V & VI.
- (2) Home occupations, offices, and studios, when situated in the building being used by the person engaged in the occupation as his or her private dwelling, provided that no advertising sign be displayed except one nameplate, which shall not exceed two (2)

square feet in area except for parcels identified as "Live & Work" within the adopted East Brainerd Corridor Community Land Use plan.(See Definition of Home Occupation)

### C. Additional Uses Allowed with Special Permit

- 1) **Special Permits by Chattanooga-Hamilton County Regional Planning Commission:**
  - a) Single-wide manufactured homes, subject to Article VI, Section 301
  - b) Amusement Resorts, subject to Article VI, Sections 303 and 304
  - c) Campgrounds, tent-only, subject to Article VI, Section 120
  
- 2) **Special Permits by Hamilton County Commission:**
  - a) Airports, landing strips and other such facilities for the use, storage, repair, and maintenance of aircraft, subject to Article VI, Section 402
  - b) Residential Homes for the Handicapped and/or Aged operated on a commercial basis provided that the Home shall not contain more than eight (8) aged and/or mentally ill persons, subject to Article VI, Section 404
  - c) Commercial radio, television, telephone, microwave and other communication towers, subject to Article VI, Section 410
  - d) Drug and alcohol, penal or correctional halfway houses, group homes or rehabilitation centers and similar uses which accept persons for domiciliary care and provides room, board and non-medical living assistance to the residents, subject to Article VI, Section 405
  - e) Outdoor Shooting Ranges, subject to Article VI, Section 407
  - f) Short-term vacation rental, subject to Article VI, Section 408
  - g) Planned Unit Development (P U D), subject to Article VI, Section 401
  - h) Hospitals, sanatoriums, correctional institutions, or institutions for the mentally ill, subject to ARTICLE VI, Section 403
  - i) Bed and Breakfast operations provided that the Bed and Breakfast contain no more than nine (9) bedrooms for that purpose and the innkeeper shall reside on premises, subject to See Article VI, Section 406
  - j) Landscape Materials Yard, subject to Article VI, Section 409
  
- 3) **Special Permits by Board of Zoning Appeals:**
  - a) Cemeteries, Mausoleums, and Crematories, subject to Article VII, Section 507
  - b) Borrow Pits, subject to Article VII, Section 506
  - c) Public works and public utility facilities, such as dams, locks, navigation terminals, railroad lines and stations, transmission lines and sub-stations, bus terminals, and loading platforms, water supply reservoirs, sewage disposal plants, and similar uses, subject to Article VII, Section 505
  - d) Radio and television broadcasting stations and studios, subject to Article VII, Section 513
  - e) Outdoor Amusements such as Golf Driving Ranges, "Par 3" golf courses, miniature golf courses, and similar low intensity outdoor uses, subject to Article VII, Section 510
  - f) Day Care Centers, subject to Article VII, Section 508
  - g) Recreational marinas, subject to Article VII, Section 511

## **102. Area Regulations**

### **A. Minimum Lot Area and Frontage**

The only minimum lot area requirement is 25,000 square feet for single-family lots on individual wells and septic tanks and 7,500 square feet for single-family lots on sanitary sewers. In all other instances, a residential lot shall be large enough to construct the original subsurface sewage disposal system as required by the Hamilton County Groundwater Protection and to provide an area for 100% duplication of that system. The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal. The Hamilton County Groundwater Protection may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities. Minimum lot frontage shall be 60 feet on sewers and 75 feet on septic tanks.

### **B. Percentage of Lot Occupancy**

No dwelling shall occupy more than 35% of its lot, and no building shall occupy more than 50% of its lot.

### **C. Front Yard**

There shall be a front yard of minimum depth of twenty-five (25) feet.

### **D. Side Yard**

- (1) For dwellings and accessory structures, side yards shall be not less than ten (10) feet.
- (2) For the building of churches, schools, or other permitted uses and their accessory structures, other than dwellings, there shall be a side yard of not less than twenty-five (25) feet.

### **E. Rear Yard**

- (1) There shall be a rear yard for a main building of not less than twenty-five (25) feet.
- (2) Unattached buildings of accessory use shall not be located closer to a rear lot than ten (10) feet.

### **F. Maximum Density**

The maximum density shall not exceed two (2) dwelling units per acre.

## **103. Height Regulations**

No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height. Water towers, silos, granaries, barns, and similar structures or necessary mechanical appurtenances may exceed this height limit as provided in ARTICLES V and VI.

## **104. Off-Street Parking**

Off-street parking shall be provided on the same lot or on a lot adjacent to the building in accordance with the following requirements:

- (1) There shall be one space for every dwelling unit.
- (2) There shall be one space for every three seats in the main auditorium of churches and other public buildings.
- (3) Parking space for any other permitted use shall be an ample amount to accommodate all vehicles of transportation that are used by employees, visitors, or patrons of the permitted use. The off-street parking facilities shall be designated so as to make it unnecessary for cars to back across sidewalks or into alleys, or otherwise to maneuver in and out of parking areas into areas for pedestrian or automotive traffic.



## **200. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT REGULATIONS**

### **201. Use Regulations**

#### **A. Principal Uses Permitted**

- (1) Single-family dwellings
- (2) Schools
- (3) Parks, playgrounds, and community buildings
- (4) Churches
- (5) Golf courses, except as prohibited in subsection D listed below
- (6) Fire halls and other public buildings
- (7) Kindergartens operated by religious or governmental agencies
- (8) Day care homes

#### **B. Accessory Uses Permitted**

- (1) Buildings, structures, and uses customarily incident to any of the above uses, when located on the same lot or tract, and not involving the conduct of a business, subject to the regulations and restrictions of ARTICLES V and VI.
- (2) Home occupations, offices, and studios, when situated in the building used by the person engaged in the occupation as his or her private dwelling provided no advertising sign, merchandise, products or equipment is displayed for advertising purposes. (See Definition of Home Occupation)

#### **C. Additional Uses Allowed with Special Permit**

- (1) **Special Permits by Chattanooga-Hamilton County Regional Planning Commission:**
  - a) Single-wide manufactured homes subject to ARTICLE VI, Section 301
  - b) Campgrounds, tent-only, subject to ARTICLE VI, Section 305
- (2) **Special Permits by Hamilton County Commission:**
  - a) Planned Unit Development (PUD), subject to ARTICLE VI Section 401
  - b) Commercial radio, television, telephone, microwave and other communication towers, subject to ARTICLE VI, Section 410
- (3) **Special Permits by Board of Zoning Appeals:**
  - a) Day care centers subject to ARTICLE VII, Section 508
  - b) Kindergartens, except those operated by governmental units or religious organizations, subject to ARTICLE VII, Section 514
  - c) Temporary farm stands, subject to ARTICLE VII, Section 401

#### **D. Prohibited Uses**

- (1) Golf driving ranges, commercial "Par 3" golf courses, miniature courses, and other similar commercial operations.

## **202. Area Regulations**

### **A. Lot Area and Frontage**

The only minimum lot area requirement is 25,000 square feet for single-family lots on individual wells and septic tanks and 7,500 square feet for single-family lots on sanitary sewers. In all other instances, a residential lot shall be large enough to construct the original subsurface sewage disposal system as required by the Hamilton County Groundwater Protection and to provide an area for 100% duplication of that system. The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal. The Hamilton County Groundwater Protection may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities. Minimum lot frontage shall be 60 feet on sewers and 75 feet on septic tanks.

### **B. Percentage of Lot Occupancy**

No dwelling shall occupy more than thirty-five percent (35%) of its lot, and no building shall occupy more than fifty percent (50%) of its lot.

### **C. Front Yard**

There shall be a front yard of a minimum depth of twenty-five (25) feet.

### **D. Side Yard**

- (1) There shall be a side yard of a minimum depth of ten (10) feet on each side of the lot. (For corner lots see ARTICLE VI, Section 103.
- (2) For the building of churches, schools, or other permitted uses and their accessory structures, other than dwellings, there shall be a side yard of not less than twenty-five (25) feet.

### **E. Rear Yard**

There shall be a rear yard of a minimum depth of twenty-five (25) feet.

## **203. Height Regulations**

Except as provided in ARTICLES V and VI, no building shall exceed two and one-half stories or 35 feet in height.



### **300. RT-1 RESIDENTIAL TOWNHOUSE DISTRICT**

#### **301. Intent**

It is the intent of this section to provide regulations for the development of single-family townhouses (also called row houses and “attached” homes) in a manner which is attractive, efficient, and compatible with surrounding development. It is also the intent of these regulations that the underlying real estate may be divided into small lots so that each unit can be individually sold and owned on a “fee simple” basis. It is further intended as a policy that any townhouse development of more than 8 units should be located within 500 feet of a major arterial or collector as shown on the General Regional Plan most recently adopted by the Planning Commission.

#### **302. Use Regulations**

##### **A. Permitted Uses**

- (1) Single-family dwellings
- (2) Townhouses
- (3) Parks, playgrounds, schools, churches, and community buildings which are complimentary to the immediate neighborhood

##### **B. Accessory Uses**

- (1) Buildings, structures, and uses customarily incident to any of the above uses, when located on the same lot or tract, and not involving the conduct of a business, subject to the regulations and restrictions of ARTICLES V and VI.
- (2) Home Occupations

##### **C. Additional Uses Allowed with Special Permit**

- (1) **Special Permits By Chattanooga-Hamilton County Regional Planning Commission:**
  - a) Single Wide Manufactured Homes, subject to ARTICLE VI, Section 301
- (2) **Special Permits by Hamilton County Commission:**
  - a) Commercial radio, television, telephone, microwave and other communication towers, subject to ARTICLE VI, Section 401
- (3) **Special Permits by Board of Zoning Appeals:**
  - a) Day care centers, subject to ARTICLE VII, Section 508
  - b) Temporary farm stands, subject to ARTICLE VII, Section 401

#### **303. Height and Area Regulations**

- A. No building shall exceed thirty-five (35) feet in height, except that a building may exceed those height regulations provided that for every one foot of additional height over thirty-five (35) feet, the building shall be set back one additional foot from all nonzero lot line property lines.

- B. The minimum building site area for single family dwellings shall be two thousand six hundred twenty-five (2625) square feet and the minimum site area for townhouse dwellings shall be one thousand three hundred fifty (1350) square feet.
- C. The minimum lot width for single family dwellings shall be thirty-five (35) feet and the minimum lot width for townhouse dwellings shall be eighteen (18) feet.
- D. All buildings except single-family, detached dwellings must be setback at least forty (40) feet from any exterior dedicated public street. The setback may be reduced to twenty-five (25) feet if landscaping is provided along the exterior street(s). Detached single-family dwellings must be set back at least twenty-five (25) feet from any exterior dedicated public street.
- E. Front setback from any interior street shall be twenty-five (25) feet, or ten (10) feet if rear parking and loading is provided.
- F. Single-family detached dwellings shall be separated by not less than forty (40) feet, except ten (10) feet from side to side.
- G. Townhouse buildings (a continuous row of townhouse units) shall be separated by not less than forty (40) feet, except fifteen (15) feet end to end or end to side of other permitted housing types.
- H. No building shall be located less than 25' from any boundary of the RT-1 Residential Townhouse District, except on side yards where an RT-1 district abuts the R-T/Z, R-3, O-1 or any commercial or industrial district.
- I. Except as provided above, there are no minimum front, side or rear yard setback requirements.
- J. Any townhouse development of more than eight (8) units must be located within five hundred (500) feet of a major arterial or collector street, road or highway as shown on the General Regional Plan most recently adopted by the Planning Commission.

**304. Off-Street Parking Regulations**

- (1) Off-street parking shall be provided on the same lot or on a lot adjacent to the structure it serves at a rate of two spaces per dwelling unit. Units with four bedrooms or more shall be required to have three parking spaces.
- (2) There shall be one space for every three seats in the main auditorium of churches and other public buildings.

**305. Provision for Special Access and Utility Easements**

Due to the special nature of residential townhouses and other types of “attached” housing allowed by these regulations, the Planning Commission may insist on special access easements and other arrangements to provide for adequate servicing of the structures even though such easements and provisions might not normally be specified in the Hamilton County Subdivision Regulations. In addition, deed restrictions or other provisions may be required to assure that any remodeling or reconstruction of destroyed units will be accomplished in a fashion which will be compatible with the remaining units of the existing development, or for off-street parking of vehicles, and for any other reasonable design criteria deemed appropriate by the Hamilton County Commission.

## **400. R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE DISTRICT**

### **401. Intent**

It is the intent of this section to provide regulations for the development of townhouses (also called row houses and attached homes), single-family zero lot-line dwellings (also called patio homes), and/or mixed use moderate density residential development in a manner which is attractive, provides for efficient use of land, and is compatible with surrounding development. It is further intended that these regulations provide for standards which will foster compatibility between R-T/Z development and lower density, standard single-family uses. It is also intended that R-T/Z development be sold in “fee simple” to encourage owner occupancy. For purposes of the R-T/Z district, the term “exterior street” refers to any public, dedicated and accepted street existing prior to the R-T/Z development, the term “interior street” refers to any street built as part of the R-T/Z development, both sides of which are zoned R-T/Z.

### **402. Use Regulations**

#### **A. Permitted Uses**

- (1) Single-family detached dwellings
- (2) Townhouses
- (3) Zero lot line single-family detached dwellings
- (4) Parks, playgrounds, schools, churches, and community buildings which are complimentary to the immediate neighborhood
- (5) Golf courses, except as prohibited in subsection D listed below.

#### **B. Accessory Uses**

- (1) Home occupations
- (2) Buildings, structures, and uses customarily incident to any of the above uses, when located on the same lot or tract, and not involving the conduct of a business, subject to the regulations and restrictions of ARTICLES V and VI.

#### **C. Additional Uses Allowed with Special Permit**

- (1) **Special Permits by Chattanooga-Hamilton County Regional Planning Commission:**
  - a) Single Wide Manufactured Homes, subject to ARTICLE VI, Section 301
- (2) **Special Permits by Hamilton County Commission:**
  - a) Commercial radio, television, telephone and microwave towers, subject to ARTICLE VI, Section 410
  - b) Planned Unit Development (P U D), subject to ARTICLE VI, Section 401
- (3) **Special Permits by Board of Zoning Appeals:**
  - a) Day Care Centers, subject to ARTICLE VII, Section 508
  - b) Temporary farm stands, subject to ARTICLE VII, Section 401

#### **D. Prohibited Uses**

- (1) Golf driving ranges, commercial “Par 3” golf courses, miniature courses and other similar commercial operations

### **403. Height, Area and Building Regulations**

- A. Maximum density shall not exceed eight (8) units per acre for attached or detached dwelling units.
- B. Minimum lot width for zero lot line or single-family detached units shall be thirty-five (35) feet. Minimum lot width for townhouses shall be twenty-four (24) feet.
- C. All buildings except single-family, detached dwellings must be set back at least forty (40) feet from any exterior dedicated public street. The setback may be reduced to twenty-five (25) feet if landscaping is provided along the exterior street(s). Single-family, detached dwellings must be set back at least twenty-five (25) feet from any exterior dedicated public street.
- D. No building shall be located less than twenty-five (25) feet from any boundary of the R-T/Z district except on side yards where an R-T/Z District abuts RT-1, R-3, O-1 or any commercial or industrial district.
- E. For corner properties on interior streets, setback from the designated side street shall be twenty-five (25) feet.
- F. Front setback from any interior street shall be twenty-five (25) feet or ten (10) feet if rear parking and loading is provided.
- G. Side yard setback for zero lot line units must be from zero (0) to a tenth of a foot or a minimum of ten (10) feet if buildings are to be separated over a tenth of a foot. The opposite side yard must be at least ten (10) feet and must be kept perpetually free of permanent obstructions (such as accessory buildings).
- H. For zero lot line units, no windows, doors, or other openings are permitted on the zero lot line side of the structure.
- I. Single family detached dwellings shall be separated by not less than forty (40) feet except ten (10) feet from side to side. Townhouse buildings (a continuous row of townhouse units) shall be separated by not less than forty (40) feet except fifteen (15) feet end to end or end to side of other permitted housing types.
- J. The rear yard setback for any detached unit shall be a minimum of twenty-five (25) feet. The setback is to be measured from the property line and not from any access drive or alley right-of-way.
- K. Maximum height of buildings shall be thirty-five (35) feet or two and one-half stories.
- L. Sidewalks, if provided, are to be built according to County standards.
- M. All property lines abutting R-1 Single-Family Residential District property must have a grass covered berm (height to be determining based on terrain conditions) with sight-obscuring landscaping subject to review and approval of a site specific landscape plan. Existing foliage and natural terrain may be considered in lieu of berm and landscaping if intent of this section is met.
- N. Townhouse development which fronts on exterior public streets must have front yards which are at least 65% grass/landscaping with any driveway and/or interior sidewalk to be composed of concrete or pavers. Landscaping along all property lines fronting exterior streets must be provided subject to review and approval of a site specific landscape plan.
- O. A site sketch plan shall be submitted with the rezoning application and shall show the following:
  - (1) Zoning of adjacent properties
  - (2) Number, location and size of lots
  - (3) Open space/recreation areas if provided
  - (4) Off-street parking
  - (5) Site access and preliminary street layout
  - (6) All buffer, landscape and screen areas including site specific landscape plan
  - (7) Acreage
  - (8) Approximate range of unit size

#### **404. Off-Street Parking Regulations**

- (1) Off-street parking shall be provided on the same lot or on a lot adjacent to the structure it serves at a rate of two spaces per dwelling unit. Units with four bedrooms or more shall be required to have three parking spaces.
- (2) There shall be one space for every three seats in the main auditorium of churches and other public buildings.

#### **405. Provision for Special Access and Utility Easements**

Due to the special nature of these housing types, the County Commission may insist on special access easements and other arrangements to provide for adequate servicing and maintenance of the structures even though such easements and provisions might not normally be specified in the Hamilton County Subdivision Regulations. These easements and special covenants are to be shown on the subdivision plat at the time of its recording. In addition, deed restrictions or other provisions may be required to assure that any remodeling or reconstruction of destroyed units will be accomplished in a fashion which will be compatible with the remaining units.



## **500. R-2 URBAN RESIDENTIAL DISTRICT REGULATIONS**

### **501. Use Regulations**

#### **A. Principal Uses Permitted**

- (1) Farming, including all types of agriculture and horticulture except as prohibited in subsection D listed below.
- (2) Athletic fields, tennis and country clubs, golf courses (except as prohibited in subsection D listed below), parks, playgrounds, community swimming pools and recreational areas operated by membership organizations for the benefit of their members.
- (3) Single-family dwellings including double-wide manufactured homes
- (4) Churches or similar places of worship with accessory structures and including a columbarium and/or mausoleum as an accessory use.
- (5) Day Care Homes
- (6) Kindergartens operated by governmental agencies and religious organizations
- (7) Hospitals and clinics, except for the insane or contagious diseases
- (8) Railroad stations and railroad lines, except as prohibited in subsection D listed below.
- (9) Public signs, notices, and warnings wherever necessary
- (10) Schools, museums, libraries, art galleries and other cultural institutions

#### **B. Accessory Uses Permitted**

- (1) Buildings, structures, and uses customarily incident to any of the above uses, when located on the same lot or tract, and not involving the conduct of a business, subject to the regulations and restrictions of ARTICLES V and VI.
- (2) Home Occupations, offices, and studios, when situated in the building used by the person engaged in the occupations as his or her private dwelling, provided no advertising sign, merchandise, products or equipment is displayed for advertising purposes. (See Definition of Home Occupation)

#### **C. Additional Uses Allowed with Special Permit**

- (1) **Special Permits by Chattanooga-Hamilton County Regional Planning Commission:**
  - a) Single-wide manufactured homes, subject to ARTICLE VI, Section 301
- (2) **Special Permits by Hamilton County Commission:**
  - a) Residential Homes for the Handicapped and/or Aged operated on a commercial basis, subject to ARTICLE VI, Section 404
  - b) Commercial radio, television, telephone, microwave and other communication towers subject to ARTICLE VI, Section 410
  - c) Short-term vacation rental, subject to ARTICLE VI, Section 408,
  - d) Planned Unit Development (PUD), subject to ARTICLE VI, Section 401

(3) **Special Permits by Board of Zoning Appeals:**

- a) Radio and television broadcasting stations and studios, subject to ARTICLE VII, Section 505
- b) Public utility buildings and structures subject to ARTICLE VII, Section 505
- c) Storage garage subject to ARTICLE VII, Section 504
- d) Fire halls, sub-stations, water towers, booster pumping stations and telephone exchanges subject to ARTICLE VII, Section 515
- e) Day Care Centers, subject to ARTICLE VII, Section 508
- f) Recreational marinas, subject to ARTICLE VII, Section 511
- g) Two-family dwellings (duplexes), subject to ARTICLE VII, Section 512
- h) Temporary farm stands, subject to ARTICLE VII, Section 401

D. Prohibited Uses

- 1) Convents, orphanages/children homes
- 2) Private or public penal, correctional institutions
- 3) Miniature golf and commercial "Par 3" courses
- 4) Commercial dairies, commercial kennels, rabbit, fox, goat and other animal raising or feeding farms.
- 5) Poultry farms
- 6) Commercial nurseries or greenhouse
- 7) Farms operated by public or private agencies for the disposal of garbage
- 8) Railroad switching or storage yards, or repair shops

**502. Area Regulations**

A. Minimum Lot Area and Frontage

The only minimum lot area requirement is 25,000 square feet for single-family lots on individual wells and septic tanks and 7,500 square feet for single-family lots on sanitary sewers and 9,500 square feet for duplexes on sanitary sewers. In all other instances, a residential lot shall be large enough to construct the original subsurface sewage disposal system as required by the Hamilton County Groundwater Protection and to provide an area for 100% duplication of that system. The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal. The Hamilton County Groundwater Protection may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities. Minimum lot frontage shall be 60 feet on sewers and 75 feet on septic tanks.

B. Percentage of Lot Occupancy

No dwelling shall occupy more than thirty-five percent (35%) of its lot, and no building shall occupy more than fifty percent (50%) of its lot.

C. Front Yard

There shall be a front yard of a minimum depth of twenty-five (25) feet.

D. Side Yard

- (1) There shall be a side yard of a minimum depth of ten (10) feet on each side of the lot. (For corner lots see ARTICLE VI, Section 103)



- (2) For the building of churches, schools, or other permitted uses and their accessory structures, other than dwellings, there shall be a side yard of not less than twenty-five (25) feet.

E. Rear Yard

There shall be a rear yard of a minimum depth of twenty-five (25) feet.

**503. Height Regulations**

Except as provided in ARTICLES V and VI, no building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height.



## **600. R-2A RURAL RESIDENTIAL DISTRICT REGULATIONS**

### **601. Use Regulations**

#### **A. Principal Uses Permitted**

- (1) Farming, including all types of agriculture and horticulture except as prohibited in subsection D below.
- (2) Stables for personal use only.
- (3) Single-family dwellings including double-wide manufactured homes
- (4) Athletic fields, tennis and country clubs, golf courses (except as prohibited in subsection D below), parks, playgrounds, community swimming pools and recreational areas operated by membership organizations for the benefit of their members.
- (5) Churches or similar places of worship with accessory structures and including a columbarium and/or mausoleum as an accessory use
- (6) Schools, museums, libraries, art galleries and other cultural institutions
- (7) Day Care Homes
- (8) Kindergartens operated by governmental agencies and religious organizations
- (9) Hospitals and clinics, except for the insane or contagious diseases
- (10) Railroad stations and railroad lines, except as prohibited in subsection D below.
- (11) Public signs, notices, and warnings wherever necessary
- (12) Non-commercial nurseries and greenhouses

#### **B. Accessory Uses Permitted**

- (1) Buildings, structures, and uses customarily incident to any of the above uses, when located on the same lot or tract, and not involving the conduct of a business, subject to the regulations and restrictions of ARTICLES V and VI.
- (2) Home Occupations

#### **C. Additional Uses Allowed with Special Permit**

- (1) **Special Permits by Chattanooga-Hamilton County Regional Planning Commission:**
  - a) Single Wide Manufactured Homes, subject to ARTICLE VI, Section 301
- (2) **Special Permits by Hamilton County Commission:**
  - a) Airports, landing strips and other such facilities for the use, storage, repair, and maintenance of aircraft, subject to ARTICLE VI, Section 402
  - b) Planned Unit Development (PUD), subject to ARTICLE VI , Section 401

- c) Residential Homes for the Handicapped and/or Aged operated on a commercial basis, subject to ARTICLE VI, Section 404
- d) Commercial radio, television, telephone, microwave and other communication towers, subject to ARTICLE VI, Section 410
- e) Short Term Vacation Rental, subject to Article VI, Section 408

**(3) Special Permits by Board of Zoning Appeals:**

- a) Day Care Centers, subject to ARTICLE VII, Section 508
- b) Recreational Marinas, subject to ARTICLE VII, Section 511
- c) Two-family dwellings (duplexes), subject to ARTICLE VII, Section 512
- d) Cemeteries, mausoleums and columbariums, *but NOT including crematories*, subject to ARTICLE VII, Section 507
- e) Temporary farm stands, subject to ARTICLE VII, Section 401

**D. Prohibited Uses**

- 1) Commercial dairies
- 2) Commercial kennels, and rabbit, fox, goat or other animal raising or feeding farms
- 3) Poultry farms
- 4) Commercial nurseries or greenhouse
- 5) Farms operated by public or private agencies for the disposal of garbage
- 6) Miniature golf and commercial "Par 3" courses
- 7) Railroad switching or storage yards, or repair shops

**602. Area Regulations**

**A. Minimum Lot Area and Frontage**

The only minimum lot area requirement is 25,000 square feet for single-family lots on individual wells and septic tanks and 7,500 square feet for single-family lots on sanitary sewers and 9,500 square feet for duplexes on sanitary sewers. In all other instances, a residential lot shall be large enough to construct the original subsurface sewage disposal system as required by the Hamilton County Groundwater Protection and to provide an area for 100% duplication of that system. The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal. The Hamilton County Groundwater Protection may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities. Maximum allowable density for multi-family residential uses, shall be determined by the Hamilton County Groundwater Protection, except where sanitary sewers are used, the maximum density shall be 7,500 square feet for the first unit and 2,000 square feet for each additional unit. Minimum lot frontage shall be 60 feet on sewers and 75 feet on septic tanks.

**B. Percentage of Lot Occupancy**

No dwelling shall occupy more than thirty-five percent (35%) of its lot, and no building shall occupy more than fifty percent (50%) of its lot.

**C. Front Yard**

There shall be a front yard of a minimum depth of twenty-five (25) feet. (See ARTICLE VI, Section 103).

#### D. Side Yard

- (1) There shall be a side yard on each side of the lot a minimum width of ten (10) feet. (For corner lots, see ARTICLE VI, Section 103)
- (2) For the building of churches, schools, or other permitted uses and their accessory structures, other than dwellings, there shall be a side yard of not less than twenty-five (25) feet.

#### E. Rear Yard

There shall be a rear yard of a minimum depth of twenty-five (25) feet.

#### **603. Height Regulations**

Except as provided in ARTICLES V and VI, no building shall exceed two and one-half stories (2 ½) or thirty-five (35) feet in height.



## **700. R-3 MULTI-FAMILY RESIDENTIAL DISTRICT**

### **701. Use Regulations**

#### **A. Principal Uses Permitted**

- (1) Single-family dwellings including double-wide manufactured homes
- (2) Two-family dwelling (duplex)
- (3) Townhouses
- (4) Multi-family dwellings
- (5) Lodging and Boarding Houses
- (6) Farming, including all types of agriculture and horticulture, except as prohibited in subsection D below.
- (7) Stables for personal use only
- (8) Athletic fields, tennis and country clubs, golf courses (except as prohibited in subsection D below), parks, playgrounds, community swimming pools and recreational areas operated by membership organizations for the benefit of their members.
- (9) Churches or similar places of worship with accessory structures and including a columbarium and/or mausoleum as an accessory use
- (10) Schools, museums, libraries, art galleries and other cultural institutions
- (11) Day Care Homes
- (12) Kindergartens operated governmental agencies and religious organizations
- (13) Hospitals and clinics, except for the insane or contagious diseases
- (14) Railroad stations and railroad lines, except as prohibited in subsection D below.
- (15) Public signs, notices, and warnings wherever necessary
- (16) Non-commercial nurseries and greenhouses
- (17) Bed and Breakfast
- (18) Short-term Vacation Rental

#### **B. Accessory Uses Permitted**

- (1) Buildings, structures, and uses customarily incident to any of the above uses, when located on the same lot or tract, and not involving the conduct of a business, subject to the regulations and restrictions of ARTICLE V and VI.
- (2) Home Occupation

### C. Additional Uses Allowed with Special Permit

- (1) **Special Permits by Chattanooga-Hamilton County Regional Planning Commission:**
  - a) Single Wide Manufactured Homes, subject to ARTICLE VI, Section 301
- (2) **Special Permits by Hamilton County Commission:**
  - a) Residential Homes for the Handicapped and/or Aged operated on a commercial basis, subject to ARTICLE VI, Section 404
  - b) Commercial radio, television, telephone, microwave and other communication towers, subject to ARTICLE VI, Section 410
  - c) Planned Unit Development (P U D), subject to Article VI, Section 401
- (3) **Special Permits by Board of Zoning Appeals:**
  - a) Fire halls, substations, water towers, booster pumping stations, and telephone exchanges, subject to ARTICLE VII, Section 515
  - b) Public utility buildings and structures, subject to ARTICLE VII, Section 503
  - c) Temporary farm stands, subject to ARTICLE VII, Section 401

### D. Prohibited Uses

- 1) Commercial dairies
- 2) Commercial kennels, and rabbit, fox, goat or other animal raising or feeding farms
- 3) Poultry farms
- 4) Commercial nurseries or greenhouse
- 5) Farms operated by public or private agencies for the disposal of garbage
- 6) Miniature golf and commercial "Par 3" courses
- 7) Railroad switching or storage yards, or repair shops

## **702. Area Regulations**

### A. Minimum Lot Area and Frontage

The only minimum lot area requirement is 25,000 square feet for single-family lots on individual wells and septic tanks and 7,500 square feet for single-family lots on sanitary sewers and 9,500 square feet for duplexes on sanitary sewers. In all other instances, a residential lot shall be large enough to construct the original subsurface sewage disposal system as required by the Hamilton County Groundwater Protection and to provide an area for 100% duplication of that system. The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal. The Hamilton County Groundwater Protection may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities. Maximum allowable density for multi-family residential uses shall be determined by the Hamilton County Groundwater Protection, except where sanitary sewers are used, the maximum density shall be 7,500 square feet for the first unit and 2,000 square feet for each additional unit. Minimum lot frontage shall be 60 feet on sewers and 75 feet on septic tanks.

### B. Percentage of Lot Occupancy

No dwelling shall occupy more than thirty-five percent (35%) of its lot, and no building shall occupy more than fifty percent (50%) of its lot.



### C. Front Yard

There shall be a front yard of a minimum depth of 25 feet.

### D. Side Yard

- (1) There shall be a side yard of a minimum depth of 25 feet on each side of the lot.
- (2) For the building of churches, schools, or other permitted uses and their accessory structures, other than dwellings, there shall be a side yard of not less than twenty-five (25) feet.

### E. Rear Yard

There shall be a rear yard of a minimum depth of 25 feet.

### F. Distance Between Buildings

Where more than one permanent building is located on one plot of ground, the buildings shall be at least twenty (20) feet apart. The buildings shall be so constructed so as to have a one-hour fire rating between adjacent (horizontally and/or vertically) dwelling units.

No permanent building shall have more than four contiguous dwelling units that are not separated by fireproof construction.

## **703. Height Regulations**

Except as provided in ARTICLES V and VI, no building shall exceed two and one-half (2 ½) stories, or thirty-five (35) feet in height. The Hamilton County Board of Zoning Appeals may consider a height exception for High-Rise Multi-family and/or Office Structures, subject to a Special Permit as referenced in subsection 701C(3) of this District.

## **704. Regulations for Multi-Family Dwellings**

### A. Off-Street Parking

There shall be at least one and one-half (1 ½) off-street parking spaces for each dwelling unit in rental units and two (2) off-street parking spaces for each dwelling unit in owner-occupied units. All parking areas and driveways shall be paved. No parking areas will be allowed which require the use of a dedicated street to maneuver into or out of.

### B. Water Supply and Sewage Disposal

The water supply and the proposed method of sewage disposal shall be approved in writing by the Hamilton County Groundwater Protection before a building permit may be issued.

### C. Recreation Space

Each multi-family development shall have 8% of the site devoted to outdoor recreation, developed, maintained, and equipped by the owner. No vehicle parking spaces or driveways shall be allowed in the recreation space. The recreation space may include parts of the required yards, but not more than 50% of the required yards shall be counted in the computation for the space.



## **800. R-3 MD MODERATE DENSITY DISTRICT**

It is the intent of the R-3 MD MODERATE DENSITY DISTRICT to provide areas for development of residential units to include one, two, three and four-family dwelling uses in a moderate density design to promote and sustain the vitality of a neighborhood.

### **801. Use Regulations**

#### **A. Principal Uses Permitted**

- (1) One, two, three, and four-family dwellings, including double-wide manufactured home and modular homes
- (2) Farming, including all types of agriculture and horticulture, except as prohibited in subsection D below.
- (3) Public parks and golf country clubs, and similar uses, except as prohibited in subsection D below.
- (4) Churches
- (5) Schools, museums, libraries, art galleries and other cultural institutions
- (6) Day Care Homes
- (7) Kindergartens operated by governmental agencies and religious organizations
- (8) Hospitals and clinics, except for the insane or contagious diseases
- (9) Railroad stations and railroad lines, except as prohibited in subsection D below.
- (10) Public signs, notices, and warnings wherever necessary

#### **B. Accessory Uses Permitted**

- (1) Buildings, structures, and uses customarily incident to any of the above uses, when located on the same lot or tract, and not involving the conduct of a business, subject to the regulations and restrictions of ARTICLES V and VI.
- (2) Home occupations, offices, and studios, when situated in the building used by the person engaged in the occupations as his or her private dwelling, provided no advertising sign, merchandise, products or equipment is displayed for advertising purposes.

#### **C. Additional Uses Allowed with Special Permit**

- (1) Special Permits by Chattanooga-Hamilton County Regional Planning Commission:**
  - a) Single-wide manufactured homes, subject to ARTICLE VI, Section 301.
- (2) Special Permits by Hamilton County Commission:**
  - a) Commercial radio, television, telephone, microwave and other communication towers, subject to ARTICLE VI, Section 410
  - b) Planned Unit Development (P U D), subject to Article VI, Section 401

**(3) Special Permits by Board of Zoning Appeals:**

- a) Fire halls, substations, water towers, booster pumping stations and telephone exchanges, subject to ARTICLE VII, Section 515
- b) Day Care Centers, subject to ARTICLE VII, Section 508
- c) Radio and television broadcasting stations and studios, subject to ARTICLE VII, Section 513
- d) Temporary farm stands, subject to ARTICLE VII, Section 401

**D. Prohibited Uses**

- 1) Any sport, athletic, recreation or amusement enterprise operated as a business or for commercial purposes
- 2) Commercial dairies, Commercial kennels, and rabbit, fox, goat or other animal raising or feeding farms
- 3) Poultry farms
- 4) Commercial nurseries or greenhouse
- 5) Farms operated by public or private agencies for the disposal of garbage
- 6) Convents, orphanages/children homes
- 7) Private or public penal, correctional or welfare institutions
- 8) Railroad switching or storage yards, or repair shops

**802. Area Regulations**

**A. Minimum Lot Area and Frontage**

The only minimum lot area requirement is 25,000 square feet for single-family lots on individual wells and septic tanks and 7,500 square feet for single-family lots on sanitary sewers and 9,500 square feet for duplexes on sanitary sewers. In all other instances, a residential lot shall be large enough to construct the original subsurface sewage disposal system as required by the Hamilton County Groundwater Protection and to provide an area for 100% duplication of that system. The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal. The Hamilton County Groundwater Protection may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities. Maximum allowable density for multi-family residential uses, shall be determined by the Hamilton County Groundwater Protection, except where sanitary sewers are used, the maximum density shall be 7,500 square feet for the first unit and 2,000 square feet for each additional unit. Minimum lot frontage shall be 60 feet on sewers and 75 feet on septic tanks.

**B. Percentage of Lot Occupancy**

No dwelling shall occupy more than thirty-five percent (35%) of its lot, and no building shall occupy more than fifty percent (50%) of its lot.

**C. Front Yard**

There shall be a front yard of a minimum depth of twenty-five (25) feet.

#### D. Side Yard

- (1) There shall be a side yard of a minimum depth of ten (10) feet on each side of the lot. (For corner lots see ARTICLE VI, Section 103.
- (2) For the building of churches, schools, or other permitted uses and their accessory structures, other than dwellings, there shall be a side yard of not less than twenty-five (25) feet.

#### E. Rear Yard

There shall be a rear yard of a minimum depth of twenty-five (25) feet.

#### F. Off-Street Parking Requirements

A minimum of 1.5 parking spaces per residential unit is required.

### **803. Height Regulations**

Except as provided in ARTICLE V and VI, no building shall exceed thirty-five (35) feet in height.



## **900. R-5 Single-Wide Manufactured Home District**

### **901. Intent**

The R-5 Single Wide Manufactured Home District is established for the purpose of allowing single-family residential development on individual lots, including single-wide and double wide or greater manufactured homes on individual lots. It is further intended that development in this District shall be compatible with other residential uses within the area.

### **902. Use Regulations**

#### **A. Principal Uses Permitted**

- (1) Single-wide manufactured homes
- (2) Double-wide manufactured homes
- (3) Modular homes
- (4) One-family dwellings
- (5) Schools
- (6) Parks, playgrounds, and community buildings
- (7) Golf courses, except as prohibited in subsection D listed below
- (8) Fire halls and other public buildings
- (9) Churches
- (10) Day care homes
- (11) Kindergartens operated by governmental units or by religious organizations

#### **B. Accessory Uses Permitted**

- (1) Buildings, structures and uses customarily incident to any of the above uses, when located on the same lot or tract, and not involving the conduct of a business, subject to the regulations and restrictions of ARTICLES V and VI.
- (2) Home Occupations

#### **C. Additional Uses Allowed with Special Permit**

- (1) **Special Permits by Hamilton County Commission:**
  - a) Planned Unit Development (PUD) , subject to ARTICLE VI, Section 401
  - b) Commercial radio, television, telephone, microwave and other communication towers, subject to ARTICLE VI, Section 410

(2) **Special Permits by Board of Zoning Appeals:**

- a) Kindergartens, except those operated by governmental units or religious organizations, subject to ARTICLE VII, Section 514
- b) Recreational Marinas, subject to ARTICLE VII, Section 511
- c) Day care centers, subject to ARTICLE VII, Section 508
- d) Temporary farm stands, subject to ARTICLE VII, Section 401

D. Prohibited Uses

- (1) Driving ranges, miniature golf courses, commercial “Par 3” golf courses, and other similar commercial operations

**903. Area Regulations**

A. Minimum Lot Area and Frontage

The only minimum lot area requirement is 25,000 square feet for single-family lots on individual wells and septic tanks and 7,500 square feet for single-family lots on sanitary sewers. In all other instances, a residential lot shall be large enough to construct the original subsurface sewage disposal system as required by the Hamilton County Groundwater Protection and to provide an area for 100% duplication of that system. The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal. The Hamilton County Groundwater Protection may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities. Minimum lot frontage shall be 60 feet on sewers and 75 feet on septic tanks.

B. Front Yard

There shall be a front yard of not less than 25 feet.

C. Side Yard

- (1) There shall be a side yard on each side of the building of not less than 10 feet.
- (2) For the building of churches, schools, or other permitted uses and their accessory structures, other than dwellings, there shall be a side yard of not less than twenty-five (25) feet.

D. Rear Yard

There shall be a rear yard of not less than 25 feet.

**904. Height Regulations**

No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, except that a building may exceed these requirements provided that for every foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines.



### **905. Off-Street Parking Regulations**

Off-street parking shall be provided on the same lot as, or a lot adjacent to, the building, in accordance with the following requirements:

- (1) One space for every dwelling unit.
- (2) One space for every three seats in a main auditorium of churches, schools, and other public buildings.
- (3) Parking space for all other uses shall be in the amount satisfactory to the County and approved by the County Engineer.

### **906. General Provisions**

- (1) All manufactured homes shall be tied down in a manner meeting safety and performance requirements of any governmental regulations covering tie-down and anchoring devices as specified by the Hamilton County Building Inspection Department.
- (2) All necessary buildings to the principal building (whether attached or detached) shall be subject to the same permit procedures and other regulations pertaining to dwelling units.
- (3) No application for the Single-Wide Manufactured Home District shall be accepted for an area greater than the minimum lot area requirement for the proposed number of manufactured homes unless otherwise required by the Hamilton County Groundwater Protection.



## **1000. MH MANUFACTURED HOME DISTRICT REGULATIONS**

### **1001. Use Regulations**

#### **A. Principal Uses Permitted**

- (1) One-family dwellings
- (2) Single-wide manufactured homes
- (3) Double-wide manufactured homes
- (4) Modular homes
- (5) Two-family dwelling (duplex)
- (6) Multi-family dwellings
- (7) Townhouses
- (8) Lodging and Boarding Houses
- (9) Farming, including all types of agriculture and horticulture, except as prohibited in subsection D below.
- (10) Stables for personal use only
- (11) Non-commercial nurseries and greenhouses
- (12) Athletic fields, tennis and country clubs, golf courses (except as prohibited in subsection D below), parks, playgrounds.
- (13) Community swimming pools and recreational areas operated by membership organizations for the benefit of their members.
- (14) Churches or similar places of worship with accessory structures and including a columbarium and/or mausoleum as an accessory use.
- (15) Day Care Homes
- (16) Day Care Centers
- (17) Kindergartens operated by governmental agencies and religious organizations
- (18) Hospitals and clinics, except for the insane or contagious diseases
- (19) Railroad stations and railroad lines, except as prohibited in subsection D below.
- (20) Public signs, notices, and warnings wherever necessary
- (21) Schools, museums, libraries, art galleries and other cultural institutions
- (22) Bed and Breakfast
- (23) Short-term Vacation Rental

- (24) Storage Garages
- (25) Public utility buildings and structure
- (26) Radio and television broadcasting stations and studios

B. Accessory Uses Permitted

- (1) Buildings, structures, and uses customarily incident to any of the above uses, when located on the same lot or tract, and not involving the conduct of a business, subject to the regulations and restrictions of ARTICLE V and VI.
- (2) Home Occupations

C. Additional Uses Allowed with Special Permit

- (1) **Special Permits by Hamilton County Commission**
  - a) Commercial radio, television, telephone, microwave and other communication towers, subject to ARTICLE VI, Section 410
  - b) Planned Unit Development (P U D), subject to ARTICLE VI, Section 401
- (2) **Special Permits by Board of Zoning Appeals**
  - a) Public utility buildings and structures, utility substations, water towers, booster pumping stations, and telephone exchanges, subject to ARTICLE VII, Section 505
  - (b) Manufactured Home Parks, subject to ARTICLE VII, Section 501
  - (c) Temporary farm stands, subject to ARTICLE VII, Section 401

D. Prohibited Uses

- (1) Commercial dairies
- (2) Commercial kennels, and rabbit, fox, goat or other animal raising or feeding farms
- (3) Poultry farms
- (4) Commercial nurseries or greenhouse
- (5) Farms operated by public or private agencies for the disposal of garbage
- (6) Golf driving ranges, miniature golf, commercial "Par 3" golf courses
- (7) Railroad switching or storage yards, or repair shops

**1002. Area Regulations**

A. Minimum Lot Area and Frontage

The only minimum lot area requirement is 25,000 square feet for single-family lots on individual wells and septic tanks and 7,500 square feet for single-family lots on sanitary sewers and 9,500 square feet for duplexes on sanitary sewers. In all other instances, a residential lot shall be large enough to construct the original subsurface sewage disposal system as required by the Hamilton County Groundwater Protection and to provide an area for 100% duplication of that system. The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal. The Hamilton County Groundwater Protection may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities. Maximum allowable density for multi-family residential uses, shall be determined by the Hamilton County Groundwater Protection, except where sanitary sewers are used, the maximum density shall be 7,500 square

feet for the first unit and 2,000 square feet for each additional unit. Minimum lot frontage shall be 60 feet on sewers and 75 feet on septic tanks.

#### B. Percentage of Lot Occupancy

No dwelling shall occupy more than thirty-five percent (35%) of its lot, and no building shall occupy more than fifty percent (50%) of its lot.

#### C. Front Yard

There shall be a front yard of a minimum depth of 25 feet.

#### D. Side Yard

- (1) There shall be a side yard of a minimum depth of 25 feet on each side of the lot
- (2) For the building of churches, schools, or other permitted uses and their accessory structures, other than dwellings, there shall be a side yard of not less than twenty-five (25) feet.

#### E. Rear Yard

There shall be a rear yard of a minimum depth of 25 feet.

#### F. Distance Between Buildings

Where more than one permanent building is located on one plot of ground, the buildings shall be at least twenty (20) feet apart. The buildings shall be so constructed so as to have a one hour fire rating between adjacent (horizontally and/or vertically) dwelling units.

No permanent building shall have more than four contiguous dwelling units that are not separated by fireproof construction.

#### G. Mobile Home Park Acreage

Minimum acreage of mobile home parks shall be 10 acres.

### **1003. Height Regulations**

Except as provided in ARTICLES V and VI, no building shall exceed two and one-half (2 ½) stories, or 35 feet in height.

### **1004. Regulations for Multi-Family Dwellings**

#### A. Location

The main vehicle entrance to the apartments shall be on an existing collector street, or on or within 500 feet (measured along the street) of an existing major street (as designated on the General Regional Plan most recently adopted by the Chattanooga-Hamilton County Regional Planning Commission).

### B. Off-Street Parking

There shall be at least one and one-half (1 ½) off-street parking spaces for each dwelling unit in rental units and two (2) off-street parking spaces for each dwelling unit in owner-occupied units. All parking areas and driveways shall be paved. No parking areas will be allowed which require the use of a dedicated street to maneuver into or out of.

### C. Water Supply and Sewage Disposal

The water supply and the proposed method of sewage disposal shall be approved in writing by the Hamilton County Groundwater Protection before a building permit may be issued.

### D. Recreation Space

Each multi-family development shall have 8% of the site devoted to outdoor recreation, developed, maintained, and equipped by the owner. No vehicle parking spaces or driveways shall be allowed in the recreation space. The recreation space may include parts of the required yards, but not more than 50% of the required yards shall be counted in the computation for the space.

## **1100. O-1 OFFICE DISTRICT**

### **1101. Use Regulations**

#### **A. Principal Uses Permitted**

- (1) Single-family dwellings
- (2) Two-family dwellings
- (3) Primary and secondary schools and libraries
- (4) Parks, playgrounds, and community buildings
- (5) Churches
- (6) Offices
- (7) Professional, medical, or dental offices and clinics
- (8) Social agencies and other non-commercial public and semi-public uses
- (9) Kindergartens operated by religious or governmental agencies
- (10) Funeral Homes
- (11) Barber and Beauty Shops; Hair Stylist Shops
- (12) Day Care Centers, subject to review and approval of the Hamilton County Engineer with regard to points of ingress and egress, internal circulation, loading areas and parking. In addition there must be provision of a secure playground area.
- (13) On premise signs as regulated in Article V, Section 200

#### **B. Accessory Uses Permitted**

- (1) Buildings, structures, and uses customarily incident to any of the above uses, when located on the same lot or tract, and not involving the conduct of a retail, wholesale, or warehousing business, subject to the regulations and restrictions of ARTICLES V and VI.
- (2) Home Occupations

#### **C. Additional Uses Allowed with Special Permit**

- (1) **Special Permits by Chattanooga-Hamilton County Regional Planning Commission:**
  - a) Single-wide manufactured homes, subject to ARTICLE VI, Section 301
- (2) **Special Permits by Hamilton County Commission:**
  - a) Commercial radio, television, telephone, microwave and other communication towers, subject to ARTICLE VI, Section 410
  - b) Planned Unit Development (P U D), subject to ARTICLE VI, Section 401

(3) **Special Permits by Board of Zoning Appeals:**

- a) Cremation/Crematory, **when used in conjunction with a funeral home**, subject to ARTICLE VII, Section 507
- b) Kindergartens, except those operated by governmental units or religious organizations, subject to ARTICLE VII, Section 514
- c) Temporary farm stands, subject to ARTICLE VII, Section 401

**1102. Area Regulations**

A. Lot Area and Frontage

The only minimum lot area requirement is 25,000 square feet for single-family lots on individual wells and septic tanks and 7,500 square feet for single-family lots on sanitary sewers and 9,500 square feet for duplexes on sanitary sewers. In all other instances, a residential lot shall be large enough to construct the original subsurface sewage disposal system as required by the Hamilton County Groundwater Protection and to provide an area for 100% duplication of that system. The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal. The Hamilton County Groundwater Protection may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities. Minimum lot frontage shall be 60 feet on sewers and 75 feet on septic tanks.

B. Percentage of Lot Occupancy

No dwelling shall occupy more than thirty-five percent (35%) of its lot, and no building shall occupy more than fifty percent (50%) of its lot.

C. Front Yard

Each lot shall have a front yard with a minimum depth of twenty-five (25) feet.

D. Side Yard

- (1) There shall be a side yard of a minimum depth of ten (10) feet on each side of the lot. (For corner lots see ARTICLE VI, Section 103.
- (2) No side yard shall be required for buildings other than dwellings, except that on that side of a lot abutting upon a lot in the A-1 Agricultural District, R-1 Single-Family Residential District, RT-1 Residential Townhouse District, R-T/Z Residential Townhouse/Zero Lot Line District, R-2 Urban Residential District, R-2A Rural Residential District, R-3 Multi-Family Residential District, R-3MD Moderate Density District, R-5 Single-wide Manufactured Home District and MH Manufactured Home Park District there shall be a minimum side yard of ten (10) feet in width. Where any side yard is provided it shall be at least ten (10) feet in width. (For corner lots see ARTICLE VI, Section 103.

E. Rear Yard

There shall be a rear yard of a minimum depth of twenty-five (25) feet.

**1103. Height Regulations**

Except as provided in ARTICLES V and VI, no building shall exceed two and one-half stories or 35 feet in height.



**1104. Off-Street Parking Regulations**

Off-street parking shall be provided on the same lot as or a lot adjacent to the building and in accordance with one of the following requirements:

- (1) One space for every dwelling unit.
- (2) For all other permitted uses one space for every two hundred (200) square feet of usable floor area, excluding all service areas such as halls and stairways.

**1105. Landscape Provisions**  
See Article V, Section 300



## **1200. C-1 TOURIST COMMERCIAL DISTRICT REGULATIONS**

### **1201. Use Regulations**

#### **A. Principal Uses Permitted**

- (1) Tourist Courts, Motels and Hotels provided proposed sanitary facilities are approved by the Hamilton County Groundwater Protection
- (2) Single-family dwellings
- (3) Double-wide manufactured homes
- (4) Farming, including all types of agriculture and horticulture, except as prohibited in subsection D below.
- (5) Stables for personal use only
- (6) Non-commercial nurseries and greenhouses
- (7) Athletic fields, tennis and country clubs, golf courses (except as prohibited in subsection D below), parks, playgrounds, community swimming pools and recreational areas operated by membership organizations for the benefit of their members
- (8) Churches or similar places of worship with accessory structures and including a columbarium and/or mausoleum as an accessory use
- (9) Day Care Homes
- (10) Day Care Center
- (11) Kindergartens operated by governmental agencies and religious organizations
- (12) Hospitals and clinics, except for the insane or contagious diseases
- (13) Railroad stations and railroad lines, except as prohibited in subsection D below.
- (14) On Premise Signs and Off Premise Signs as regulated in Article V, Section 200.; Public signs, notices, and warnings wherever necessary
- (15) Schools, museums, libraries, art galleries and other cultural institutions
- (16) Storage garages
- (17) Public utility building and structures
- (18) Radio and television broadcasting stations and studios
- (19) Fire halls, sub-stations, water towers, booster pumping stations and telephone exchanges

## B. Accessory Uses Permitted

- (1) Buildings, structures, and uses customarily incidental to any of the above uses, when located on the same lot or tract and not involving the conduct of a business except for uses permitted by special permit in subsection C below.
- (2) Home Occupations

## C. Additional Uses Allowed with Special Permit

- (1) **Special Permits by Chattanooga-Hamilton County Regional Planning Commission:**
  - (a) Single-Wide Manufactured Homes, subject to ARTICLE VI, Section 301
- (2) **Special Permits by Hamilton County Commission:**
  - (a) Commercial radio, television, telephone, microwave and other communication towers, subject to ARTICLE VI, Section 410
  - (b) Tea Room or restaurant, on condition that no beer, liquor, wines, or other intoxicating drinks are sold or permitted to be consumed upon the premises of a Tourist Court, Motel or Hotel be approved by a *revocable* Special Permit, subject to ARTICLE VI, Section 412
  - (c) Planned Unit Development (P U D), subject to ARTICLE VI, Section 401
- (3) **Special Permits by Board of Zoning Appeals:**
  - (a) Travel Trailer Camps, subject to See ARTICLE VII, Section 502
  - (b) Recreation Marinas, subject to ARTICLE VII, Section 511
  - (c) Temporary farm stands, subject to ARTICLE VII, Section 401

## D. Prohibited Uses

- (1) Commercial dairies
- (2) Commercial kennels, and rabbit, fox, goat or other animal raising or feeding farms
- (3) Poultry farms
- (4) Commercial nurseries or greenhouse
- (5) Farms operated by public or private agencies for the disposal of garbage
- (6) Miniature golf, commercial "Par 3" golf courses
- (7) Convents, orphanages/children homes
- (8) Private or public penal, correctional or welfare institutions
- (9) Railroad switching or storage yards, or repair shops

## **1202. Area Regulations**

### A. Minimum Lot Area

- (1) Minimum lot area one acre for Tourist Court, Hotel or Motel.
- (2) For dwellings, the only minimum lot area requirement is 25,000 square feet for single-family lots on individual wells and septic tanks and 7,500 square feet for single-family lots on sanitary sewers and 9,500 square feet for duplexes on sanitary sewers. In all other instances, a residential lot shall be large enough to construct the original subsurface sewage disposal system as required by the Hamilton County Groundwater Protection and to provide an area for 100% duplication of that system. The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal. The Hamilton County Groundwater Protection may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities. Maximum

allowable density for multi-family residential uses, shall be determined by the Hamilton County Groundwater Protection, except where sanitary sewers are used, the maximum density shall be 7,500 square feet for the first unit and 2,000 square feet for each additional unit. Minimum lot frontage shall be 60 feet on sewers and 75 feet on septic tanks.

**B. Percentage of Lot Occupancy**

No dwellings, tourist courts, hotels or motels shall occupy more than 35% of its lot.

**C. Front Yard**

There shall be a front yard of a minimum of 35 feet. See ARTICLE VI, Section 103

**D. Side Yard**

- (1) There shall be a side yard a minimum width of 15 feet on each side of the lot. (For corner lots, see ARTICLE VI, Section 103)
  
- (2) No side yard shall be required for buildings other than dwellings, except that on that side of a lot abutting upon a lot in the A-1 Agricultural District, R-1 Single-Family Residential District, RT-1 Residential Townhouse District, R-T/Z Residential Townhouse/Zero Lot Line District, R-2 Urban Residential District, R-2A Rural Residential District, R-3 Multi-Family Residential District, R-3MD Moderate Density District, R-5 Single-wide Manufactured Home District and MH Manufactured Home Park District there shall be a minimum side yard of ten (10) feet in width. Where any side yard is provided it shall be at least ten (10) feet in width. (For corner lots see ARTICLE VI, Section 103)

**E. Rear Yard**

There shall be on each lot a rear yard of a minimum depth of 25 feet.

**F. Height Regulations**

No building shall exceed thirty-five (35) feet in height, except that a building may exceed those height regulations provided that for every one foot of additional height over thirty-five (35) feet, the building shall be set back one additional foot from all nonzero lot line property lines.

**1203. Landscape Provisions**

See Article V, Section 300



## **1300. C-2 LOCAL BUSINESS COMMERCIAL DISTRICT REGULATIONS**

### **1301. Use Regulations**

#### **A. Permitted Uses**

- (1) Retail sales, offices, banks, theaters, studios, beauty parlors, job printing, photograph galleries, barber shops
- (2) Restaurants, cafes, lunchrooms
- (3) Automobile service stations, automobile display rooms, parking lots or storage garages, used car lots
- (4) Automobile wrecker service, provided that:
  - a) not more than six (6) vehicles in running condition, or parts thereof, are stored in the open.
  - b) the vehicles are not kept on the premises for salvage purposes, and
  - c) the screening requirements specified in Article V, Section 300 of the Landscape Regulations.
- (5) Police and fire stations
- (6) Telephone exchanges or sub-stations, and oil or gas fired dry-cleaning plants
- (7) Tanks for the commercial retail distribution of flammable liquids or gasses (excluding bulk plants) shall be permitted subject to the provisions and standards of the National Fire Codes
- (8) Commercial and Non-commercial nurseries, greenhouses
- (9) On Premise Signs and Off Premise Signs as regulated in Article V, Section 200; and Public signs, notices, and warnings wherever necessary
- (10) Single-family dwellings
- (11) Double-wide manufactured homes
- (12) Farming, including all types of agriculture and horticulture, including commercial dairies, commercial kennels, rabbit, fox, goat and other animal raising or feeding farms
- (13) Stables for personal use only
- (14) Athletic fields, tennis and country clubs, golf courses except as prohibited in subsection D below, parks, playgrounds
- (15) Community swimming pools and recreational areas operated by membership organizations for the benefit of their members
- (16) Churches or similar places of worship with accessory structures and including a columbarium and/or mausoleum as an accessory use
- (17) Day Care Homes

- (18) Day Care Center, subject to review and approval of the Hamilton County Engineer with regard to points of ingress and egress, internal circulation, loading areas and parking. In addition there must be provision of a secure playground area
- (19) Kindergartens operated by governmental agencies and religious organizations
- (20) Hospitals and clinics, except for the insane or contagious diseases
- (21) Railroad stations and railroad lines, except as prohibited in subsection D below
- (22) Schools, museums, libraries, art galleries and other cultural institutions
- (23) Storage garages
- (24) Public utility building and structures
- (25) Radio and television broadcasting stations and studios
- (26) Fire halls, sub-stations, water towers, booster pumping stations and telephone exchanges

**B. Accessory uses permitted**

- (1) Accessory uses and buildings customarily incident and subordinate to the above permitted uses except for uses permitted by special permit in subsection C below.
- (2) Home Occupations

**C. Additional Uses Allowed with Special Permit**

- (1) **Special Permits by Chattanooga-Hamilton County Regional Planning Commission:**
  - (a) Single-Wide Manufactured Homes, subject to ARTICLE VI, Section 301
- (2) **Special Permits by Hamilton County Commission:**
  - (a) Commercial radio, television, telephone, microwave and other communication towers, subject to ARTICLE VI, Section 410
  - (b) Adult-oriented establishments, subject to ARTICLE VI, Section 411
  - (c) Planned Unit Development (P U D), subject to ARTICLE VI, Section 401
- (3) **Special Permits by Board of Zoning Appeals:**
  - (a) Funeral homes and Cremation/Crematory, **when used in conjunction with a funeral home**, subject to Article VII, Section 516
  - (b) Temporary farm stands, subject to ARTICLE VII, Section 401

**D. Prohibited Uses**

The following uses are prohibited expressly:

- (1) auto wrecking yards,
- (2) bakery employing more than five (5) persons,
- (3) bottling works,
- (4) building material storage yards,
- (5) dyeing plants,
- (6) coal, coke or wood yards,



- (7) contractors plant or storage yards,
- (8) ice plant or storage house,
- (9) junk yards,
- (10) laundries,
- (11) machine shops,
- (12) stone yards, or monument works,
- (13) tourist courts, motels, hotels, and manufactured home parks,
- (14) storage warehouses,
- (15) veterinary hospitals,
- (16) any kind of manufacture or treatment of products not clearly incidental to the conduct of a retail business conducted on the premises.
- (17) Railroad switching or storage yards, or repair shops

### **1302. Area Regulations**

#### **A. Minimum Lot Area and Frontage**

The only minimum lot area requirement is 25,000 square feet for single-family lots on individual wells and septic tanks and 7,500 square feet for single-family lots on sanitary sewers and 9,500 square feet for duplexes on sanitary sewers. In all other instances, a residential lot shall be large enough to construct the original subsurface sewage disposal system as required by the Hamilton County Groundwater Protection and to provide an area for 100% duplication of that system. The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal. The Hamilton County Groundwater Protection may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities. Minimum lot frontage shall be 60 feet on sewers and 75 feet on septic tanks.

#### **B. Front Yard**

Except as provided below, there shall be a front yard of a minimum depth of twenty-five (25) feet.

#### **C. Side Yard**

- (1) There shall be a side yard of a minimum width of ten (10) feet on either side of a dwelling on each lot.
- (2) No side yard shall be required for buildings other than dwellings, except that on that side of a lot abutting upon a lot in the A-1 Agricultural District, R-1 Single-Family Residential District, RT-1 Residential Townhouse District, R-T/Z Residential Townhouse/Zero Lot Line District, R-2 Urban Residential District, R-2A Rural Residential District, R-3 Multi-Family Residential District, R-3MD Moderate Density District, R-5 Single-wide Manufactured Home District and MH Manufactured Home Park District there shall be a minimum side yard of ten (10) feet in width. Where any side yard is provided it shall be at least ten (10) feet in width. (For corner lots see ARTICLE VI, Section 103.

#### **D. Rear Yard Required**

There shall be on each lot a rear yard of a minimum depth of 25 feet.

### **1303. Height Regulations**

Except as provided in Article V and VI, no building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height.

### **1304. Landscape Regulations**

See Article V, Section 300



## **1400. C-3 GENERAL BUSINESS COMMERCIAL DISTRICT REGULATIONS**

### **1401. Use Regulations**

#### **A. Permitted Uses**

- (1) Retail sales, offices, banks, theaters, studios, beauty parlors, job printing, photograph galleries, barber shops
- (2) Restaurants, cafes, lunchrooms
- (3) Commercial and Non-commercial nurseries, greenhouses
- (4) Automobile service stations, automobile display rooms, parking lots or storage garages, used car lots,
- (5) Automobile wrecker service, provided that:
  - a) not more than six (6) vehicles not in running condition, or parts thereof, are stored in the open.
  - b) the vehicles are not kept on the premises for salvage purposes, and
  - c) the screening requirements specified in Article V, Section 300 of the Landscape Regulations.
- (6) Police and fire stations
- (7) On Premise Signs and Off Premise Signs as regulated in Article V, Section 200; Public signs, notices, and warnings wherever necessary
- (8) Single-family dwellings
- (9) Double-wide manufactured homes
- (10) Farming, including all types of agriculture and horticulture including commercial dairies, commercial kennels
- (11) Stables for personal use only
- (12) Athletic fields, tennis and country clubs, golf courses except as prohibited in subsection C below, parks, playgrounds
- (13) Community swimming pools and recreational areas operated by membership organizations for the benefit of their members.
- (14) Churches or similar places of worship with accessory structures and including a columbarium and/or mausoleum as an accessory use
- (15) Day Care Homes
- (16) Day Care Center, subject to review and approval of the Hamilton County Engineer with regard to points of ingress and egress, internal circulation, loading areas and parking. In addition there must be provision of a secure playground area.
- (17) Kindergartens operated by governmental agencies and religious organizations

- (18) Schools, museums, libraries, art galleries and other cultural institutions
- (19) Hospitals and clinics, except for the insane or contagious diseases
- (20) Railroad stations and railroad lines, except as prohibited in subsection D below.
- (21) Storage garages
- (22) Public utility building and structures
- (23) Radio and television broadcasting stations and studios
- (24) Telephone exchanges or sub-stations
- (25) Fire halls, sub-stations, water towers, booster pumping stations and telephone exchanges
- (26) Oil or gas fired dry-cleaning plants.
- (27) Tanks for the commercial retail distribution of flammable liquids or gasses (excluding bulk plants) shall be permitted subject to the provisions and standards of the National Fire Codes.
- (28) Any light manufacturing which: (a) is not noxious or offensive by reason of emission of odor, fumes, dust, smoke, noise or vibration; (b) does not use mechanical power in excess of 5-horsepower; (c) does not habitually employ more than 5 mechanics or workers.
- (29) Any business of a retail wholesale type except as prohibited in subsection D below.

#### B. Accessory Uses Permitted

- (1) Accessory uses and buildings customarily incident and subordinate to the above permitted uses except for uses permitted by special permit in subsection C below.
- (2) Home Occupations

#### C. Additional Uses Permitted by Special Permits:

- (1) **Special Permits by Chattanooga-Hamilton County Regional Planning Commission:**
  - a) Single-Wide Manufactured Homes subject to ARTICLE VI, Section 301
- (2) **Special Permits by Hamilton County Commission:**
  - (a) Adult-oriented establishment, subject to in ARTICLE VI, Section 411
  - (b) Commercial radio, television, telephone, microwave and other communication towers, subject to ARTICLE VI, Section 410
  - (c) Planned Unit Development (P U D) ARTICLE VI, Section 401
- (3) **Special Permits by Board of Zoning Appeals:**
  - (a) Open Air Markets, subject to ARTICLE VII, Section 509
  - (b) Temporary farm stands, subject to ARTICLE VII, Section 401

#### D. Prohibited Uses

- (1) Auto wrecking yards
- (2) Blacksmithing or horseshoeing shop
- (3) Building materials storage yard, including lumber yard
- (4) Canning plants
- (5) Carpet, rug or bag cleaning establishment
- (6) Carting yards, express hauling yards, and storage yards/houses [this category does not include mini-warehouses]
- (7) Farms operated by public or private agencies for the disposal of garbage
- (8) Fuel storage yard, including coal, coke, or wood yards
- (9) Ice plants, or ice storage of more than five ton capacity
- (10) Livery stable or riding academy
- (11) Metal or wood working shop employing more than five persons
- (12) Mattress factory
- (13) Milk depot, other than retail business conducted on the premises
- (14) Machine shop
- (15) Packing houses
- (16) Poultry farms; rabbit, fox, goat and other animal raising or feeding farms
- (17) Secondhand automobile storage and sales yard (used car lots)
- (18) Stone yards and building for the keeping, storage, sales or killing of fowls, for commercial purposes, where the number of fowl is greater than one-hundred (100)
- (19) Railroad switching or storage yards, or repair shops

#### **1402. Area Regulations**

##### A. Minimum Lot Area and Frontage

The only minimum lot area requirement is 25,000 square feet for single-family lots on individual wells and septic tanks and 7,500 square feet for single-family lots on sanitary sewers and 9,500 square feet for duplexes on sanitary sewers. In all other instances, a residential lot shall be large enough to construct the original subsurface sewage disposal system as required by the Hamilton County Groundwater Protection and to provide an area for 100% duplication of that system. The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal. The Hamilton County Groundwater Protection may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities. Minimum lot frontage shall be 60 feet on sewers and 75 feet on septic tanks.

##### B. Front Yard

Except as provided below, there shall be on each lot a front yard of a minimum depth of twenty-five (25) feet.

##### C. Side Yard

- (1) There shall be a side yard of a minimum width of ten (10) feet on either side of a dwelling on each lot.
- (2) No side yard shall be required for buildings other than dwellings, except that on that side of a lot abutting upon a lot in the A-1 Agricultural District, R-1 Single-Family Residential District, RT-1 Residential Townhouse District, R-T/Z Residential Townhouse/Zero Lot Line District, R-2 Urban Residential District, R-2A Rural Residential District, R-3 Multi-Family Residential District, R-3MD Moderate Density District, R-5 Single-wide

Manufactured Home District and MH Manufactured Home Park District there shall be a minimum side yard of ten (10) feet in width.

D. Rear Yard

There shall be on each lot a rear yard of a minimum depth of 25 feet.

**1403. Height Regulations**

Except as provided in ARTICLES V and VI, no building shall exceed three stories or 40 feet in height.

**1404. Landscape Provisions**

See ARTICLE V, Section 300

## **1500. C-5 Neighborhood Commercial District**

### **A. Intent**

The C-5 district is intended for low to medium-intensity commercial uses. It is the intent of the C-5 Neighborhood Commercial District to promote, protect, and sustain the vitality of a neighborhood by allowing the development and maintenance of small commercial and service enterprises which are both compatible with and complementary to residential properties within the immediate vicinity. It is intended that the uses in this district generate smaller volumes of traffic. Furthermore, it is the intent of the section that all businesses located within a C-5 Neighborhood Commercial District shall be for retail sales, services, or otherwise of such nature as to be a benefit or convenience to a majority of neighborhood residents. This district is also intended to be compatible with land use plans designating certain areas as "Neighborhood Commercial".

### **B. Location**

Neighborhood Commercial Districts shall be located so as to primarily serve traffic on arterial or collector streets (see definition "Functional Classification of Streets"), and all businesses developed within such districts shall be situated on site so as to offer convenient ingress and egress to such streets.

## **1501. Use Regulations**

### **A. Permitted Uses:**

The following principal uses and structures may be permitted in any C-5 Neighborhood Commercial District subject to the building being limited to a maximum of 5,000 gross square feet of total floor area.

- (1) Beauty, nail and manicure, and barber shop
- (2) Bicycle sales and / or rentals
- (3) Drug store
- (4) Financial facility
- (5) Food Store- retail, bakeries, meat and fish markets, produce markets
- (6) Library, art gallery, or museum
- (7) Commercial Nurseries and garden centers
- (8) Offices, studios, medical and dental clinics
- (9) Restaurant
- (10) Retail sales - hardware, stationery stores, shoe stores, florists, and music stores
- (11) Services-cleaning and laundry establishments (including coin operations), shoe repair shops, repair establishments for household articles and appliances.
- (12) Dwellings – single family, two family and multi-family

## B. Accessory Uses Permitted:

The following accessory uses and structures may be permitted in any approved C-5 Neighborhood Commercial District:

- (1) Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures, as stated and restricted above, and which do not involve operations or structures not in keeping with the intent of this section or with the character of the zone, or likely (as constructed, operated, or maintained) to have an adverse effect on the character of area surrounding the district.
- (2) Outdoor display, provided that:
  - (a) Retail or produce display area shall not exceed 20% of the lot square footage, excluding the area where buildings are located; such area shall not encroach upon the required parking area.
  - (b) Plant display shall not exceed 70% of the lot square footage, excluding the area where buildings are located; such area shall not encroach upon the required parking area. Parking shall be subject to the requirements of the Hamilton County Engineer.
- (3) Outdoor restaurant seating, provided that:
  - (a) Outdoor seating area shall not exceed 20% of the lot square footage, excluding the area where buildings are located; such area shall not encroach upon the required parking area. Parking shall be subject to the requirements of the Hamilton County Engineer.

## C. Additional Uses Allowed with Special Permit:

- (1) **Special Permits by Chattanooga-Hamilton County Regional Planning Commission:**
  - (a) Single-Wide Manufactured Home, subject to ARTICLE VI, Section 301
- (2) **Special Permits by Hamilton County Commission:**
  - (a) Communications Towers, subject to ARTICLE VI, Section 410
  - (b) Planned Unit Development (P U D), subject to ARTICLE VI, Section 401
- (3) **Special Permits by Board of Zoning Appeals:**
  - (a) Day care centers, subject to ARTICLE VII, Section 508
  - (b) Temporary farm stands, subject to ARTICLE VII, Section 401

## D. Prohibited Uses and Structures:

The following uses and structures are found to be not in keeping with the intent of the Neighborhood Commercial District and are therefore specifically prohibited within any approved C-5 Neighborhood Commercial District:

- (1) Adult-oriented establishments
- (2) Bars, lounges, alcoholic beverage sales or consumption on the premises
- (3) Billboards
- (4) Drive-thru trade, drive-in trade, curb service
- (5) Gasoline pumps and/or car washes
- (6) Liquor stores
- (7) Manufacturing
- (8) On-premise signs with flashing, strobe or blinking lights or lights which vary in color or intensity which are visible from outside the building



- (9) Outdoor sales, display, storage, or service except for those accessory uses described in Section 1501 B(2) of this District.
- (10) Playing of music or making of announcements directly or through mechanical or electronic devices in a manner audible at any residential lot line
- (11) Theaters, skating rinks, dance halls, billiard rooms, or other businesses, or uses devoted primarily to entertainment
- (12) Vehicle sales, rental , service, or repair facilities except for bicycles
- (13) Warehousing / distribution center
- (14) Wholesaling
- (15) In general, any use or structure not of a nature permitted under "Principal Uses Permitted" and "Permitted Accessory Uses and Structures" above

**1502. Area and Height Regulations**

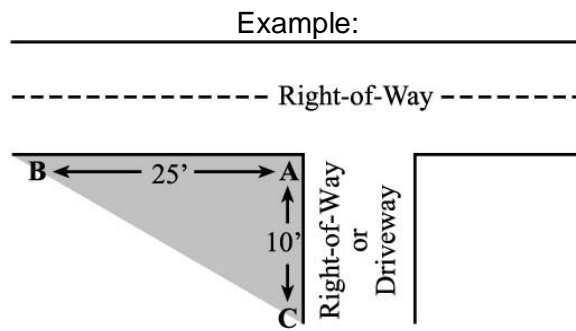
**A. Minimum Yard Requirements; Maintenance of Visibility at Access Points; Relation of Yards to Turnout and Merging Lanes:**

- (1) Yards with a minimum depth of twenty-five (25) feet shall be provided along any public street or right-of-way and along that side of a lot abutting a lot in the A-1Agricultural District, R-1 Single-Family Residential District, RT-1 Residential Townhouse District, R-T/Z Residential Townhouse/Zero Lot Line District, R-2 Urban Residential District, R-2A Rural Residential District, R-3 Multi-Family Residential District, R-3MD Moderate Density District, R-5 Single-wide Manufactured Home District and MH Manufactured Home Park District.

Other than as provided above, no other front, rear, or side yards are required, but where buildings are separated, the distance between them shall be at least ten (10) feet.

- (2) No structure, landscaping, fences, terraces, or other natural or artificial features adjacent to any street shall be of a nature impairing visibility from or of approaching vehicular traffic where such visibility is important to safety, nor shall such features in any way create potential hazards to pedestrians. In particular, at vehicular entrances and exits, no off-street parking, landscaping, or other material impediment to visibility between the heights of three (3) feet and eight (8) feet shall be permitted within a triangular area bounded by imaginary lines connecting three (3) points as described and illustrated below:

- Point A      At the intersection of any public right-of-way with another right-of-way, either public or private drive, the point of intersection nearest approaching traffic.
- Point B      Beginning at Point A, proceeding along the boundary line of the public right-of-way toward the direction of oncoming traffic for a distance of twenty-five (25) feet to a second point: Point B.
- Point C      Beginning at Point A, proceeding along a line perpendicular to the public right-of-way and generally along the edge of the private driveway (or public right-of-way) toward the interior of the lot for a distance of ten (10) feet to a third point: Point C.



- (3) Along collector and arterial public streets, turn-out lanes and merging lanes may be required to be constructed on the lot, with length and width as appropriate to the flow of traffic and traffic separation devices may be required at such entrances and exits and along merging lanes. Whether required or provided voluntarily, such turn-out merging lanes may be included as part of the required setback adjacent to the public collector or arterial street. Disagreement regarding required turnout or merging lanes can be appealed to the Board of Appeals.

#### B. Maximum Height of Structures

No structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height. Communications towers shall be subject to the setback requirements set forth in Article VII.

#### C. Maximum Floor Area of Structures

- (1) One (1) story structures shall not exceed five thousand (5,000) gross square feet of total floor area.
- (2) Two (2) story structures shall not exceed six thousand (6,000) gross square feet of total floor area.

### **1503. Parking and Loading Space Regulations**

#### A. Minimum Off-Street Parking and Loading Requirements

- (1) Principal parking requirements for retail uses in the C-5 Commercial District will be 4 spaces/1,000 square feet of gross leasable space for all buildings or commercial centers of less than 25,000 square feet.
- (2) Parking spaces are not required for detached warehouse facilities which are attendant to the principal commercial use.
- (3) For offices, banks, and other such uses of a strictly service nature of one (1) or two (2) stories, there shall be five (5) parking spaces/1000 square feet of gross leasable floor area.
- (4) Off-street loading facilities shall be provided which do not require the use of required off-street parking space during hours when establishments in the district are open for business.
- (5) All off-street parking and loading space shall be subject to review and approval by the Hamilton County Engineer and shall be so located, improved, illuminated, operated, and maintained as to provide safe and convenient circulation on the premises and to and from adjacent streets, and to minimize potential frictions with adjoining residential property.
- (6) Handicapped parking shall meet the current ADA standards.

B. Maximum Off-Street Parking Requirements

Parking for retail uses in the C-5 Commercial District shall not exceed 30% of the Minimum Off-Street Parking requirements.

**1504. Landscape Provisions**

See ARTICLE V, Section 300



## **1600. M-1 INDUSTRIAL DISTRICT REGULATIONS**

### **1601. Use Regulations**

#### **A. Permitted Uses**

- (1) Single Family Dwellings
- (2) Two-family Dwellings
- (3) On Premise Signs and Off Premise Signs, subject to the provisions of Article V, Section 200.
- (4) Commercial Hazardous Waste Management Facilities or Commercial Medical Waste Management Facilities subject to the provisions of Article V, Section 400
- (5) Any use not prohibited by law, except those uses requiring Special Permits in subsection B, and those uses specifically prohibited in subsection C, below.

#### **B. Uses Allowed with Special Permits**

- (1) **Special Permits by Chattanooga-Hamilton County Regional Planning Commission:**
  - (A) Any person desiring a Special Permit for bulleted uses below, subject to ARTICLE VI, Section 306  
Manufacture of:
    - Acetylene gas
    - Asphalt or products
    - Asbestos
    - Babbit metal
    - Bleaching powder
    - Blast, cupola or metal furnace
    - Boiler shops
    - Bronze powder
    - Carbon, lampblack or graphite
    - Celluloid
    - Coal tar or products
    - Coal screening
    - Coke ovens
    - Creosote or products
    - Disinfectant
    - Emery cloth or sandpaper
    - Explosives
    - Fat rendering
    - Fertilizer
    - Gas
    - Gasoline or oil storage above ground
    - Storage of flammable liquids or gasses (subject to the provisions and standards of the National Fire Codes
    - Glucose
    - Glue or size (adhesives)
    - Lime or products
    - Lime kilns

- Linoleum
- Matches
- Oil cloth
- Paint, oil or shellac
- Poison
- Potash
- Printing ink
- Pulp or paper
- Rubber
- Slaughterhouse
- Starch
- Sulfuric Acid
- Tar or asphalt roofing
- Turpentine
- Vinegar
- Yeast
- Petroleum refining
- Rolling mill
- Salt works
- Soap works
- Smelting
- Sugar refining
- Tannery
- Wool pulling or scouring
- Wood or bone distillation

The uses listed below shall under no condition be permitted within 500 feet of any dwelling except such as may exist upon the property, any public park or school. These below listed uses shall have direct access only to a state highway or principal arterial.

- Acid manufacture
- Asphalt mixing plant
- Distillation of bones
- Dog and cat food factory
- Fish cannery
- Manufacture or storage of explosives
- Fertilizer works
- Glue manufacture
- Oil refining
- The feeding of garbage to hogs or other animals
- Slaughter house
- Any other use dangerous by reason of explosion hazard or noxious or offensive by reason of the emission of smoke, dust, fumes, odor, vibration, or noise.

(B) Single-wide manufactured home, subject to ARTICLE VI, Section 301

**(2) Special Permits by Hamilton County Commission:**

- (A) Adult-oriented establishments, subject to ARTICLE VI, Section 411
- (B) Commercial radio, television, telephone, microwave and other communication towers subject to ARTICLE VI, Section 410
- (C) Planned Unit Development (P U D), subject to ARTICLE VI, Section 401

**(3) Special Permits by Board of Zoning Appeals:**

- (A) Cremation/Crematory, subject to Article VII, Section 507
- (B) Open air markets shall be permitted, subject to ARTICLE VII, Section 509
- (C) Temporary farm stands, subject to ARTICLE VII, Section 401

C. Prohibited Uses

- (1) Multi-family dwellings

**1602. Area Regulations**

A. Minimum Lot Area and Frontage

The only minimum lot area requirement is 25,000 square feet for single-family lots on individual wells and septic tanks and 7,500 square feet for single-family lots on sanitary sewers and 9,500 square feet for duplexes on sanitary sewers. In all other instances, a residential lot shall be large enough to construct the original subsurface sewage disposal system as required by the Hamilton County Groundwater Protection and to provide an area for 100% duplication of that system. The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal. The Hamilton County Groundwater Protection may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities. Minimum lot frontage shall be 60 feet on sewers and 75 feet on septic tanks.

B. Front Yard

There shall be a front yard of a minimum depth of twenty-five (25) feet.

C. Side Yard

There shall be, on each side of each lot, a side yard of a minimum width of ten (10) feet plus five (5) feet for each ten (10) feet or fraction thereof of building height over twenty (20) feet.

D. Rear Yard

There shall be a rear yard of a minimum depth of ten (10) feet plus five (5) feet for each ten (10) feet or fraction thereof of building height over twenty (20) feet.

E. Distance Between Buildings

No main building shall be closer than fifteen (15) feet to any other main building, and no dwelling shall be closer than twenty-five (25) feet to any other dwelling or main building on the same lot.

**1603. Building Height Limit**

None

**1604. Landscape Regulations**

See Article V, Section 300



## **1700. M-2 WHOLESALE AND LIGHT INDUSTRY DISTRICT**

### **1701. Use Regulations**

#### **A. Permitted Uses**

- (1) The following uses are PERMITTED:
  - Apparel and other finished fabric manufacturers
  - Blueprint and related shops
  - Cabinet making or woodworking shops
  - Cold storage plants
  - Contractors Storage Yard, as defined in Article II, Definitions. If property abuts residential districts or residential uses, such storage yard shall be enclosed by a sight-obscuring fence not less than six (6) feet in height. Vehicles used in the operation of the business may extend above the height of the fence.
  - Electrical machinery, tools, equipment, and supplies assembly
  - Food and food products, packaging and distribution
  - Furniture and household goods manufacture
  - Gas metering and control stations
  - Jewelry, silverware, and plated ware manufacture
  - Laboratories: research, testing and medical
  - Lumber yards
  - Microwave stations, including towers
  - Musical instruments and parts manufacture
  - Offices
  - Photographic and optical goods production
  - Printing and publishing services
  - Professional, scientific, and controlling instrument manufacture
  - Re-packaging
  - Rug cleaning plants
  - Sheet metal fabrication, welding shops, and similar uses
  - Textile production
  - Utility and public service uses
  - Warehousing
  - Wholesaling
  - Wholesale produce markets
- (2) Retail sales, offices, banks, theaters, studios, beauty parlors, job printing, photograph galleries, barber shops
- (3) Restaurants, cafes, lunchrooms
- (4) Wholesale, Commercial and Non-commercial nurseries, greenhouses
- (5) Automobile service stations, automobile display rooms, parking lots, used car lots
- (6) Automobile wrecker service, provided that:
  - a) not more than six (6) vehicles not in running condition, or parts thereof, are stored in the open.
  - b) the vehicles are not kept on the premises for salvage purposes, and
  - c) The screening requirements specified in Article V, Section 300 of the Landscape Regulations.

- (7) Police and fire stations
- (8) On Premise Signs and Off Premise Signs as regulated in Article V, Section 200; Public signs, notices, and warnings wherever necessary
- (9) Single-family dwellings
- (10) Double-wide manufactured homes
- (11) Agricultural uses such as the growing of crops, dairying, grazing, the raising and maintaining of poultry and livestock, horticulture, viticulture, floriculture, forest and woods. Also permissible as an agricultural use are such uses as the raising of fur-bearing animals, fish and minnow hatcheries, riding academies, livery or boarding stables, dog kennels and other similar enterprises and uses, except for uses prohibited in subsection B below.
- (12) Athletic fields, tennis and country clubs, golf courses (except types prohibited in Subsection B below), parks, playgrounds
- (13) Community swimming pools and recreational areas operated by membership organizations for the benefit of their members
- (14) Churches or similar places of worship with accessory structures and including a columbarium and/or mausoleum as an accessory use
- (15) Day Care Homes
- (16) Day Care Center, subject to review and approval of the Hamilton County Engineer with regard to points of ingress and egress, internal circulation, loading areas and parking. In addition there must be provision of a secure playground area.
- (17) Kindergartens operated by governmental agencies and religious organizations
- (18) Elementary or high schools, public or private, and institutions of higher learning
- (19) Museums, libraries, art galleries and other cultural institutions
- (20) Lodge Halls and other Civic Organization's buildings
- (21) Hospitals and clinics, except for the insane or contagious diseases
- (22) Railroad stations and railroad lines, except as prohibited in subsection B below
- (23) Storage garages
- (24) Public utility building and structures
- (25) Radio and television broadcasting stations and studios
- (26) Fire halls, sub-stations, water towers, booster pumping stations and telephone exchanges

- (27) One farm stand for the sale of edible products or product of the soil produced entirely on the premises, provided that the stand does not exceed an area of two-hundred (200) square feet.
- (28) Telephone exchanges or sub-stations
- (29) Oil or gas fired dry-cleaning plants.
- (30) Tanks for the commercial retail distribution of flammable liquids or gasses (excluding bulk plants) shall be permitted subject to the provisions and standards of the National Fire Codes.
- (31) Any light manufacturing which: (a) is not noxious or offensive by reason of emission of odor, fumes, dust, smoke, noise or vibration; (b) does not use mechanical power in excess of 5-horsepower; (c) does not habitually employ more than 5 mechanics or workers.
- (32) Small commercial photocopy shops and other similar operations
- (33) Any business of a retail wholesale type except as prohibited in subsection B below.
- (34) Accessory uses and buildings customarily incident and subordinate to the above permitted uses except for uses permitted by Special Permit in subsection C below.

#### B. Prohibited Uses

- (1) The manufacture or storage of the following:
  - Acetylene gas manufacture or storage
  - Acid manufacture
  - Alcohol manufacture
  - Ammonia
  - Auto Wrecking yards
  - Bleaching powder
  - Chlorine manufacture
  - Arsenal
  - Bag cleaning
  - Blast furnace
  - Boiler works
  - Brick, tile or terra cotta manufacture
  - Candle manufacture
  - Cement, lime, gypsum or plaster of paris manufacture
  - Creosote treatment or manufacture
  - Distillation of bones, coal or wood
  - Dyestuff manufacture
  - Exterminator and insect poison manufacture
  - Emery cloth and sand paper manufacture
  - Fat rendering
  - Fertilizer manufacture
  - Fireworks or explosive manufacture or storage
  - Fish smoking or curing
  - Forge plant
  - Garbage, offal or dead animals, reduction or dumping

- Gas (illuminating or heating) manufacture
- Glue, size or other adhesive manufacture
- Gunpowder manufacture or storage
- Iron, steel, brass or copper foundry or fabrication plant
- Junk iron or rags storage or baling
- Lamp black manufacture
- Match manufacture
- Oilcloth or linoleum manufacture
- Oiled or rubber goods manufacture
- Ore reduction
- Paint, oil, shellac, turpentine or varnish manufacture
- Paper and pulp manufacture
- Petroleum products, refining or wholesale storage of petroleum
- Planing mills (except small woodworking plants if approved by the Board of Appeals)
- Potash works
- Pyroxlin manufacture
- Rock crusher
- Rolling mills, rubber or gutta-percha manufacture or treatment
- Salt works
- Shoe polish manufacture
- Smelting of tin, copper, zinc or iron ores
- Soap manufacture, other than liquid soap
- Soda and compound manufacture
- Stock feeding pens
- Stock herds or slaughter of animals
- Stone mill or quarry
- Stove polish manufacture
- Sulfuric, nitric, or hydrochloric acid manufacture
- Tallow, grease or lard manufacture or refining from animal fat
- Tanning; curing or storage of raw hides or skins
- Tar distillation or manufacture
- Tar roofing or waterproofing manufacture
- Tobacco (chewing) manufacture or treatment
- Wool pulling or scouring
- Yeast plant

Any similar use comparable in character, type, or effect on the surrounding area to the above uses as interpreted by the Director of Building Inspection.

- (2) Hazardous Waste or Medical Waste Dump
- (3) Railroad switching or storage yards, or repair shops

### C. Additional Uses Allowed with Special Permit

- (1) **Special Permits by Chattanooga-Hamilton County Regional Planning Commission:**
  - (a) Single Wide Manufactured Home subject to ARTICLE VI, Section 301
  - (b) Garbage collection service and/or demolition dump, subject to ARTICLE VI, Section 307, except that such uses shall not deal with any materials defined as Hazardous Waste or Medical Waste and regulated by Hazardous Waste Regulations of the Zoning Regulations and cannot include butchering/dead animal waste.

(2) **Special Permits by Hamilton County Commission:**

- (a) Commercial radio, television, telephone, microwave and other communication towers, subject to ARTICLE VI, Section 410
- (b) Planned Unit Development (P U D) ARTICLE VI, Section 401

**1702. Area Regulations**

**A. Minimum Lot Area and Frontage**

The only minimum lot area requirement is 25,000 square feet for single-family lots on individual wells and septic tanks and 7,500 square feet for single-family lots on sanitary sewers and 9,500 square feet for duplexes on sanitary sewers. In all other instances, a residential lot shall be large enough to construct the original subsurface sewage disposal system as required by the Hamilton County Groundwater Protection and to provide an area for 100% duplication of that system. The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal. The Hamilton County Groundwater Protection may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities. Maximum allowable density for multi-family residential uses, shall be determined by the Hamilton County Groundwater Protection, except where sanitary sewers are used, the maximum density shall be 7,500 square feet for the first unit and 2,000 square feet for each additional unit. Minimum lot frontage shall be 60 feet on sewers and 75 feet on septic tanks.

**B. Front Yard**

There shall a front yard of a minimum depth of twenty-five (25) feet.

**C. Side Yard**

There shall be, on each side of each lot, a side yard of a minimum width of ten (10) feet plus five (5) feet for each ten (10) feet or fraction thereof of building height over twenty (20) feet.

**D. Rear Yard**

There shall be on each lot a rear yard of a minimum depth of ten (10) feet plus five (5) feet for each ten (10) feet or fraction thereof of building height over twenty (20) feet.

**E. Distance Between Buildings**

No main building shall be closer than fifteen (15) feet to any other main building, and no dwelling shall be closer than twenty-five (25) feet to any other dwelling or main building on the same lot.

**1703. Building Height Limit**

None

**1704. Landscape Regulations**

See Article V, Section 300



## **1800. M-3 WAREHOUSE AND WHOLESALE DISTRICT**

### **1801. Use Regulations**

#### **A. Permitted Uses**

- (1) The following uses shall be permitted:
  - Warehousing
  - Wholesaling
  - Related office space
  - Re-packaging
- (2) Agricultural uses such as the growing of crops, dairying, grazing, the raising and maintaining of poultry and livestock, horticulture, viticulture, floriculture, forest and woods. Also permissible as an agricultural use are such uses as the raising of fur-bearing animals, fish and minnow hatcheries, riding academies, livery or boarding stables, dog kennels and other similar enterprises and uses.
- (3) One farm stand for the sale of edible products or product of the soil produced entirely on the premises, provided that the stand does not exceed an area of two-hundred (200) square feet.
- (4) Stables for personal use
- (5) Single-family dwellings including double-wide manufactured homes
- (6) Athletic fields, tennis and country clubs, golf courses (except as prohibited in subsection C below), parks, playgrounds
- (7) Community swimming pools and recreational areas operated by membership organizations for the benefit of their members
- (8) Churches or similar places of worship with accessory structures and including a columbarium and/or mausoleum as an accessory use
- (9) Signs limited to:
  - (a) Signs not over twelve (12) square feet in area advertising the sale of farm products produced on the premises.
  - (b) Churches, schools, public buildings, and other non-agricultural permitted land uses may have one bulletin board or identification sign, not to exceed twenty-four (24) square feet in area; such bulletin board or identification sign shall indicate nothing more than the name and/or address of the premises, and schedule of services or other information relevant to the operation of the premises. Such sign shall not be located closer than 15 feet from the road right-of-way and may have direct illumination.
- (10) Schools, museums, libraries, art galleries and other cultural institutions
- (11) Day Care Homes
- (12) Kindergartens operated by governmental agencies and religious organizations
- (13) Hospitals and clinics, except for the insane or contagious diseases

- (14) Railroad stations and railroad lines, except as prohibited in subsection C below
- (15) On Premise Signs and Off Premise Signs as regulated in Article V, Section 200; and Public Signs, notices and warnings wherever necessary
- (16) Non-commercial nurseries and greenhouses
- (17) Lodge halls and other Civic Organization's Buildings

**B. Additional Uses Allowed with Special Permit**

- (1) **Special Permits by Chattanooga Hamilton County Regional Planning Commission:**
  - (a) Single-wide Manufactured Homes subject to ARTICLE VI, Section 301
- (2) **Special Permits by Hamilton County Commission:**
  - (a) Commercial radio, television, telephone, microwave and other communication towers, subject to ARTICLE VI, Section 410
  - (b) Planned Unit Development (P U D), subject to ARTICLE VI, Section 401
- (3) **Special Permits by Board of Zoning Appeals:**
  - (a) Storage Garages, subject to ARTICLE VII, Section 504
  - (b) Radio and television broadcasting stations and studios, subject to ARTICLE VII, Section 513
  - (c) Fire halls, substations, water towers, booster pumping stations and telephone exchanges, subject to ARTICLE VII, Section 515
  - (d) Public utility building and structures, subject to ARTICLE VII, Section 505
  - (e) Day Care Centers, subject to ARTICLE VII, Section 508

**C. Prohibited Uses**

- (1) Miniature golf and commercial "Par 3" courses
- (2) Farms operated by public or private agencies for the disposal of garbage
- (3) Railroad switching or storage yards, or repair shops

**1802. Area Regulations**

**A. Minimum Lot Area and Frontage**

The only minimum lot area requirement is 25,000 square feet for single-family lots on individual wells and septic tanks and 7,500 square feet for single-family lots on sanitary sewers and 9,500 square feet for duplexes on sanitary sewers. In all other instances, a residential lot shall be large enough to construct the original subsurface sewage disposal system as required by the Hamilton County Groundwater Protection and to provide an area for 100% duplication of that system. The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal. The Hamilton County Groundwater Protection may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities. Maximum allowable density for multi-family residential uses, shall be determined by the Hamilton County Groundwater Protection, except where sanitary sewers are used, the maximum density shall be 7,500 square feet for the first unit and 2,000 square feet for each additional unit. Minimum lot frontage shall be 60 feet on sewers and 75 feet on septic tanks.



#### B. Front Yard Required

There shall be a front yard of a minimum depth of twenty-five (25) feet.

#### C. Side Yard Required

There shall be, on each side of each lot, a side yard of a minimum width of 10 feet plus five feet for each ten feet or fraction thereof for building height over 20 feet.

#### D. Rear Yard Required

There shall be on each lot a rear yard of a minimum depth of 10 feet plus five feet for each 10 feet or fraction thereof for building height over 20 feet.

#### E. Distance Between Buildings

No main building shall be closer than 15 feet to any other main building, and no dwelling shall be closer than 25 feet to any other dwelling or main building on the same lot.

#### **1803. Building Height Limit**

Except as provided in ARTICLES V and VI, no building shall exceed three stories or 40 feet in height.

#### **1804. Landscape Regulations**

See Article V, Section 300



## **1900. M-4 OUTDOOR INDUSTRIAL USE DISTRICT**

### **1901. Use Regulations**

#### **A. Permitted Uses**

- (1) The following uses may be permitted:
  - Coal screening and sieving plants
  - Junk yards or salvage yards
  - Sanitary landfills
  - Sawmills or lumber yards
  - Stockyards
  - Rock crushers
  - Stone mills or quarries
  - Gravel pits
  - Asphalt plants
  - Cement or concrete plants
  - Incineration, reduction of offal, garbage or refuse on a commercial basis
  - Oil drilling or production
  - Planing mill
  - Radium extraction
  - Rock, sand or gravel storage
  - Sand blasting
  - Sewage disposal
  - Storage or baling of bottles, junk, old iron, rags, rubber or scrap paper
  - Rubbish dumps
  
- (2) It is not the intent of this Resolution to require that property has to be zoned M-4 for the use of portable rock crushers and sawmills at a construction site for a specific project. Such equipment shall not be permitted on a permanent basis except in an M-4 zone. The Director of Building Inspection shall have the authority to determine if the use of such equipment has been established on a permanent basis.
  
- (3) Reasonable conditions concerning the location and method of operation of the uses may be approved by the County Commission in accordance with those sections of the T.C.A. which enable local legislative bodies to impose certain conditions and restrictions as deemed necessary for the general welfare of the citizens of Hamilton County. If the County Commission determines that the proposed use will have an adverse impact on the surrounding properties or negatively affect the quality of life of persons inhabiting said properties, a rezoning request may be denied.
  
- (4) In all instances in which state or federal surface mining regulations apply; the following additional conditions shall be attached:
  - (a) Copies of applications for a permit shall be submitted to the Regional Planning Agency with an application to rezone the property, or to the County Engineer's Office if the use of existing M-4 property changes to one where state or federal surface mining regulations apply. No application to rezone property shall be considered by the Planning Commission or the County Commission until evidence of submittal of the permit application has been provided.

- (b) A copy of a pre-blast survey for all properties located within a one (1) mile radius of the area covered by the mining permit shall be filed with the application for rezoning with a copy to be filed with the County Engineer for review and comment. A report and recommendation from the County Engineer shall be submitted to the Regional Planning Agency staff prior to the "Staff Review of Zoning" meeting for the month the rezoning petition is to be heard by the Planning Commission. In the case of a change of use in an existing M-4 zone, the report from the County Engineer shall be submitted to the Director of Building Inspection upon completion.
  - (c) A plan of operation shall be prepared and submitted to the Engineer's Office for approval showing all intended haul routes within Hamilton County and evidence that all load limits of bridges used in the operation will be met. No variation from the approved route shall be permitted except by written permission of the County Engineer. A report from the Engineer shall be submitted to the Regional Planning Agency staff prior to the "Staff Review of Zoning" meeting for the month the rezoning petition is to be heard by the Planning Commission. In case of a change of use in an existing M-4 zone the report from the County Engineer shall be submitted to the Director of Building Inspection upon completion.
- (5) Any use permitted in M-4 where state or federal surface mining regulations do not apply may be changed to a use where they do apply, subject to approval of the pre-blast survey and haul routes by County Engineer and Engineer, respectively.
- (6) It shall be a condition of the issuance of M-4 zoning when state or federal surface mining regulations apply that the owner or operator of the facility maintain during the term of its use liability insurance and performance bonds as follows:
- (a) Evidence of liability insurance in an appropriate amount (to be determined by the County Commission upon recommendation of the County Attorney) shall be maintained with current certificates of insurance filed with the County's Risk Manager.
  - (b) The owner or operator of the facility shall maintain a current performance bond in the amount of Two Thousand Dollars (\$2,000.00) per acre to be filed with the County's Risk Manager to assure compliance if state, federal and local laws and regulations apply relative to reclamation of disturbed land within Hamilton County.
  - (c) The above requirements of (a) and (b) may be waived if appropriate alternative security is approved by the County Commission upon recommendation by the County Attorney.
- (7) Should any court of competent jurisdiction declare any section, clause, or provision of this resolution to be unconstitutional or otherwise illegal or ineffective, such decision shall affect only such section, clause, or provision so declared unconstitutional or otherwise illegal or ineffective, and shall not affect any other section, clause, or provision of this Resolution.
- (8) On Premise Signs and Off Premise Signs as regulated in Article V, Section 200.

## **1902. Area Regulations**

### A. Minimum Lot Area and Frontage

The only minimum lot area requirement is 25,000 square feet for single-family lots on individual wells and septic tanks and 7,500 square feet for single-family lots on sanitary sewers and 9,500 square feet for duplexes on sanitary sewers. In all other instances, a residential lot shall be large enough to construct the original subsurface sewage disposal system as required by the Hamilton County Groundwater Protection and to provide an area for 100% duplication of that system. The area(s) for both original and duplicate systems shall meet the provision of the State Rules and Regulations to Govern Subsurface Sewage Disposal. The Hamilton County Groundwater Protection may limit the number of bedrooms and whirlpool tubs on the basis of effective capacity of the proposed sewage disposal facilities. Minimum lot frontage shall be 60 feet on sewers and 75 feet on septic tanks.

### B. Front Yard

There shall be a front yard of a minimum depth of twenty-five (25) feet.

### C. Side Yard

There shall be, on each side of each lot, a side yard of a minimum width of ten (10) feet plus five (5) feet for each ten (10) feet or fraction thereof of building height over twenty (20) feet.

### D. Rear Yard

There shall be a rear yard of a minimum depth of ten (10) feet plus five (5) feet for each ten (10) feet or fraction thereof of building height over twenty (20) feet.

### E. Distance Between Buildings

No main building shall be closer than fifteen (15) feet to any other main building, and no dwelling shall be closer than twenty-five (25) feet to any other dwelling or main building on the same lot.

## **1903. Building Height Limit**

None

## **1904. Landscape Regulations**

See Article V, Section 300

In addition to the required Landscape provisions, a sight obscuring screen (either solid or veil block, or some form of fence that is at least 50% opaque and at least six (6) feet high) shall be required.



## **2000. FLOOD HAZARD DISTRICT**

### **2001. Findings of Fact**

The flood hazard areas of Hamilton County, Tennessee, are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise protected from flood damages.

### **2002. Statement Of Purpose**

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

- (1) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damage; and
- (5) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

### **2003. Objectives**

The objectives of this section are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
- (6) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and
- (7) to insure that potential home buyers are notified that property is in a flood area.

### **2004. General Provisions**

#### **A. Lands To Which These Regulations Apply**

These regulations shall apply to all areas of special flood hazard within the jurisdiction of Hamilton County, Tennessee.

**B. Basis For Establishing The Areas of Special Flood Hazard**

The Areas of Special Flood Hazard identified on the Hamilton County, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers:

47065C0020F 47065C0229F 47065C0329F 47065C0361F 47065C0394F  
47065C0040F 47065C0231F 47065C0331F 47065C0362F 47065C0432F  
47065C0045F 47065C0235F 47065C0332F 47065C0363F 47065C0451F  
47065C0107F 47065C0236F 47065C0333F 47065C0364F 47065C0452F  
47065C0109F 47065C0237F 47065C0334F 47065C0366F 47065C0456F  
47065C0118F 47065C0238F 47065C0336F 47065C0367F 47065C0476F  
47065C0120F 47065C0239F 47065C0337F 47065C0368F 47065C0477F  
47065C0130F 47065C0241F 47065C0338F 47065C0369F 47065C0481F  
47065C0135F 47065C0243F 47065C0339F 47065C0378F 47065C0505F  
47065C0140F 47065C0245F 47065C0341F 47065C0379F 47065C0510F  
47065C0145F 47065C0255F 47065C0342F 47065C0380F 47065C0209F  
47065C0260F 47065C0343F 47065C0381F 47065C0212F 47065C0264F  
47065C0344F 47065C0383F 47065C0213F 47065C0265F 47065C0351F  
47065C0384F 47065C0214F 47065C0268F 47065C0352F 47065C0386F  
47065C0217F 47065C0270F 47065C0353F 47065C0387F 47065C0218F  
47065C0310F 47065C0354F 47065C0388F 47065C0219F 47065C0319F  
47065C0356F 47065C0389F 47065C0226F 47065C0326F 47065C0357F  
47065C0391F 47065C0227F 47065C0327F 47065C0358F 47065C0392F  
47065C0228F 47065C0328F 47065C0359F 47065C0393F, effective date  
11/07/2002, are adopted by reference. Such maps are located at the Hamilton  
County Engineer's Office.

**2005. F/W FLOODWAY ZONE**

**A. Establishment**

Located within the areas of special flood hazard, as established in ARTICLE IV, Section 1900, and defined in ARTICLE II are areas designed as the FLOODWAY. The Floodway is identified as Floodway Areas on the most recently adopted Flood Insurance Rate Maps (FIRM). The Floodway includes only that portion of the areas of special flood hazard which must be reserved in order to carry and discharge the 100-year base flood without increasing flood levels.

**B. Permitted Uses**

Any lawful use permitted in the various zoning districts shall also be permitted in the portions of such zoning districts underlying the FLOODWAY ZONE; subject to all applicable height, yard area, setback, off-street parking, or other regulations applicable in such District; provided, however, that since the FLOODWAY ZONE is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, all encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification and documentation by a registered professional engineer or architect is provided demonstrating to the satisfaction of the Board of Zoning Appeals that such encroachments shall not result in any increase in flood levels during occurrence of the (100-Year) base flood discharge, and further provided that all new construction and substantial



improvements shall comply with all applicable flood hazard reduction provisions of ARTICLE IV, Section 1900.

## **2006. FLOOD HAZARD DISTRICT REGULATIONS**

### **A. Establishment**

The Flood Hazard District includes all areas covered by the Floodway Zone plus all areas of special flood hazard as identified by the Federal Emergency Management Agency in its Flood Insurance Study for Hamilton County, Tennessee, Unincorporated Areas and Flood Insurance Rate Maps (FIRM) and any revisions thereto, unless certification and documentation by a registered land surveyor is provided demonstrating to the satisfaction of the Director of Building Inspection that a certain property in question is actually above the (100 year) base flood. Such certification and documentation shall be filed and maintained as part of the permanent record. The FLOOD HAZARD DISTRICT is not specifically outlined as such on the Official Zoning Maps, but the limits shall be determined by definition and appended maps and charts, as outlined above, which document the location and/or elevation of land.

### **B. Permitted Uses**

Any lawful use permitted in the various zoning districts shall also be permitted in the portions of such zoning districts underlying the FLOOD HAZARD DISTRICT subject to all applicable height, yard area, setback, off-street parking, or other regulations applicable in such zones provided, however, that the following provisions for flood hazard reduction shall apply:

#### (1) General Standards For Flood Hazard Reduction

In all areas of special flood hazard (including the Floodway Zone) the following provisions are required:

- (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (b) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (c) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (d) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters. Sewers and manholes constructed below the 100-Year elevation shall be watertight. All manholes shall be constructed so that the manhole covers are not below the high water stage.
- (e) On-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.
- (f) Any alteration, repair, reconstruction, or improvements to a building on which the start of construction was begun after the effective date of these regulations, shall meet the requirements of "new construction" as contained in these regulations.
- (g) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this Regulation, shall be undertaken only if said nonconformity is not furthered, extended, or replaced.

- (h) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

## (2) Specific Standards

In all areas of special flood hazard where base flood elevation data has been determined, the following specific provisions are required as determined by the intended land use.

- (a) Residential Construction: Residential construction or substantial improvement of any residential structure within **A1-30, AE and AH Zones** shall have the lowest flood (including basement) elevated to one (1) foot above the level of the base flood elevation. In **AO zones**, the lowest floor (including basement) shall be at or above the highest adjacent grade at least as high as the FIRM's depth number. A registered professional land surveyor, engineer or architect must certify the lowest floor elevation in writing to the Director of Building Inspection when the finished flood elevation of residential structures in the area of special flood hazards is established. Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined Article II, Definitions). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of subsection (2) (c), Elevated Buildings, listed below.

- (b) Non-Residential Construction: New construction or substantial improvement of any commercial, industrial, or other non-residential building within **A1-A30, AE and AH Zones** shall have the lowest floor (including basement) elevated to one (1) foot above the level of the base flood elevation or, together with attendant utility and sanitary facilities be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. In **AO Zones**, the lowest floor (including basement) shall have the lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number on the FIRM. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification and the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be provided to the Director of Building Inspection as set forth in Section 1913(B).

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Article II, Definitions). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of subsection (2) (c), Elevated Buildings, listed below.

Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Section 1913 (B).

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

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

- (i) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
- (ii) The bottom of all openings shall be no higher than one (1) foot above grade; and
- (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

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

3 The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(d) Standards for Manufactured Homes and Recreational Vehicles

1. In A1-30, AE and AH Zones all manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.

2. In A1-30, AE and AH Zones all manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

- (i) The lowest floor of the manufactured home is elevated no one (1) foot above the level of the base flood elevation, or
- (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade.

- (iii) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of this section.

3. In A1-30, AE and AH Zones all recreational vehicles placed on sites must either:

- (i) Be fully licensed and ready for highway use, or
- (ii) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of this section.  
A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

4. In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II, Definitions).

### (3) Standards for Streams without Established Base Flood Elevation and/or Floodways

Located within the areas of special flood hazard established in ARTICLE IV, Section 1904(C) where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

- (a) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty (20) feet, whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within unincorporated Hamilton County, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (b) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section 1911(B)(9).

### (4) Standards For Subdivision Proposals

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

- (d) Within approximate A Zones base flood elevation data shall be provided for all new subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser.

### **2007. Establishment Of Development Permit**

A Development Permit shall be required to assure that all development takes place in conformance with the provisions of these regulations.

### **2008. Compliance**

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

### **2009. Abrogation And Greater Restrictions**

These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations and others conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### **2010. Interpretation**

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

### **2011. Warnings And Disclaimer Of Liability**

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations.

Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create a liability on the part of Hamilton County, Tennessee, or by any officer or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

### **2012. Penalties for Violation**

Violation of the provisions of these regulations or failure to comply with any of these requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates these regulations or fails to comply with any of their requirements shall, upon conviction thereof, be punished as provided in ARTICLE VIII, Section 105, of these regulations, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Government of Hamilton County, Tennessee, from taking such other lawful action as is necessary to prevent or remedy any violation.

## **2013. Administration**

### **A. Designation of Local Administrator**

The Director of Building Inspection is hereby appointed to administer and implement the provisions of these regulations.

### **B. Duties and Responsibilities of the Local Administrator**

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

- (1) Review all building permits to assure that the permit requirements of these regulations have been satisfied.
- (2) Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the building permit.
- (3) Notify adjacent communities and the Tennessee State Planning Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings.
- (6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed.
- (7) When flood-proofing is utilized for a particular building, the Director of Building Inspection shall obtain certification from a registered professional engineer or architect.
- (8) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Director of Building Inspection shall make necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (9) When base flood elevation data has not been provided in accordance with ARTICLE IV, Section 1904(C), the Director of Building Inspection shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of ARTICLE IV, Section 1900.
- (10) All records pertaining to the provisions of these regulations shall be maintained in the office of the Director of Building Inspection and shall be open for public inspection.

### **C. Permit Procedures**

Application for a Building Permit shall be made to the Director of Building Inspection on forms furnished by him and may include, but not limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials: drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level of the lowest floor (including basement) of all buildings;
- (2) Elevation in relation to mean sea level to which any non-residential building has been flood-proofed;
- (3) A certificate from a registered professional engineer or architect that the non-residential flood-proofed building meets the flood-proofing criteria in ARTICLE IV, Section 1904(D)(2)(b);
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

#### D. Construction Stage

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

#### E. Variance Procedures

The Board of Zoning Appeals as established by these regulations shall hear and decide appeals and requests for variances from the requirements of this section.

The Board of Zoning Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Director of Building Inspection in the enforcement or administration of these regulations.

Any person aggrieved by the decision of the Board of Zoning Appeals, or any Hamilton County property owner may appeal such decision to a court of appropriate jurisdiction.

Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places of the State Inventory of Historic Places without regard to the procedures set forth in the remainder of these regulations.

In passing upon applications which relate to areas of special flood hazard, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of these regulations, and;

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger of life and property due to flooding or erosion damage;

- (3) The susceptibility of the proposed facility and its content to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (11) The cost of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (12) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the above (1) - (11) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.  
Upon consideration of the factors listed above and the purposes of these regulations, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.  
Variances shall not be issued within the FLOODWAY DISTRICT if any increase in flood levels during the base flood discharge would result.

#### F. Conditions for Variances

Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Variances shall only be issued upon:

- (1) a showing of good and sufficient cause;
- (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or regulations.



Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest flood elevation.

The Director of Building Inspection shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.



**ARTICLE V**  
**GENERAL PROVISIONS**

**100 General Provisions for All Districts**

101. No Lot of Record May Be Diminished Below District Requirements

No lot of record shall hereafter be so diminished or no new lot of record shall be so established that the lot area shall be smaller than prescribed by these regulations.

102. No Yard Counted Twice

No yard or other open space required by these regulations shall be considered as providing a yard or other open space of more than one (1) building.

103. Vehicle Parking Space Required

No building or land shall be used for any purpose which will cause customers, employees, or residents to park their vehicles of transportation for one (1) hour or more, or in a C-2 LOCAL BUSINESS COMMERCIAL DISTRICT and C-3 GENERAL BUSINESS COMMERCIAL DISTRICT, located on a major highway for any period of time, unless space for such parking is provided or maintained on the lot tract used.

104. Multiple Residential Structures of the Same Lot

Up to two (2) structures other than accessory structures, whether intended for dwelling purposes or other use, may be constructed on a single tract of land provided that each structure and its site must meet all adopted zoning and subdivision regulations of the County as to the appropriateness of land use, access, area requirements, setbacks, and other provisions, in the same manner as though the structure(s) were constructed on a separate lot of record. More than two (2) principal structures on a tract of land shall require submittal of a subdivision plat for approval and recording before a building permit may be issued.

In case of doubt or question as to whether or not to issue a building permit, the Director of Building Inspection or the Hamilton County Groundwater Protection or the Planning staff may require a site plan, drawn to scale with sufficient detail to assure compliance with all regulations. Such site plan, if required, is to be prepared at the expense of the applicant and is to be filed and kept on record as an attachment to the building permit.

105. No Permit for Buildings on Lots Without Publicly Accepted Access

No building permit shall be issued for a building or use on a lot which does not:

- (1) Abut on an already constructed, dedicated and publicly accepted municipal or County street or road; or

- (2) Abut on a street in a subdivision which has received final approval but not yet recorded and for which proper bond has been posted; or
- (3) Abut on a permanent recorded easement or right-of-way which provides access to a publicly accepted road, provided that one of the following criteria is met:
  - (a) Easements or rights-of-way utilized for access must be at least fifteen (15) feet in width for each lot served, or a minimum width of fifty (50) feet for common easements serving more than three (3) lots; or
  - (b) Easements or rights-of-way which were established and existing prior to October 18, 1978 (Resolution 1078-47) may be acceptable in spite of width if, in the opinion of the Director of Building Inspection, the pre-existing easement as described by deed or other legal instrument will provide safe and adequate access to the property in question at no expense or potential damage to the public welfare. (Resol.115-29, 1/21/15)

## **200. SIGN REGULATIONS**

### 201. Definition

For the purposes of these Sign Regulations the following definitions shall apply:

**ATTACHED SIGN:** An on-premise sign painted onto or attached to a building, canopy, awning, marquee or mechanical equipment located outside a building, which does not project more than eighteen (18) inches from such building, canopy, awning, marquee or mechanical equipment. Any such sign which projects more than eighteen (18) inches from a building, canopy, awning, marquee or mechanical equipment shall be considered a "Projecting Sign." For the purposes of this definition only, "canopy" shall mean only a canopy which is permanently attached to a building or which, if detached from a building, has more than two hundred (200) square feet of roof area.

**DETACHED SIGN:** Any freestanding sign.

**DIRECTOR:** The Hamilton County Director of Building Inspection or his designee.

**DIRECTORY SIGN:** A sign that identifies one or more occupants in a multi-tenant complex shopping center or building.

**FREESTANDING SIGN:** Any sign that is placed on or anchored in the ground and is not attached to any building or structure.

**GROUND SIGN:** A freestanding, detached sign.

**MONUMENT SIGN:** A ground sign with no exposed supporting structure and an overall height of eight (8) feet or less.

**OFF-PREMISE SIGN:** Any sign which is not an on-premise sign.

**ON-PREMISE SIGN:** Any sign containing information referring to the location on which it is located and which lists any combination of the following: the name, location, products, persons, accommodations, services or activities conducted on or offered at that location, or the sale, lease or construction of that property.

**POLE SIGN:** A freestanding on-premise or off-premise sign.

**PORTABLE SIGN:** Any on-premise sign not attached to real property so that its removal would not cause a change to the building or property where placed. Examples of these include but are not limited to single or multi-faced sandwich boards, wheel-mounted mobile signs, sidewalk and curb signs, ground signs and balloon signs, and pennants.

**PROJECTING SIGN:** Any on premise sign attached to a building with its leading edge extending more than eighteen (18) inches beyond the surface of the building.

**SIGN:** Any structure or means used to display any message or messages. Such term may include, without limitation, any structure, display, device or inscription located upon, attached to, painted or represented on any property, building, structure, whether on the outside of a window, awning, canopy, marquee, or appendage, and which displays or includes any message or messages, numeral, letter work, model, emblem insignia, symbol, device, light, trademark, or other representation used as, or in the nature of, an announcement, advertisement, attention-arrester, warning or designation of any person, firm, group, organization, place, community, product, service, businesses, profession, enterprise or industry.

**SIGN AREA:** Except for on-premise attached signs, the sign area is that area within the rectangle, which is defined by the larger of (i) the lines which include the outer extremities of all letters, figures, characters, messages, graphics or delineation on any sign structure; or (ii) the lines which include the outer extremities of the framework or background of the sign structure. This does not include the support structure for the sign background, whether it be columns, or pylon, or a building or part thereof, unless it forms a part of the message of the sign to which it is attached. A sign structure with multiple sign faces, any sign faces separated by an angle of less than sixty (60) degrees as measured from the rear of each sign face, shall be counted separately in computing sign area. If the angle of separation of the backs of such sign faces exceeds sixty (60) degrees, then all such faces shall be included together in the computations of any sign area. The sign area of a sign made of individually cutout letters is the area of the geometric shape necessary to enclose all such letters.

**TEMPORARY SIGN:** On-premise signs of not more than one hundred (100) square feet and which are constructed and designed to be placed on a site for not more than thirty (30) consecutive days.

**TRI-VISION SIGN:** An on-premise or off-premise sign with moveable panels and or lights.

## 202. **ON-PREMISE SIGNS**

Unless otherwise provided in these regulations, the following regulations shall govern the construction and maintenance of on-premise signs within unincorporated Hamilton County:

### A. Sign Permits

A sign permit is required of any person or entity that desires to erect or place an on-premise sign on his/her/its property. The fee for the sign permit is directly proportional to the total construction cost of the proposed sign to be built. The Hamilton County Director of Building Inspection, or his designee, (“the Director”) prior to installation of any on-premise sign must issue a sign permit.

### B. Multi-family and Subdivision Entrance Identifications Signs

In any zoning district that permits multi-family dwellings, manufactured home parks and other group dwellings, informational signs, not to exceed a total of sixty (60) square feet in area, are permitted. Multi-family and other group dwelling sites that have multiple signs cannot exceed sixty (60) square feet in total sign area. Such signs shall indicate nothing other than name and /or address of the premises and other information relevant to the operation of the premises. Such sign may have indirect illumination but may not have internal illumination. Such sign shall meet the setback standards for on-premise signs.

Subdivision entrance identifications signs may be permitted at the entrance within a subdivision. The word “entrance” shall mean the area within fifty (50) feet of the intersection between a public road and any other road which

lies within or is adjacent to a subdivision and which serves as a primary point of vehicular access to such subdivision. Setbacks for these signs shall be permitted in accordance with Article VI, Section 103 under General Provisions and Exceptions of the Hamilton County Zoning Regulations.

C. Zoning Districts Within Which On-premise Signs are Permitted

On-premise signs are permitted only in the following zoning districts or such other Commercial or Industrial Districts established subsequent to the effective date of these regulations:

- O-1 Office District
- C-1 Tourist Commercial District
- C-2 Local Business Commercial District
- C-3 General Business Commercial District
- M-1 Industrial District
- M-2 Wholesale and Light Industry District
- M-3 Warehouse and Wholesale District
- M-4 Industrial District

On-premise signs may be permitted in all residential districts when used to identify a principal permitted use or additional permitted uses that have been approved by special/conditional permits. On-premise signs may be permitted in the agricultural district when used to identify additional permitted uses that have been approved by special/conditional permits.

D. Attached On-premise Sign Size Standard

The total surface area of all on-premise signs, for an individual business, shall not exceed twenty percent (20%) of the surface area of each building facade, which faces a dedicated and accepted public right-of-way. The sign area shall be calculated per building face and the allowable sign area for each sign is restricted to the building facade that applies to that calculation. The sum of the calculated square footage of two or more sides cannot be applied to a single building face.

E. Detached Sign Standards

One detached on-premise pole sign is permitted per lot. For purposes of these Regulations, a lot constitutes all contiguous land in the same ownership or in the same Hamilton County tax parcel that is not divided by any public road right-of-way. Included within this definition are permanent easements that provide access for the lot to and from a public right-of-way. The maximum size of a detached sign is one hundred and twenty five (125) square feet and it may be placed in addition to any allowable attached on-premise signs. An on-premise pole sign must conform to the setbacks, height and vertical clearance standards as specified herein.

F. Multiple Tenant Signs

In lieu of constructing an on-premise pole sign, a monument or directory sign may be located on a lot that accommodates multiple tenants under the same real property management and that serves the entire commercial site. The on-premise directory sign may not exceed one hundred and twenty five (125) square feet in size, including the supporting structure. This sign shall not advertise products or sale items and is limited to identifying the tenants or/and the name of the development. The sign structure must be approved by the Director prior to its construction. If a monument or directory sign is constructed in lieu of an on-premise pole sign, then a pole sign may not be constructed.

G. On-premise Traffic Directional Signs

On-premise traffic directional signs are allowed in addition to any allowable on-premise signs. These signs are limited to displaying directional arrows or specific words such as: in, out, entrance, exit, entrance/in only, exit/out only. Such signs shall not block the sight-distance or view of vehicles entering or exiting the property. No traffic directional sign shall exceed thirty (30) inches in height nor more than six (6) square feet in sign area.

H. Menu Boards and Other Incidental On-premise Signs

In addition to any detached sign permitted, any business where goods and/or services are offered on a "drive-thru" basis without the necessity of the driver exiting his or her motor vehicle, one (1) additional detached sign per "drive-thru" lane shall be permitted, provided, that such additional detached signs) shall not exceed eight (8) feet in height or thirty-nine (39) square feet in sign area. The Director has the discretion to approve the placement of this sign(s). These signs are limited to the services and/or goods offered to their customers. It is not the intent of this subsection to allow any additional detached signs) designed and oriented to be read by customers or perspective customers who are not on the premises. For purposes of these regulations, a business that has multiple "drive-thru" lanes or stalls may locate one sign per lane or stall.

I. State Scenic Highways, Interstate Highways, Primary Highway System and Parkway System

Any request for an on-premise sign permit along the above highways shall meet any location and size requirements of the State of Tennessee. The issuance of a sign permit by the Hamilton County Building Inspection Department shall not be construed as assurance that the proposed sign meets any requirements of the State of Tennessee. It is the responsibility on an applicant for such a sign permit to comply with any requirements of the State.

J. Maximum Sign Size

See definition, Sign Area. (See definitions in this section)



#### K. Setbacks

Setbacks are measured from the closest point of a sign.

Detached on-premise signs shall be set back a minimum of ten (10) feet from any street right-of-way.

Detached on-premise signs with a sign area larger than forty (40) square feet shall be set back a minimum of fifteen (15) feet from any street right-of-way.

Detached on-premise signs with a sign area larger than one hundred (100) square feet shall be set back a minimum of twenty (20) feet from any street right-of-way.

All signs shall be set back five (5) feet from all side and rear lot lines.

#### L. Heights and Vertical Clearance

Projecting on-premise signs shall have a minimum vertical clearance, from the ground to the lowest portion of such sign, of at least eight (8) feet. No projecting signs shall extend more than 10 feet from the building.

Detached on-premise signs (pole and monument) have no vertical clearance requirement if the sign meets the setback requirement. If a variance is granted from the setback requirement, detached signs shall have a minimum clearance between the ground and the lowest portion of such sign of not less than ten (10) feet.

##### Interstates

Within 660 feet of the right-of-way, the maximum height of detached on-premise signs shall be no higher than thirty (30) feet above the lower of (a) the closest point on the top of the finished grade of the nearest controlled access facility, or (b) the closest point of the top of the finished grade of the public road toward which the sign is principally oriented and from which it is intended to be viewed.

##### All Other Roads

A freestanding sign or its supporting structures, whose closest point is located no closer than ten (10) feet from any right-of-way, may not exceed twenty (20) feet in height above the adjacent public right-of-way at its closest point. For each additional foot of set-back beyond ten (10) feet from the right-of-way, a freestanding sign or its supporting structure may extend an additional one (1) foot in height above the level of the adjacent public right-of-way at its closest point, up to a maximum of thirty five (35) feet in height.

The maximum height for freestanding directory and monument signs is eight (8) feet.

#### M. Temporary Signs

Temporary on-premise signs are allowed in addition to all other allowable signs subject to the following:

A temporary sign permit must be issued by the Director prior to said sign being placed into service by the sign owner. A sign fee of fifteen (\$15.00) dollars shall be charged for each year's permit. The sign owner shall attach the temporary sign permit to the sign in a readily viewable fashion or retain it at the site of the sign.

Temporary signs shall comply with all on-premise sign regulations as to location, number of signs and height standards and shall not be larger than one hundred (100) square feet.

One temporary sign permit may be issued to the same business license holder on the same lot within a twelve-month period. Such permit may be for two, thirty-day (30) advertising periods. All permits shall state a commencement and expiration date for the permit or periods within that year. No two, thirty (30) day advertising periods shall be consecutive and must be separated by at least thirty days.

Non-commercial temporary signs such as church announcements, recreation organizations and civic club signs and banners and real estate sales and guide signs below thirty (30) square feet do not require a permit. Only one temporary sign of this size or smaller is permitted per lot.

A temporary sign with an area thirty one (31) square to one hundred (100) square feet shall require a temporary sign permit.

Temporary signs using electrical power shall conform to all applicable electrical codes.

Signs or banners that are specific to the opening or closing of a business are permitted on a onetime basis and are limited to a 30-day period. A fifteen (\$15.00) dollar temporary sign fee shall be charged for this permit. The owner of the business must furnish to the Director a copy of the business permit specifying the address of the property and declare to the Director the specific nature of this request. The owner of the business is responsible for removing the temporary special events sign or banner at the end of the permit period.

#### N. Maintenance

All on-premise signs shall be properly maintained and shall be structurally code compliant.

#### O. General Regulations

No on-premise sign shall contain, display or depict any obscene material.

P. Non-conforming Signs

Any on-premise sign that exists legally prior to the adoption of these Regulations, but does not conform to the provisions of these Regulations, is a legal non-conforming sign.

Any legal non-conforming sign may remain after the effective date of these Regulations. If for any reason the legal non-conforming sign is removed or destroyed, the replacement sign must be constructed in the same general location as the original on-premise sign and shall conform to these Regulations with regard to size, height and setback and to all adopted local, state and national engineering standards pertaining to such a structure.

No on-site temporary sign shall be considered a legal non-conforming sign.

Q. Variances and Appeals

The Hamilton County Board of Zoning Appeals may grant variances from on-premise sign standards, except that the Hamilton County Board of Zoning Appeals is not authorized to grant a variance from the on-premise sign size standards.

The Hamilton County Board of Zoning Appeals is empowered to hear appeals from the decisions and interpretations of these standards by the Director.

203. **OFF-PREMISE SIGNS**

Unless otherwise provided in these Regulations, the following Regulations shall govern the construction and maintenance of any off-premise sign within unincorporated Hamilton County:

A. Permits

A sign permit is required to erect or place an off-premise sign. The fee for the sign permit is directly proportional to the total cost of the proposed sign. An approved sign permit from the Hamilton County Building Inspection Department shall be required prior to the installation of any off-premise sign. All signs permitted must be completed within six (6) months or the permit is revoked.

Off-premise signs are permitted in the following zoning districts:

- C- 1 Tourist Court and Motel Commercial District
- C-2 Local Business Commercial District
- C-3 General Business Commercial District
- M-1 Industrial District
- M-2 Wholesale and Light Industry District
- M-3 Warehouse and Wholesale District
- M-4 Industrial District

No sign shall be permitted unless the applicant will report the person owning or responsible for the sign. The Director may confirm from time to time this information.

**B. Specifications**

Plans and specifications setting out the construction of and the methods of support shall accompany all applications for an off-premise sign building permit. In addition to any other required information, such plans and specifications shall include the following:

- 1) A detailed site plan of the property, drawn to scale, showing all existing and proposed freestanding signs on site, as well as any buildings, parking areas, driveway entrances to the site. The site plan shall specify limits of property ownership, the location and size of all existing off-premise signs within 750feet distance on the same side of the road as the proposed sign and a 150-foot radius distance around the proposed sign.
- 2) The total number of square feet of the proposed sign.
- 3) The name and addresses of the property owner or lessee of the proposed site. The proposed configuration of the sign including type of supporting structure (e.g., unipole), top height from the ground, height from the bottom of the sign to the ground, dimensions of the sign, the number of sign faces and setback from any public right-of-way.
- 4) The current zoning on the property.
- 5) The location/distance of residential structures immediately adjacent to the site of the proposed off-premise sign.

**C. Support Structures**

Any new or remodeled sign shall conform to all adopted national, state and local engineering standards pertaining to such a structure. All documents used to support compliance with these standards shall be provided to the Director.

**D. Setbacks**

Off-premise signs with a sign area of less than seventy-five (75) square feet shall be located no closer than ten (10) feet to the closest edge of any public right-of-way.

Off-premise signs with a sign area exceeding seventy-five (75) square feet shall be located no closer than twenty (20) feet from the closest edge of any public right-of-way.

An off-premise sign that is adjacent to a residential dwelling in any zone shall be set back from the residential dwelling the length of the sign structure height, plus ten (10) feet.

E. Spacing of Signs

No off-premise sign shall be placed within seven hundred fifty (750) feet of any other off-premise sign on the same side of a right-of-way.

No off-premise sign shall be within one hundred fifty (150) feet of any other off-premise sign in a radial direction.

The minimum distance between off-premise signs on the same side of a public right-of-way shall be measured between the two nearest points of the off-premise signs. For purposes of these Regulations the minimum distance between signs shall be measured along the edge of the principle adjacent right-of-way. This measurement shall be made using a perpendicular line from the sign base to the closest point along the adjacent right-of-way and then following the edge of the right-of-way to the nearest point established by the same method for an adjacent sign.

F. Minimum Height

Signs with a sign area less than seventy-five (75) square feet shall be erected so that the lowest portion of the sign face is not less than ten (10) feet above ground level at the base of the sign structure.

Signs with a sign area of over seventy-six (76) square feet shall be erected so that the lowest portion of the sign face is not less than twenty (20) feet above ground level at the base of the sign structure.

G. Scenic Highways

On the State of Tennessee Scenic Highway System, no off-premise sign is allowed within two thousand (2,000) feet of the Highway Rights-of-Way.

H. State of Tennessee Billboard Standards

Where State of Tennessee standards are applicable, the applicant for a building permit shall furnish the Director, information sufficient for the building official to determine that the proposed sign is or will be permitted by the State of Tennessee.

I. Motorist Safety

No off-premise sign shall be constructed or located so as to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle.

Where there are entrance and exit ramps to any controlled access road or a confluence of traffic, or where operators of vehicles might be required to make sudden decisions in order to safely operate their vehicles, no signs shall be permitted or allowed that will be visually obstructive to drivers and thereby hazardous and dangerous to the travelling public such as interfering with the sight-triangle.

No sign shall have moving parts, picture tubes, lights or illumination that vary in intensity, flash or change except that tri-vision off-premise signs with moving parts shall be permitted.

No signs that resemble any regulatory or warning traffic control device or sign as found in the latest version of the Manual on Uniform Traffic Control Devices for Streets and Highways shall be permitted

J. Illuminated Signs

Off-premise signs shall have stationary illumination only. No sign shall have flashing, intermittent or moving lights. No off-premise sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal.

K. Non-conforming signs

Any sign that exists legally prior to the adoption of these Regulations, but does not conform to the provisions of these Regulations, are declared legal, nonconforming signs.

Any legal non-conforming sign may be continued in operation and maintenance after the effective date of this regulation. If for any reason the legal non-conforming sign is removed, a replacement sign may be constructed within six (6) months. The replacement sign shall be constructed at the same location as the original off-premise sign and will conform to current standards with regard to size, height and setback. The replacement sign must conform to all adopted local, state and national engineering standards pertaining to such a structure.

L. Variances

The Hamilton County Board of Zoning Appeals may grant variances from these regulations.

The Hamilton County Board of Zoning Appeals is empowered to hear appeals from the decisions and interpretations of these standards by the Director of Building Inspection of Hamilton County.

M. Abandoned Off-premise Signs

Abandoned signs, as determined by the Director, shall be removed or the defect cured and brought up to acceptable standards by the owner of the property or lessee of the premises within thirty (30) days of written notification by the Hamilton County Building Inspection Department. The determination that an off-premise sign is abandoned may be based on the physical appearance of the sign, condition of the sign surface and support structure, condition of the electrical and lighting system, lack of identification of the owner on the sign or absences of any proof of ownership. In cases where there is no identification of the sign owner, the property owner will be given notification.

N. Maintenance

All off-premise signs shall be properly maintained and shall be structurally code complying. The term properly maintains, includes but is not limited to, rusted surfaces, damaged, defective or deteriorated structural components, loose, torn or broken paper or materials. Depending on the structural severity of the sign, all repairs shall be made within a minimum of thirty (30) days after notification by the Director.

O. General Regulations

No off-premise sign shall contain, display or depict any obscene material.

## **300 Hamilton County Landscape Regulations**

### **301. Purpose**

Hamilton County's scenic landscapes are closely tied to our community's quality of life, community identity, and civic pride. These landscapes also form the critical first impressions of potential new employers, homeowners, and tourists, thus affecting Hamilton County's economy.

Landscaping also provides important environmental benefits such as reducing air pollution and storm water run-off, improving water quality, and creating wildlife habitats. Landscaping requirements are one of the many tools for protecting and enhancing our community's scenic quality.

The purpose and intent of this Article are the following:

- To promote the scenic quality of the community;
- To improve the appearance of parking areas and property abutting public rights-of-way;
- To protect property values;
- To reduce stormwater runoff and improve water quality;
- To provide transition between incompatible land uses; and
- To provide relief from traffic, noise, heat, glare, dust, and debris.

### **302. General Provisions**

#### **A. Applicability**

The requirements of this Section shall apply to:

- All new public/private development;
- Existing Public/Private Developments

For existing developments and parking facilities, expansion in gross floor area (GFA) or parking spaces will trigger landscaping requirements based on the scope of work proposed as established below.

Landscaping requirements will not prevent an existing manufacturing facility from expanding.

Where both the building expansion and parking lot expansion requirements are applicable, the building expansion requirements shall supersede.

- 1) Where a building expansion increases GFA at least ten percent (10%) but no more than twenty-five percent (25%), the applicant can choose to either comply with the street yard or parking lot landscaping requirements for the entire property.
- 2) Where a building expansion increases GFA more than twenty-five percent (25%) but no more than fifty percent (50%), then the entire property shall comply with the street yard requirements; fifty percent (50%) of the existing parking lot and all of any expanded portions of the parking lot shall comply with the parking lot landscaping requirements; and the entire property shall comply with the screening requirements.
- 3) Where a building expansion increases GFA more than fifty percent (50%), the entire property shall comply with all of the provisions of this Article.



- 4) Where a parking lot expansion of at least ten (10) spaces increases the total number of parking spaces by no more than twenty-five percent (25%), the expanded portion of the parking lot shall comply with the parking lot landscaping provisions.
- 5) Where a parking lot expansion of at least ten (10) spaces increases the total number of parking spaces more than twenty-five percent (25%) but no more than fifty percent (50%), the entire expanded parking lot portion and fifty percent (50%) of the existing parking lot shall comply with the parking lot landscaping provisions.
- 6) Where a parking lot expansion of at least ten (10) spaces increases the total number of parking spaces more than fifty percent (50%), the entire property including the expanded parking lot portion shall comply with the parking lot landscaping provisions.

B. Exemptions

One-family detached, two-family, and three-family residential structures on their own lot are exempt from landscaping requirements.

C. Landscape/ Plant Installation Plan Submittal

Proposed developments, subject to the provisions of this Article, shall submit a landscape/ plant installation plan to the Building Inspections Office prior to receiving a Certificate of Occupancy. This plan may be incorporated into a parking/paving plan, provided the scale is not less than one (1) inch equals forty (40) feet.

The following elements shall be shown on the landscape site plan:

- 1) existing trees or natural areas to be retained;
- 2) the location of all required landscaped areas (Street Yard, Landscaped Peninsulas, Landscaped Islands, and Screening Buffers);
- 3) location, installation size, quantity, spacing between trees and shrubs used for screening are to be installed per Subsection 305 and 307 of this Landscape Regulation.

D. Hardships

This Article does not intend to create undue hardship on affected properties. The required landscaping should not exceed fifteen percent (15%) of the total lot area. For existing developments where the GFA or parking areas are being increased, the loss of off-street parking spaces (if required by zoning ordinance) as a result of compliance with the landscaping provisions should not exceed ten percent (10%).

1) Special Administrative Remedies

- a. Lots with a depth of one hundred fifty (150) feet or less, or an area of fifteen thousand (15,000) square feet or less have the following special remedies:
  - i. an automatic fifty percent (50%) reduction in landscape yard depth requirements for screening, street yard, and parking lot landscaping sections; and
  - ii. a twenty-five percent (25%) reduction in planting requirements for all sections except for the required evergreen plantings for screening.

- b. Lots that front on more than one (1) street have the following special exception:
  - i. all street frontages other than the primary street frontage may have a street yard with a minimum depth of four (4) feet.
- c. In situations where the landscape requirements would result in the demolition of an existing building, a loss of more than ten percent (10%) of the gross required off-street parking for an existing development, or a loss of greater than fifteen percent (15%) of the lot area, the following administrative remedies may be applied:
  - i. reduce the required minimum landscaped area widths up to fifty percent (50%)
  - ii. reduce the tree planting requirements by up to twenty-five percent (25%)

2) Administrative Guidelines

- a. Where possible, reduction of landscaping requirements in one area should be offset by an increase of landscaping requirements in other portions of the site.
- b. The first priority is to provide trees along the street frontage.
- c. The second priority is to provide trees within portions of the parking lot that are highly visible from the street.
- d. A screen should always be provided if it is required by this Article. Where there are space limitations, reduce the landscape yard as necessary. If the planting area is less than five (5) feet in width, require a minimum six (6) feet tall wood or composite fence, or masonry wall.

E. Conflict with other Articles in the Zoning Regulations and Existing Zoning Conditions

Where any requirement of this section conflicts with the requirement of another Article or Existing Zoning Conditions in the Zoning Regulations, the provisions of this landscaping section shall override unless more restrictive conditions are attached to a zone.

303. Street Yard Requirements

Intent - The intent of this section is to add quality and definition to the street by planting trees within a landscaped area along the edges of the right-of-way.

A. Dimensions

- 1) Except for points of access, a street yard shall be provided where the proposed development site adjoins the public street right-of-way. Alleys are exempt from this requirement.
- 2) The street yard shall have a minimum depth of eight (8) feet as measured from the edge of the public right-of-way towards the interior of the property. The yard shall consist of sod grass or other natural living ground cover material. No impervious surfaces are permitted in the street yard area.

B. Plantings

- 1) Trees shall be planted within the street yard at a minimum ratio of one (1) tree per thirty-five (35) linear feet of right-of-way frontage. Trees do not have to be evenly spaced in thirty-five (35) feet increments. Fractions of trees shall be rounded up to the nearest whole number.

- 2) The minimum spacing between trees is fifteen (15) feet measured trunk to trunk. The maximum spacing is fifty (50) feet measured trunk to trunk.
- 3) The trees referred to in this section shall have a minimum expected maturity height of at least thirty-five (35) feet and a minimum expected canopy spread of twenty (20) feet (see Plant Installation Specifications Section: Class I Shade Trees).

C. Existing Woodlands

- 1) Existing woodlands along the street right-of-way frontage can be substituted for the street yard requirements subject to the following:
  - a. Existing woodlands to be set aside shall have a minimum depth of twenty-five (25) feet as measured from the public street right-of-way;
  - b. Number of woodland trees (not including prohibited trees) having a minimum caliper of six (6) inches shall equal or exceed the minimum street tree planting ratio of one (1) tree per thirty-five (35) linear feet;
  - c. No impervious surfaces are permitted within the protected woodlands area except for approved access points to the site; and
  - d. No cutting/filling activities or storage of materials/equipment are permitted within the protected woodlands.

D. Exemptions/Special Situations

- 1) Properties adjoining rights-of-way that encroach into established parking areas more than twenty (20) feet have the following street yard options:
  - a. Plant street trees within the right-of-way provided written permission is obtained from the owner of the public right-of-way;
  - b. If permission cannot be obtained to plant in the right-of-way, no street yard will be required. However, the street trees will be relocated somewhere within the site in an area highly visible from the street.
- 2) Existing street trees planted within the right-of-way (not including the center median or opposite side of the street) and approved by the Hamilton County Building Inspector can be used to meet the street yard requirements.
- 3) Where overhead powerlines encroach into the street yard, Class II shade trees can be planted (see Plant Installations Specifications Section: Class II Shade Trees).
- 4) Stormwater facilities may be located within the street yard subject to the following conditions:
  - a. no riprap, crushed stone, concrete, or other impervious materials are exposed; and
  - b. trees and other living organic materials can be planted along the stormwater facility.
  - c. Stormwater facilities that utilize low-impact development (LID) such as rain gardens, small bioretention areas, etc. are encouraged.

- 5) With the written approval of the right-of-way owner, portions of the public right-of-way may be used to meet the street yard requirements.
- 6) No trees shall be located within the sight triangle of intersecting streets or otherwise interfere with a driver's operation of a motor vehicle.

#### 304. Parking Lot Requirements

- A. Intent - The intent of this section is to break up the expanse of asphalt, to provide shade, and to reduce the glare from parked cars and loading docks.
- B. Design Criteria
  1. No parking space can be more than sixty (60) feet from a tree.
  2. A landscaped island or peninsula shall border ends of interior parking bays that contain a minimum of ten (10) contiguous parking spaces.
  3. A landscaped peninsula shall border ends of perimeter bays.
  4. Side and front-facing truck delivery stalls and loading bays shall be screened from the public right-of-way.
- C. Dimensions/Planting Criteria
  1. Landscaped islands and peninsulas used to meet the landscaping requirements shall have a minimum width of eight (8) feet and a minimum landscaped area of two hundred (200) square feet.
  2. Landscaped islands and peninsulas used to meet the landscaping requirements shall be planted with at least one (1) tree.
  3. The trees referred to in this section shall have a minimum expected maturity height of at least thirty-five (35) feet and a minimum expected canopy spread of twenty (20) feet (see Plant Installation Specifications Section: Class I Shade Trees). In the special situations specified below, smaller Class II Shade Trees may be substituted for Class I Shade Trees:
    - a. an overhead obstacle such as a canopy or power line limits the tree height; or
    - b. the tree is located within twenty (20) feet of a building.
  4. All landscaped islands and peninsulas shall be bordered by a curb or a wheel stop.
  5. The screening material for loading docks and delivery stalls shall consist of the following:
    - a. One (1) row of evergreen shrubs spaced a maximum of five (5) feet on-center or a row of evergreen trees spaced a maximum of ten (10) feet on-center (See Plant Installation Specifications Section for a list of recommended plantings); and
    - b. Provide a landscaped yard with a minimum depth of eight (8) feet for the planted screen.
  6. Variances that meet the needs of Low Impact Development (LID) practices such as curb cuts for bioretention cells or rain gardens may be granted if the appropriateness of these practices for specific sites is certified by the Water Quality Manager.

305. Screening Requirements

- A. Intent - To provide transition between incompatible land uses and to protect the integrity of less-intensive uses from more intensive uses, screening and buffering will be required. The purpose of the screen is to provide a year-round visual obstruction. The buffer provides transition between the incompatible uses by requiring a landscape yard of a minimum specified depth along the shared property line.
- B. Procedure - Refer to the Landscape Screening Matrix attached hereto and incorporated herein by reference to determine any screening requirements for the proposed development. First, identify the type of zoning for the proposed development (along the left side of the matrix) and each adjoining property (along the top of the matrix).

Manufacturing/ Warehousing: M-1, M-2, M-3, M-4  
 Commercial: C-1, C-2, C-3, C-5  
 Office: O-1  
 High-Density Residential: R-3, R3MD, RT-1, R-T/Z  
 Low-Density Residential: A-1, R-1, R-2, R-2A, R-5, MH

Find where the zoning of the proposed development and each adjoining property intersect on the matrix. If a screen is required, a capital letter will indicate the type of screen to be applied. A description of each screen type is provided herein.

When classifying a zoning district for the Screen Matrix, if the proposed use within a zone is also listed as a permitted use within a less-intensive zone, the corresponding class for the less intensive zone may be applied. For example, a proposed commercial use within a manufacturing zone may be classified as a commercial zone for the purposes of using the Screening Matrix.

LANDSCAPE SCREENING MATRIX		EXISTING ADJOINING PROPERTY				
		Manufacturing/ Warehousing	Commercial	Office	High-Density Residential	Low-Density Residential
PROPOSED DEVELOPMENT	Manufacturing/ Warehousing	X	C	B	A	A
	Commercial	X	X	X	B	B
	Office	X	X	X	C	C
	High-Density Residential	A	B	C	X	C

C. Screening Types

1. Screening **Type A**: Provide a thirty (30) feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:

- a. Evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows {spaced a maximum of seven (7) feet apart} of shrubs spaced a maximum of eight (8) feet on-center, and two (2) rows of shade trees spaced a maximum of thirty-five (35) feet on-center.
  - b. All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.
2. Screening **Type B**: Provide a twenty (20) feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:
  - a. Evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows {spaced a maximum of seven (7) feet apart} of shrubs spaced a maximum of eight (8) feet on-center, and one (1) row of shade trees spaced a maximum of thirty-five (35) feet on-center.
  - b. All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.
3. Screening **Type C**: Provide a ten (10) feet deep (as measured towards the interior of the property) landscape yard along the shared property line planted with:
  - a. Evergreen trees spaced a maximum of ten (10) feet on-center or two (2) staggered rows {spaced a maximum of seven (7) feet apart} of shrubs spaced a maximum of eight (8) feet on-center.
  - b. All plantings shall meet the installation and planting size requirements specified in the Plant Installation Specifications section.
4. Screening of Dumpsters: Dumpsters shall be screened in the manner described below:
  - a. Screening shall be a minimum height of six (6) feet;
  - b. All four (4) sides of the dumpster shall be screened;
  - c. The screen should incorporate access to the dumpster by using a wood fence or other opaque device to serve as a gate;
  - d. Screening materials can be any combination of evergreen plantings, wood, or masonry material.
5. Stormwater Facilities: may be located in the landscaped yard subject to the following conditions:
  - a. No rip-rap, crushed stone, concrete or other impervious materials are exposed; and
  - b. Trees and other living organic materials can be planted along the storm water facility.

### 307. Plant Installation Specifications

- A. Intent: All landscaping materials shall be installed in a professional manner, and according to accepted planting procedures of the landscape industry. Planting methods and the season of planting will optimize chances for long-term plant survival and continued vigor.
- B. Class I Shade Trees: These trees are used to meet the tree planting requirements specified in the Street Yard and Parking Lot sections. All Class I shade trees shall be installed at a minimum caliper of 2 inches as measured from 2-1/2 feet above grade level. Class I shade trees shall also have a minimum expected maturity height of at least 35 feet and a minimum canopy spread of 20 feet. Evergreen trees can be treated as Class I shade trees provided they meet the minimum maturity height and canopy spread criteria.

#### Recommended Species

<u>Common Name</u>	<u>Scientific Name</u>
River Birch	Betulanigra
Princeton American Elm	Umlauts americana
Allee Elm	Ulmus parvifolia
Athena Elm	Ulmus parvifolia
Drake Elm	Ulmus parvifolia
Ginkgo	Ginkgo biloba (male)
Golden	Raintree Koelreuteria paniculata
Black Gum	Nyssa sylvatica
Sweetgum	Liquidambar styraciflua
Seedless Honey Locust	Gleditsia triacanthos cultivars
American Hophornbeam	Ostrya virginiana
American Hornbeam	Caprinus caroliniana
European Hornbeam	Carpinus betulus and cultivars
Katsura Tree	Cercidophyllum japonicam
Littleleaf Linden	Tilia cordata
Silver Linden	Tilia tomentosa
Red Maple	Acer rubrum and cultivars
Southern Sugar Maple	Acer barbatum
Sugar Maple	Acer saccharum and cultivars
English Oak	Quercus robur
Northern Red Oak	Quercus borealis
Overcup Oak	Quercus lyrata
Pin Oak	Quercus palustris
Red Oak	Quercus rubra
Sawtooth Oak	Quercus acutissima
Scarlet Oak	Quercus coccinea
Shumard Oak	Quercuss humardii
Swamp White Oak	Quercus bicolor
Water Oak	Quercus nigra
White Oak	Quercus alba
Willow Oak	Quercus phellos
Aristocrat Pear	Pyrus calleryana 'Aristocrat'
Cleveland Select Pear	Pyrus calleryana 'Cleveland Select'

Chinese	Pistache Pistacia chinensis
Japanese	Pogoda treeSophora japonica
Dawn Redwood	Metasequoia glyptostroboides
Japanese	Zelkova Zelkova serrata
Yellowwood	Cladrastis kentukea

**C. Class II Shade Trees:** These trees are intended to be used for planting under overhead power lines only where they encroach into the property. All Class II shade trees shall be installed at a minimum caliper of one and one-half (1-1/2) inches as measured at two and one-half (2-1/2) feet above grade level from the base of the tree. Class II trees shall have a maximum expected maturity height of twenty (20) feet and a minimum canopy spread of ten (10) feet.

Recommended Species:	
<u>Common Name</u>	<u>Scientific Name</u>
Autumn Flowering Cherry	Prunus subhirtella var. autumnalis
Okame Cherry	Prunus campanulata
Yoshino Cherry	Prunus yedoensis
Crapemyrtle	Lagerstroemia indica cultivars
Flowering Dogwood	Cornus florida and cultivars
Kousa Dogwood	Cornus kousa and cultivars
Thornless Cockspur	Crataegus crusgalli var. Hawthorne inermis
Winter King Hawthorne	Crataegus viridis 'Winter King'
Sweetbay Magnolia	Magnolia virginiana
Amur Maple	Acer ginnala
Hedge Maple	Acer campestre
Trident Maple	Acer buergeranum
Golden Raintree	Koelreuteria paniculata
Redbud	Cercis canadensis
Serviceberry	Amelanchier species

**D. Screening Trees:** Screening trees are used to meet the tree planting requirements of the Screening Section. All screening trees shall be installed at a minimum height of eight (8) and have a minimum expected mature spread of eight (8) feet.

Recommended Species:	
<u>Common Name</u>	<u>Scientific Name</u>
Atlas Cedar	Cedrus atlantica
Deodar Cedar	Cedrus deodara
Eastern Red Cedar	Juniperus virginiana
Leyland Cypress	Cupressocyparis leylandii
Carolina Hemlock	Tsuga caroliniana
Canadian Hemlock	Tsuga canadensis
American Holly	Ilex opaca
Foster Holly	Ilex attenuata 'Fosteri'
Southern Magnolia	Magnolia grandiflora
Loblolly Pine	Pinus taeda
Virginia Pine	Pinus virginiana
White Pine	Pinus strobus



- E. Screening Shrubs:** All screening shrubs shall be installed at a minimum size of three (3) gallons and have an expected maturity height of at least eight (8) feet and a mature spread of at least five (5) feet.

<u>Recommended Species</u>	<u>Scientific Name</u>
<u>Common Name</u>	
Burford Holly	Ilex cornuta 'Burfordii'
English Holly	Ilex aquifolium
Nellie R. Stevens Holly	Ilex cornuta 'Nellie Stevens'
Cherrylaurel	Prunus caroliniana
English Laurel	Prunus laurocerasus
Fragrant Olive	Eleagnus pungens
Leatherleaf Viburnum	Viburnum rhytidophyllum
Wax Myrtle	Myrica cerifera

- F. Prohibited Plants:** The following plants are prohibited from being used to meet these requirements due to problems with hardiness, maintenance, and nuisance:

Kudzu Vine	Garlic Mustard
Purple Loosestrife	Paulownia
Japanese Honeysuckle	Multiflora Rose
Shrub Honeysuckle	Siberian Elm
Autumn Olive	Silver Poplar
Common Privet	Mimosa
Tree of Heaven	Mulberry
Lespedeza	Silver Maple

### 308. Utility Easement Policy

- A. Intent: Any tree or shrub used to meet the requirements of this Article shall not be located within proposed or existing utility easements unless it meets one of the special exceptions as defined below.
- B. Special Exceptions:
1. Written permission has been obtained from the holder of the utility easement.
  2. Where overhead power lines cross an area required by the ordinance to be planted with shade trees, smaller shade trees (listed in the Plant Installation Specifications section as Class II Shade Trees) may be substituted.
- C. If none of the special exceptions apply, the following options shall be considered in order of priority:
1. **Priority #1:** Plant the tree as close to the easement as possible.
  2. **Priority #2:** For highly visible areas (street yards, parking lots in front) plant the tree in the same general area where it can be seen from the street or parking lot.
- D. Utility easements can be used to meet the landscape yard requirements. The applicant is responsible for identifying existing and proposed utility easements within the property on the landscape site plan.

### 309. Maintenance

The property owner shall be responsible for the maintenance of all landscaping provided. All landscaped areas must present a healthy, neat and orderly appearance and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by the property owner with new plantings that meet the requirements of this Article.

### 310. Certificate of Occupancy/Bonding

- A. If the landscaping has not been installed and inspected for proper installation prior to receiving a Certificate of Occupancy, a Certificate of Occupancy may be granted provided the following conditions are met:
1. Property owner posts a performance bond or irrevocable letter of credit with the Hamilton County Treasurer;
  2. The amount of the bond or letter of credit shall be based on material and installation costs of the uninstalled landscape material, including a ten percent (10%) contingency cost, as shown on the submitted landscape plan;
  3. The costs of the landscaping shall be certified by a licensed contractor or determined using a general formula established by the landscape site reviewer (option of applicant).

### 311. Appeals

Any person aggrieved by the administration, interpretation, or enforcement of this Landscape Regulations section may appeal for a variance to the Board of Zoning Appeals within sixty (60) days of the decision. Decisions of the Board of Appeals may be appealed to a court of competent jurisdiction. Should any court of competent jurisdiction find any portion of this Landscape Regulations section unlawful or unconstitutional, such finding shall not affect this section as a whole or any portion of it not found invalid.

### 312. Definitions

Caliper - a measurement of the tree trunk diameter measured six (6) inches above grade level.

Class I Shade Trees - any plant having a central trunk, an expected maturity height of at least thirty-five (35) feet, and an expected minimum mature canopy spread of at least fifteen (15) feet.

Class II Shade Trees - any plant having a central trunk and a maximum expected maturity height of twenty-five (25) feet.

Gross Floor Area (GFA) - total interior space as defined by the Southern Building Code.

Impervious Surfaces - includes concrete, asphalt, brick, metal, or any other material constructed or erected on landscaped or natural buffer areas that impede the percolation of water into the ground.

Interior Bay - all parking bays that do not qualify as a perimeter bay.

Landscape Area/Landscaped Yard - an area to be planted with trees, grass, shrubs, or other natural living ground cover material. No impervious surfaces are permitted in these areas.

Landscaped Island - a landscaped area defined by a curb and surrounded by paving on all sides.

Landscaped Peninsula - a landscaped area defined by a curb and surrounded by paving on three sides.

Landscaped Median - a landscaped area bordering two (2) adjoining parking bays.

Natural Buffer - an area of land set aside for preservation in its natural vegetative state. No removal of plants is permitted with the exception of poisonous or non-native plant species. In addition, no fill/cutting activities or storage of materials is permitted in these areas. No impervious surfaces are permitted.

New Development – construction of a new building or structure on its own lot is considered as new development. New buildings or structures constructed on a lot which already contains existing buildings is considered as an expansion.

Parking Space/Parking Bay – includes spaces and areas for all vehicles except tractor trailers.

Perimeter Bay - all parking bays that are adjacent to the perimeter of a development.

Screening Shrubs - evergreen shrubs that maintain their foliage year-round.

Screening Trees - evergreen trees that maintain their foliage year-round.

Street Yard - a designated landscaped area where private property abuts the public street right-of-way for the planting of grass, trees, and shrubs.

## 400. Hazardous Waste Regulations

### 401. INTENT STATEMENT

It is the purpose of this Article to establish reasonable regulation of all commercial hazardous waste management facilities and commercial medical waste facilities relative to appropriateness of location and method of operation in order to minimize the impact on the community adjacent to and surrounding such uses and to assure and maintain the public safety and general welfare.

This basic purpose can and should be achieved without precluding or discouraging the following objectives: (1) encourage innovation and the use of new technologies for waste minimization, storage and disposal (2) increase collaborative activities among area industries which have common environmental concerns, and (3) facilitate access to international markets for products and technologies related to the environment while at the same time giving due concern for the environment, health and safety of the citizens of Hamilton County and all municipalities contained therein.

It is the further intent of the County to encourage the recycling, reclamation, and reuse of materials so as to remove such materials from the solid and hazardous waste stream. To this end, the County encourages the state and federal governments to revise their rules and regulations to encourage such recycling, reclamation and reuse, after which the County shall consider similar revisions.

### 402. Definitions

**HAZARDOUS WASTE MANAGEMENT FACILITY:** any hazardous waste management facility proposed for a new site, or through a change of operations at an existing site, within this jurisdiction that stores, treats (including incineration), or disposes of hazardous waste, of which, more than ten percent (10%), by volume was generated off-site during either six-month period January 1 through June 30 or July 1 through December 31 in any calendar year, with the percentage to be the percent of the amount generated off-site at the receiving facility during the corresponding time period of the preceding calendar year.

**GENERATE:** the act or process of producing hazardous wastes or medical wastes.

**OFF-SITE:** any property that is not classified as on-site by these regulations.

**ON-SITE:** on the site of generation. "On-site" further means the same or geographically contiguous property which may be divided by public or private right(s)-of-way. Noncontiguous property owned by the hazardous waste generator that is connected by a right-of-way which such hazardous waste generator controls and to which the public does not have access is also considered on-site property.

**HAZARDOUS WASTE:** a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical chemical, or infectious characteristics may:

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

**COMMERCIAL MEDICAL WASTE MANAGEMENT FACILITY:** any medical waste management facility proposed for a new site or through a change of operations at an existing site within this jurisdiction used for treatment (including incineration), storage or disposal of any medical waste generated off-site, except that a facility that receives medical waste that is generated only at a site or sites owned or operated by the same corporation, or subsidiaries of such corporation, or sites under contract to such corporation for medical wastes generated by the corporation shall not be deemed to be a commercial medical waste management facility provided that the volume of medical waste received from such sites and placed in storage for more than one calendar month does not exceed twenty-five percent (25%) of the storage capacity at the designated accumulation area of the facility, referred to at the definition of "storage" in Title 40 CFR 259.10(a), Revised as of July 1, 1991, regarding Standards for the Tracking and Management of Medical Waste, and identified as required in Subsection 403 of this Hazardous Waste Regulation, and provided that during no calendar month may more than twenty-five percent (25%) of the total medical waste treated or disposed at the facility be from such sites, and the facility shall maintain records available for public inspection for two (2) years to demonstrate compliance.

**MEDICAL WASTE:** solid or liquid wastes which contain pathogens with sufficient virulence and quantity such that exposure to the waste by a susceptible host could result in an infectious disease. All of the following types of wastes shall be considered to be medical wastes for the purposes of these regulations:

- (1) Biological wastes and discarded materials contaminated with blood, excretion, exudates, or secretions from patients who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases; and
- (2) Cultures and stocks of infectious agents and associated biologicals, including cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures; and
- (3) Human pathological wastes, including tissues, organs, and body parts and body fluids that are removed during surgery or autopsy, or other medical procedures, and specimens of body fluids and their containers; and
- (4) Liquid waste human blood; products of blood; items saturated and/or dripping with human blood; or items that were saturated and/or dripping with human blood that are now caked with dried human blood; including serum, plasma, and other blood components, and their containers, which were used or intended for use in either patient care, testing and laboratory analysis or the development of pharmaceuticals; and intravenous bags; and
- (5) Sharps that have been used in animal or human patient care or treatment or in medical, research, or industrial laboratories, including hypodermic needles, syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, and culture dishes (regardless of presence of

infectious agents). Also included are other types of broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips; and

- (6) Contaminated animal carcasses, body parts, and bedding of animals that were known to have been exposed to infectious agents during research (including research in veterinary hospitals), production of biologicals or testing of pharmaceuticals; and
- (7) The following unused, discarded sharps: hypodermic needles, suture needles, syringes, and scalpel blades.

**STORAGE:** holding hazardous waste or medical waste for a period of more than ninety (90) days, at the end of which the hazardous waste or medical waste is treated, disposed of, or stored elsewhere. A commercial hazardous waste management facility or a commercial medical waste management facility shall not be subject to the ninety days restriction for the purposes of this definition and these zoning regulations if it either:

- (1) Generates more than 100 kilograms and less than 1000 kilograms of hazardous waste or medical waste in a calendar month; and the quantity of waste accumulated on-site never exceeds 6000 kilograms; and the facility has complied with all other applicable provisions of 40 CFR 262.34(d), in which case accumulation on-site would constitute "storage" after 180 days. In addition, if such a facility must transport its hazardous waste or medical waste or offer them for transportation over a distance of 200 miles or more for off-site treatment, storage or disposal then accumulation on-site would constitute "storage" after 270 days; or
- (2) Generates less than 100 kilograms of hazardous waste or medical waste in a calendar month; and generates one (1) kilogram or less of acute hazardous wastes listed in 40 CFR 261.31, 261.32, or 261.33(e); and generates 100 kilograms or less of any residue or contaminated soil, waste, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous wastes listed in 40 CFR 261.31, 261.32, or 261.33 (e); and the quantity of hazardous or medical waste accumulated on-site never exceeds 1000 kilograms, and the facility has complied with all other applicable provisions of 40 CFR 261.5, in which case accumulation on-site could continue indefinitely at a facility that is not otherwise a "commercial hazardous waste facility" or a "commercial medical waste facility" for the purposes of these zoning regulations.

**CONSTRUCTION:** in general, initiation of physical on-site construction activities on a management unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in the method of operation this term refers to those on-site activities, other than preparation activities, which mark the initiation of the change.

**100-YEAR FLOODPLAIN:** any land area which is subject to a one percent or greater chance of flooding in any given year from any source as defined in 44 Code of Federal Regulations Part 67, Final Flood Elevation Determinations and as effective on the date of issuance of the Flood Insurance Rate Map showing the 100-year flood elevations for the community.

**500-YEAR FLOODPLAIN:** any land area which is subject to a two tenths chance in one hundred (one chance in five hundred) of being flooded in any one-year period as shown on the Flood Insurance Rate Map or the Flood Hazard Boundary Map.

**FLOOD HAZARD BOUNDARY MAP:** an official map of a community, issued by the Federal Emergency Management Agency (FEMA), where the boundaries of the areas of special flood hazard have been designated. For the purposes of these regulations, the floodplains identified by FEMA in its Flood Boundary and Floodway Maps Numbers 470072 0001, 0002, 0016, 0017, 0018, 0019, 0022, 0023, 0024, 0025, 0029 0030 and Map Index Numbers 470072 0001-0030 dated September 6, 1989. One copy of each map shall be filed in the office of the county clerk and one copy of each map shall be filed in the office of the Chattanooga-Hamilton County Regional Planning Commission for public use, inspection and examination.

**FLOOD INSURANCE RATE MAP:** an official map of a community, on which the Federal Insurance Administration of the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. For the purposes of these regulations, the floodplains identified by FEMA in its Flood Insurance Rate Maps Numbers 470072 00026B, and 0027B dated October 16, 1992; and Numbers 470072 0001D, 0002D, 0016D, 0017D, 0018D, 0019D, 0022D, 0023D, 0024D, 0025D, 0029D, 0030D dated September 6, 1989; and Numbers 470072 0004A, 0005A, 0007A, 0008A, 0009A, 0010A, 0012A, 0014A, 0020A, dated September 3, 1980; Numbers 470072 0006B, 0011B, 0015B, 0021B dated October 22, 1982; and Number 470072 0028C dated November 1, 1985; and Numbers 470071 0025D, 0043D, 0044D, 0127D, 0130D, 0135D, 0150D, 0155D, 0160D, 0175D, 0200D, 0210D, 0230D, 0235D, 0240D and 0255D dated September 6, 1989; Numbers 470076 0001B and 0002B dated September 5, 1990; and Numbers 475422 0001B, 0002B, 0003B and 0004B dated March 19, 1990; and Numbers 475445 0005B and 0010B dated June 1, 1983; and Number 475424 0010D dated August 1, 1983. One copy of each map shall be filed in the office of the county clerk and one copy of each map shall be filed in the office of the Chattanooga-Hamilton County Regional Planning Commission for public use, inspection and examination.

**BEDROCK:** the solid rock underlying unconsolidated surface material such as soil.

**FAULT:** a fracture along which strata on one side have been displaced with respect to that on the other, as shown on the East Central Sheet, Geologic Map of Tennessee, 1966, William D. Hardeman, State Geologist, compiled and edited by George D. Swingle, Robert A. Miller, Edward T. Luther, William D. Hardeman, Donald S. Fullerton, C. Ronald Sykes, and R. Keith Garman. One copy of this map shall be filed in the office of the county clerk and one copy of this map shall be filed in the office of the Chattanooga-Hamilton County Regional Planning Commission for public use, inspection and examination.

**THRUST FAULT:** a reverse fault in which the dip of the fault plane is at a low angle to horizontal and in which the hanging wall block (or upper plate) may have overridden the footwall block (or lower plate).

**HANGING WALL BLOCK:** the overlying surface of an inclined fault plane.

**FOOTWALL BLOCK:** the underlying surface of an inclined fault plane.

**SINKHOLE:** a hollow in a limestone region in which drainage collects that communicates with a cavern or passage.

**PRIVATE WATER SUPPLY:** all water supplies that are not public water supplies and which are primary drinking water sources.

**PUBLIC WATER SUPPLY:** a system that supplies to the public piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days of the year.

**SCENIC, CULTURAL OR RECREATIONAL AREA:** parks, forests, recreational areas, natural areas, museums, and wildlife management areas owned and/or operated by the Federal, State, and or local government (or agencies created by such government); sites included on the National Register of Historic Places established by the United States Department of Interior or forwarded for consideration for National Register listing to the United States Department of Interior by the Tennessee State Historical Commission State Review Board.

**UNIT:** a contiguous area of land on or in which hazardous or medical waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system, and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

**LAND-BASED UNIT:** a unit subject to regulations promulgated by the Tennessee Department of Environment and Conservation Division of Solid Waste including surface impoundments, landfills, waste piles, land treatment units, and hazardous waste management units. Units exempt from groundwater monitoring correction requirements under regulations promulgated by the Tennessee Department of Environment and Conservation Division of Solid Waste and covered indoor waste piles in compliance with regulations promulgated by the Tennessee Department of Environment and Conservation Division of Solid Waste are considered non-land-based units.

**NON-LAND-BASED UNIT:** an incinerator, tank and its associated piping and underlying containment system, or container storage area, hazardous waste management units and other similar units that are not subject to regulations for land-based units promulgated by the Tennessee Department of Environment and Conservation Division of Solid Waste.

**UNSTABLE AREA:** a location that is susceptible to natural or human-induced events or forces capable of impairing the integrity of a commercial hazardous waste or medical waste treatment or storage facility's structural components responsible for preventing releases, including:

- (1) subsidence prone areas (i.e., areas subject to the lowering or collapse of the land surface either locally or over broad regional areas);
- (2) areas susceptible to mass movement (i.e., where the downslope movement of soil and rock under gravitational influence occurs);
- (3) areas with weak and unstable soils (e.g., soils that lose their ability to support foundations as a result of expansion or shrinkage).

**WETLANDS:** lands which have hydric soils and a dominance (fifty percent (50%) or more of stem count based on communities) of obligate hydrophytes. They include the following generic types:

- (1) Fresh water meadows;



- (2) Shallow fresh water marshes;
- (3) Shrub swamps with semi permanent water regimes most of the year;
- (4) Wooded swamps or forested wetlands;
- (5) Open fresh water except farm ponds; and
- (6) Bogs.

#### 403. Identification of Storage Areas

A new or rebuilt facility, or an expanded portion of an existing facility, or any facility which changes its operations, proposed for use as a "commercial medical waste management facility", as defined in these zoning regulations notwithstanding the exclusions within the definition, shall be required, in both its building permit application prior to construction or reconstruction and in any required installation permit at the Chattanooga-Hamilton County Air Pollution Control Bureau, to identify in writing on its building and operating plans any and all portions of the proposed facility or portion of an existing facility through a change in operations or expanded portion of an existing facility proposed for "storage", as defined in these zoning regulations notwithstanding the exclusions within the definition. Such identification of storage areas shall include the total cubic footage designated for accumulation of medical wastes at the "commercial medical waste management facility", as defined in these zoning regulations notwithstanding the exclusions within the definition.

#### 404. Prohibited Uses

No commercial hazardous waste management facility or commercial medical waste management facility unit shall be allowed to be constructed within any 500-year floodplain identified on a Flood Hazard Boundary Map or a Flood Insurance Rate Map. This restriction shall also apply to any facility that meets the definition of "commercial hazardous waste management facility" or "commercial medical waste management facility" through a change in operations that does not involve constructing or reconstructing a building, so that such facility may not operate a commercial hazardous waste management facility or a commercial medical waste management facility within any 500-year floodplain identified on a Flood Hazard Boundary Map or a Flood Insurance Rate Map. Any construction, alteration, repair, reconstruction, or improvement to a commercial hazardous waste management facility or commercial medical waste management facility on which the start of construction was begun after the effective date of these regulations shall meet all applicable requirements for new construction as contained in these regulations, except as provided in the next sentence.

Any commercial hazardous waste management facility unit or commercial medical waste management facility unit in existence prior to the effective date of this requirement that is hereafter damaged by any means to an extent of more than fifty percent (50%) of its assessed value may be reconstructed and used as before only if it is rebuilt in a manner that complies with all requirements in effect on the date the rebuilding commences and operates

in that rebuilt portion of the unit in a manner that complies with all requirements in effect on the date that operation commences in the rebuilt commercial hazardous waste management facility unit or commercial medical waste management facility unit. In addition, the following requirements must be met:

- (1) The reconstruction must not exceed the volume and external dimensions of the original structure or offer any greater obstruction to the flow of flood waters within the 500-year floodplain than did the original structure; and
- (2) The lowest floor elevation (including basement) must be above the level of the 500-year flood plain or the structure must be flood proofed to a height above the level of the 500-year floodplain. Flood proofing measures shall be in accordance with the watertight performance standards of the publication Flood-Proofed Regulations prepared by the Office of the Chief of U.S. Army Corps of Engineers, Washington, D.C. dated March 31, 1992. One copy of this document shall be filed in the office of the county clerk and one copy shall be filed in the office of the Chattanooga-Hamilton County Regional Planning Commission for public use, inspection and examination; and
- (3) The reconstruction must commence within twelve (12) months after the damage first occurs, and the reconstruction must be completed within twenty-four (24) months after the damage first occurs. In the event of fire, flood, labor dispute, epidemic, abnormal weather conditions or acts of God, the reconstruction commencement time period and/or the reconstruction completion period will be extended in an amount equal to time lost due to delays beyond the control of the owner or operator of the facility subject to this requirement.

These requirements also apply to any commercial hazardous waste management or commercial medical waste management facility unit in existence prior to the effective date of these regulations that proposes to expand after the effective date of these regulations to the expanded portion of the facility. These requirements also apply to any commercial hazardous waste management or commercial medical waste management facility unit which is built subsequent to the adoption of these zoning regulations and thereafter damaged by any means to an extent of more than fifty percent (50%) of its assessed value.

These requirements also apply to any facility that meets the definition of "commercial hazardous waste management facility" or "commercial medical waste management facility" through a change in operations that does not involve constructing or reconstructing a building, which is thereafter damaged by any means to an extent of more than fifty percent (50%) of its assessed value.

405. Proximity of Commercial Hazardous Waste or Commercial Medical Waste Management Facilities to Other Uses

All distances are to be measured from the "unit" as defined in this zoning regulation to the nearest point of the property boundary line of the other land use.

A. Groundwater and Public Drinking Water Supplies

- (1) No commercial hazardous waste or commercial medical waste management facility unit shall be located within 2000 feet horizontally of a public drinking water supply well or public water supply intake point in a river, spring, lake, pond or reservoir, or within 1000 feet horizontally of a private drinking water supply well

or private water supply intake point in a river, spring, lake, pond or reservoir.

- (2) A commercial hazardous waste or commercial medical waste management facility unit shall not be constructed on a wetland or a sinkhole, nor drain into a sinkhole or into a wetland, and shall comply with all requirements necessary to obtain a National Pollution Discharge Elimination System (NPDES) permit.
- (3) No commercial hazardous waste or commercial medical waste management facility unit shall be located within an area where the depth to the seasonally high

water table in the uppermost saturated zone will rise to within five (5) feet of the ground surface.

- (4) No commercial hazardous waste or commercial medical waste management facility unit at which hazardous or medical wastes are stored or treated below ground (e.g. underground tank, surface impoundment) shall be located or constructed in such a manner that the bottom of the liner system or secondary containment system is closer than ten (10) feet from the uppermost saturation area.

(5) Vertical Buffer Zones

(a) Commercial hazardous waste or commercial medical waste management facility land-based units shall be located and constructed such that there is, between the bottom of the unit's liner system and the seasonably high groundwater elevation in the uppermost saturated zone underlying the unit a buffer layer of natural and/or emplaced soil meeting one of the following descriptions:

- (i) Ten (10) feet thick, with a saturated hydraulic conductivity of  $1 \times 10^{-5}$  centimeters/second, or
- (ii) Five (5) feet thick, with a saturated hydraulic conductivity of  $1 \times 10^{-6}$  centimeters/second.

(b) Commercial hazardous waste or commercial medical waste management facility non-land-based units shall be located and constructed such that there is, between the bottom of the unit's secondary containment system and the seasonably high water elevation in the uppermost saturated zone underlying the unit, a buffer layer of natural and/or emplaced soil meeting one of the following descriptions:

- (i) Four feet thick, with a saturated hydraulic conductivity of  $1 \times 10^{-5}$  centimeters/ second, or
- (ii) Two feet thick, with a saturated hydraulic conductivity of  $1 \times 10^{-6}$  centimeters/ second, or
- (iii) A buffer layer of other material, mechanically separate from the secondary containment system which will provide protection to fluid movement equivalent or superior to (b)(i) or (b)(ii).

(c) Hydraulic conductivity measurements are to be measured by the ASTM D5084 soil permeability test.

(d) No commercial hazardous waste or commercial medical waste management facility unit or on-site access road to it shall be located within an area on the hanging wall block of a thrust fault line such that a vertical line as determined by a plumb line drilled by core drill to a depth of two hundred (200) feet will intersect a fault plane.

B. County Septic Tank Pumper Permanent Dumping Sites

No commercial hazardous waste or commercial medical waste management facility unit shall be located within 1000 feet of any septic tank pumper permanent dumping site authorized by the Hamilton County Groundwater Protection Rules and Regulations governing subsurface sewage disposal, including open-air disposal of septic tank effluent through land absorption.

C. Scenic, Cultural and Recreational Areas

No commercial hazardous waste or commercial medical waste management facility unit shall be located within, or within 500 feet of, a scenic, cultural or recreational area in existence on the date a completed building permit application is submitted.

D. Structures

To minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of surrounding areas, the following minimum separation distances shall be required of any commercial hazardous waste or commercial medical waste management facility unit:

- (1) It shall not be located within 2000 feet of existing schools, hospitals, or day care centers, residences or residential zones.
- (2) It shall not be located within 200 feet of any commercial buildings, other than those which are part of the facility.
- (3) It shall not be located within 1000 feet of existing churches and non-commercial buildings, other than those which are part of the facility.
- (4) A commercial hazardous waste management facility or commercial medical waste management facility unit shall not be located within 200 feet of the facility's property boundaries.
- (5) It shall not be located within 2000 feet of an existing commercial hazardous waste management facility unit or site specifically designated as a Superfund site by either state or federal regulations provided, this restriction does not apply to a site which is temporarily used to ameliorate an adjacent site. [~~Res. No. 593-39 (5/19/93)~~]
- (6) Except for the purposes of Section 104(D)(5)., distance measurements shall be from the nearest point in a property line of a parcel containing the non-hazardous or non-medical waste management facility use to the nearest point of the "unit" as defined in this zoning regulation.

E. Unstable Areas

No commercial hazardous or medical waste management facility unit shall be located or constructed in an unstable area.

406. Exceptions

A. The following solid wastes are not hazardous wastes:

- (1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or reused. "Household waste" means any material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this definition, if such facility:
  - (a) Receives and burns only
    - (i) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources) and
    - (ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and
  - (b) Such facility does not accept hazardous wastes and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.
2. Solid wastes generated by any of the following and which are returned to the soils as fertilizers:
  - (a) The growing and harvesting of agricultural crops.
  - (b) The raising of animals, including animal manures.
3. Mining overburden returned to the mine site.
4. Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste, generated primarily from the combustion of coal or other fossil fuels, except as provided by 40 Code of Federal Regulations 266.112 for facilities that burn or process hazardous waste.
5. Drilling fluids, produced waters, and other wastes associated with the exploration, development or production of crude oil, natural gas or geothermal energy.
6. Wastes which fail the test for the Toxicity Characteristic because chromium is present or are listed in Title 40 Code of Federal Regulations Part 261, subpart D due to the presence of chromium which do not fail the test for the Toxicity Characteristic for any other constituent or are not listed due to the presence of any other constituent, and which do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:
  - (a) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium;

- (b) The waste is generated from an industrial process which uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and
  - (c) The waste is typically and frequently managed in non-oxidizing environments.
7. Specific wastes which meet the standard in Section 105(G)(a), (b), and (c) (so long as they do not fail the test for Toxicity Characteristic, and do not fail the test for any other characteristic) are:
- (a) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry; hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retain/wet finish; no beamhouse; through-the-blue; and shearling.
  - (b) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
  - (c) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; no beamhouse; through-the-blue.
  - (d) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
  - (e) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/ retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.
  - (f) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome-tan/ retan/wet finish; and through-the blue.
  - (g) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.
  - (h) Wastewater treatment sludges from the production of TiO<sub>2</sub> pigment using chromium-bearing ores by the chloride process.
8. Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock and overburden from the mining of uranium ore), except as provided by 40 Code of Federal Regulations 266.112 for facilities that burn or process hazardous waste. For purposes of 40 CFR 261.4(b)(7), beneficiation of ores and minerals is restricted to the following activities: Crushing; grinding;

washing; dissolution, crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting calcining to remove water and/or carbon dioxide; roasting, autoclaving, and/or chlorination in preparation for leaching (except where the roasting (and/or

autoclaving) and/or chlorination)/leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; flotation; ion exchange; solvent extraction; electrowinning; precipitation; amalgamation; and heap, dump, vat, tank, and in situ leaching. For the purpose of 40 CFR 261.4(b)(7), solid waste from the processing of ores and minerals includes only the following wastes:

- (a) Slag from primary copper processing;
  - (b) Slag from primary lead processing;
  - (c) Red and brown muds from bauxite refining;
  - (d) Phosphogypsum from phosphoric acid production;
  - (e) Slag from elemental phosphorus production;
  - (f) Gasifier ash from coal gasification;
  - (g) Process wastewater from coal gasification;
  - (h) Calcium sulfate wastewater treatment plant sludge from primary copper processing;
  - (i) Slag tailings from primary copper processing;
  - (j) Fluorogypsum from hydrofluoric acid production;
  - (k) Process wastewater from hydrofluoric acid production;
  - (l) Air pollution control dust/sludge from iron blast furnaces;
  - (m) Iron blast furnace slag;
  - (n) Treated residue from roasting/leaching of chrome ore;
  - (o) Process wastewater from primary magnesium processing by anhydrous process;
  - (p) Process wastewater from phosphoric acid production;
  - (q) Basic oxygen furnace and open hearth furnace air pollution control dust/sludge from carbon steel production;
  - (r) Basic oxygen furnace and open hearth furnace slag from carbon steel production;
  - (s) Chloride process waste solids from titanium tetrachloride production;
  - (t) Slag from primary zinc processing.
9. Cement kiln dust waste, except as provided by 40 CFR 266.112 for facilities that burn or process hazardous waste.
  10. Solid waste which consists of discarded wood or wood products which fails the test for the Toxicity Characteristic solely for arsenic and which is not a hazardous waste for any other reason or reasons, if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials intended end use.
  11. Petroleum-contaminated media and debris that fail the test for the Toxicity Characteristic of 40 CFR 261.24 (Hazardous Waste Codes D018 through D042 only) and are subject to the corrective action regulations under 40 CFR 280.
  12. Injected groundwater that is hazardous only because it exhibits the Toxicity Characteristic (Hazardous Waste Codes D018 through D043

only) in 40 CFR 261.24 that is reinjected through an underground injection well pursuant to free phase hydrocarbon recovery operations undertaken at petroleum refineries, petroleum marketing terminals, petroleum bulk plants, petroleum pipelines, and petroleum transportation spill sites until January 25, 1993. This extension applies to recovery operations in existence, or for which contracts have been issued, on or before March 25, 1991. For groundwater returned through infiltration galleries from such operations at petroleum refineries, marketing terminals, and bulk plants, until January 1, 1993. New operations involving injection wells (beginning after March 25, 1991) will qualify for this compliance date extension (until January 25, 1993) only if:

- (a) Operations are performed pursuant to a written state agreement that includes a provision to assess the groundwater and, the need for further remediation once the free phase recovery is completed; and
  - (b) A copy of the written agreement has been submitted to: Characteristics Section (OS-333), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.
13. Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air-conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.
  14. Used oil that exhibits one or more of the characteristics of hazardous waste but is recycled in some other manner than being burned for energy recovery.
  15. Any waste from any facility sited within Hamilton County, which waste is excluded from Title 40 Code of Federal Regulations Part 261.3 or the lists of hazardous wastes in Title 40 Code of Federal Regulations Part 261, Subpart D, by the United States Environmental Protection Agency pursuant to Title 40 Code of Federal Regulations Part 260.20 or Part 260.22 and published in either the Federal Register or in Title 40 Code of Federal Regulations Part 261, Appendix IX, or in both.
- B. For purposes of this definition and these zoning regulations, "solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 33 U.S.C. 1342, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923)(42 U.S.C.A. Section 2011 et. seq.).



- C. The following materials are not solid wastes for the purpose of this definition:
- (1) Domestic sewage and any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned treatment works for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.
  - (2) Industrial wastewater discharges that are point source discharges subject to regulation under section 402 of the Clean Water Act, as amended. This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored or treated before discharge, nor does it exclude sludge that is generated by industrial wastewater treatment.
  - (3) Irrigation return flows.
  - (4) Source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq.
  - (5) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process.
  - (6) Pulping liquors (i.e. black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless it is accumulated speculatively as defined in 40 Code of Federal Regulations 261.1(C).
  - (7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in 40 Code of Federal Regulations 261.1(C).
  - (8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided:
    - (a) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
    - (b) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);
    - (c) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and
    - (d) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.
  - (9) Spent wood preserving solutions that have been reclaimed and are reused for their original intended purpose; and wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood.
  - (10) When used as a fuel, coke and coal tar from the iron and steel industry that contains or is produced from decanter tank tar sludge, EPA Hazardous Waste K087. The process of producing coke and coal tar from such decanter tank tar sludge in a coke oven is likewise excluded from regulation.
  - (11) Materials that are reclaimed from solid waste and that are used beneficially are not solid wastes and hence are not hazardous waste

unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.

- D. A facility that reclaims materials that are used beneficially as provided in Section 105(C)(11) from solid waste it created is not a commercial hazardous waste management facility for the purpose of this Regulation, unless that facility also stores or disposes of hazardous waste of which more than twenty-five percent (25%) by volume was generated off-site during either six-month period January 1 through June 30 or July 1 through December 31 in any calendar year, with the percentage of the amount generated on-site at the receiving facility during the corresponding time period of the preceding calendar year.

407. Zoning Requirements

Commercial Hazardous Management Facilities and Commercial Medical Waste Management Facilities shall be permitted only in the M-1 Industrial District subject to the requirements of the M-1 District and the provisions of ARTICLE VIII.

408. Building Permit Application Requirements

Application for a building permit shall be accompanied by a site plan indicating method and hours of operation, building and structure location and function, extent and nature of all screening and buffer areas, type and volume of waste materials, proximity to waterways and drainage characteristics, location and type of surrounding land use. Additional information, if required, shall be submitted upon request by the Director of Building Inspection.

409. Severability

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

## **ARTICLE VI EXCEPTIONS**

### **100 Exceptions for ALL DISTRICTS**

#### **101. Use Exceptions**

##### **A. Accessory Use Exceptions**

The following accessory uses, in addition to those hereinbefore mentioned, shall be permitted in ANY DISTRICT provided that such accessory uses do not alter the character of the premises in respect to their use for the purposes permitted in the district.

- 1) The renting of rooms and the providing of board for not to exceed three paying guests.
- 2) News and refreshment stands, recreation and service buildings, in connection with parks, playgrounds, golf courses, and public utility facilities.
- 3) Real estate offices of a temporary character, when built according to plans and in locations approved by the Board of Appeals.

##### **B. Unlisted Uses**

The Director of Building Inspection, in consultation with the Regional Planning Agency staff as deemed necessary, is authorized to determine if an unlisted use is similar in character, type or effect to the specified principal uses permitted of any zoning district in question. Otherwise, that use shall be prohibited.

#### **102. Height Exceptions**

- A. Communication towers, penthouses, scenery lofts, cupolas, water tanks, silos, artificial windbreaks, windmills and similar structures; necessary mechanical appurtenances and industrial buildings may be built and used to a greater height than the limit established for the district in which such structures are located, provided, however, that no structure in excess of the allowable building height shall be used for sleeping or eating quarters or for any commercial purposes other than such as may be incidental to the permitted uses of the main building.
- B. Where the average slope of a lot is greater than one foot rise or fall in seven feet of distance from the established street elevation of the property line opposite the center of the building an additional story will be permitted on the downhill side of the building.

103. Area Exceptions

A. Measurement of Front Yard Depth from Future Street Lines

In any location for which an official highway plan of Hamilton County has been adopted, establishing definite future widths for highways, the front yard depth required in any district shall be measured from the proposed street or highway lines as shown upon the official highway maps, instead of from the present front lot line as described in the regulations for the several districts.

B. Side Yards on Corner Lots

On corner lots in the A-1 AGRICULTURAL DISTRICT, R-1 SINGLE-FAMILY DISTRICT, R-2 URBAN RESIDENTIAL DISTRICT, R-2A RURAL RESIDENTIAL DISTRICT, R-3 MD MODERATE DENSITY APARTMENT-TOWNHOUSE DISTRICT, and R-5 SINGLE WIDE MANUFACTURED HOME DISTRICT the minimum width of the side yard next to the side street or road shall be 20 feet.

On corner lots in the C-2 LOCAL BUSINESS COMMERCIAL DISTRICT, C-3 GENERAL BUSINESS COMMERCIAL DISTRICT, and O-1 OFFICE DISTRICT, the minimum width of such side yard shall be 10 feet.

Fences and walls not more than six feet high may be erected, but no fence, wall or shrubbery shall be maintained within 25 feet of any street intersection so as to interfere with traffic visibility around the corner.

C. Any Lot of Record May be Used as a Building Site for a Single-Family Dwelling, Manufactured Home, or Two-Family Dwelling

Any lot shown on a subdivision which was duly approved and recorded or any lot for which a deed is of record in the office of the County Register of Hamilton County or any lot for which a contract of sale is in full force and effect at the time of passage of the Minimum Lot Area, Depth and Frontage Amendment to this Resolution (April 4, 1979) may be used as a building site for a single-family dwelling, manufactured home, or two-family dwelling as permitted by the District in which the lot is located.

D. Projections Into Yard Areas

(1) Porches, porticos, porte-cocheres (carports) and similar permanently unenclosed ground-story projections not more than 12 feet in height above the reference level may extend into a required yard not more than 10 feet but not nearer in any case than 10 feet to a front or rear or exterior side lot line, or nearer than three feet to an interior side lot line.

(2) Cornices, belt course, canopies, chimneys and similar projections may extend into a required yard not more than two feet but not nearer to a side lot line than three feet in any case.

E. Location of Accessory Buildings on a Lot

(1) A detached accessory building shall not occupy more than 1/3 of the area of a rear yard.

(2) In cases of an interior lot abutting upon one street, no detached accessory building shall be erected, altered or moved so as to encroach upon the front half of the lot.

- (3) In case of an interior lot abutting upon two or more streets, no detached accessory building shall be erected, altered or moved so as to encroach upon the one quarter of the lot nearest either street.
- (4) In the case of a corner lot, no accessory building shall be erected, altered or moved nearer than 1/3 of the depth or width of the lot to the front and side street, or road lines respectively.
- (5) No detached accessory building shall be erected, altered or moved so as to be within five feet of the side line of the front half of an adjacent lot.
- (6) Outside toilets shall be located at least fifth (50) feet from any street or road line, at least fifteen (15) feet from any side or rear lot line, and at least twenty-five (25) feet from any main building, or as much of such setback as dimensions of the lot permits.
- (7) Notwithstanding any requirements in this section, the foregoing rules shall not require any detached accessory building to be more than seventy-five (75) feet from any street bounding the lot.
- (8) Small storage buildings, not larger than twelve feet by twelve feet (12' x 12') and with a maximum height to the low point of the eaves of six feet (6'), may be located in the side and rear yards provided that:
  - (a) The buildings shall be set back at least five (5) feet from the side and rear lot lines and
  - (b) In the case of a corner lot, the accessory building may not project into the side yard adjacent to the street.

## **200 NON-CONFORMING USES**

### 201. Non-Conforming Use of Buildings or Structures

The lawful use of buildings or structures, including manufactured homes, existing at the time of passage of this Resolution shall not be affected by this Resolution, although such use may not conform to the provisions of this zoning Resolution; and such use may be extended throughout the buildings or structure, provided no structural alterations except those required by law or resolution, or ordered by an authorized officer to secure the safety of the building or structure, are made therein; but, no such use, except as noted below, shall be extended to occupy any land outside such buildings or structures.

If such non-conforming use is removed or the non-conforming use of such building is discontinued for more than one hundred (100) consecutive days, every future use of such premises shall be in conformity with the provisions of this Resolution.

### 202. Non-Conforming Use of Land

The lawful use of land existing at the time of passage of this Resolution, although such use does not conform to the provisions of this Resolution, shall not be affected by this Resolution; provided, however, that no such non-conforming use be extended to occupy a greater area of land, except as noted below, than that occupied by such use at the time of the passage of this Resolution.

If such non-conforming use is discontinued for a period of more than one hundred (100) consecutive days, any future use of land shall be in conformity with the provisions of this Resolution.

203. Change to a Similar Land Use Classification

A non-conforming use may be changed to a use of the same classification according to the provisions of this Resolution. When a zone shall be change, any then existing nonconforming use in such changed zone may be continued or changed to a use of a similar classification; provided all other regulations governing the new use are complied with. Whenever a non-conforming use a building has been discontinued or changed to a conforming use, such use shall not hereafter be changed to a non-conforming use.

204. Destruction of Non-Conforming Building or Structure

Nothing in this Resolution shall be taken to prevent the restoration within one (1) year of a building destroyed to any extent by fire, explosion or other casualty, nor the continued occupancy of such building.

205. Expansion and Rebuilding of Legal Non-conforming Industrial, Commercial or Other Business Establishments

Any legal non-conforming industrial, commercial, or other business establishment in operation 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 provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business and so as to avoid nuisances to adjoining landowners.

Industrial, commercial, or other business establishments in operation and permitted to operate as non-conforming uses shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business; provided that no destruction and rebuilding shall occur which shall act to change the land use classification under any zoning regulation or exceptions thereto in effect; provided that there is enough land owned by the industry or business for such demolition and rebuilding so as to avoid nuisances to adjoining landowners.

206. Regulations Apply to Further Non-conforming Uses

The foregoing provisions shall also apply to buildings, structures, and uses made non-conforming by future district boundary or regulation changes.

207. Conflict with Existing Building and Area Regulations

It is not intended by this Resolution to interfere with or abrogate or annul any easement, covenants or other agreements between parties, provided, however, that where this Resolution imposes a greater restriction upon the uses of buildings or requires larger open space than is imposed or required by other resolutions, rules or regulations or by easements, covenants, or agreements the provision of this Resolution shall govern.

## **300 SPECIAL PERMITS BY PLANNING COMMISSION**

### **301. SINGLE-WIDE MANUFACTURED HOMES**

Single-wide manufactured homes shall be permitted in all districts in which detached single-family dwellings are permitted, except that such use shall require a Special Permit to be issued by the Planning Commission.

#### A. Requirements

- 1) All District yard, height, area, setback and other regulations for single-family dwellings shall be applicable to single-wide homes.
- 2) A new permit must be obtained by each subsequent property owner or tenant if a different single-wide manufactured home is to be placed on the property.
- 3) Building permits shall not be issued until after the time period allocated for an appeal. The Building Inspection Department shall ascertain whether an appeal has been made to the County Commission.

#### B. Appeals

- 1) Within seven (7) days from the decision of the Planning Commission, any appeal shall be made through the Regional Planning Agency Operations Office, who shall forward the request to the County Commission for public hearing.
- 2) The public hearing shall be scheduled to be heard by the County Commission at its second regular meeting following the decision.

### **302. MOVEMENT OF SINGLE FAMILY RESIDENCES**

Special Permit for Movement of Single Family Residences

INTENT: In order to insure that the movement of single family dwellings is compatible to the area where the residence is to be moved, the following guidelines and criteria listed (pursuant to T.C.A 13-3-501 through 504) shall be followed by the specified body as referred to below.

This applies to single family dwellings only and does not apply to manufactured homes or modular homes.

“Developed area of single family residences” (as used in the part) means an area referred to as a subdivision as indicated on a plat filed in the Register of Deeds Office.

#### A. Requirements

Requirements for moving single family residence from one foundation to another.

No single family residence shall be moved from an existing foundation to another foundation located within a developed area of single family residences unless:

- 1) The residence to be moved is consistent with the **age, value, size** and **appearance** of existing residences within the developed area of single family residences to which the single family residence is to be moved and provided that the value of the house may be greater than that of the

existing residences and the size of the house may be larger than that of the existing residences, **AND**

- 2) Approval for the movement of the single family residence to a foundation within a developed area of single family residences has been given by the following specified body:
  - (a) The home owner's association of the development where the residence is to be moved, if a home owner's association is in existence.
  - (b) A neighborhood association where the residence is to be moved that has been in existence for more than one (1) year prior to the date the residence is to be moved, if a neighborhood association is in existence in the area; or
  - (c) The Chattanooga-Hamilton County Regional Planning Commission by issuance of a special permit, if (a) or (b) above does not apply.

B. Age, Value, Size and Appearance Criteria

Consistency of residence with **age, value, size** and **appearance** of existing residences.

The residence to be moved is consistent with:

- 1) The **age** of existing residences within the developed area of single family residences, if the residence to be moved is within ten (10) years of the average age of the existing structures within the developed area;
- (2) The **value** of existing residences within the developed area of single family residences, if the valuation of the residence being moved appraised, prior to being moved, at a value that is at least equal to the average appraisal of the existing structures within the developed area; provided that nothing in this subdivision shall be construed to prevent such residence from exceeding the value of such existing structures. In establishing the value of existing structures, the value of modular homes located in such developed area shall not be used in arriving at the average appraisal of the existing structures.

If the value of the residence, prior to being moved, appraised at a value that is at least equal to the average appraisal of the existing structures within the developed area, then it shall be presumed that such residence shall appraise at least at the same or greater value once it is moved.

In obtaining approval from the specified body as proof that the value of the residence or appearance of the residence is consistent with the value or appearance of such existing residences, evidence may be presented that includes photographs of the inside and outside of the residence to be moved as well as the appraised value of such residence as determined by the assessor of property, or the fair market value of such residence as determined by an independent appraiser. Such



proof shall be a rebuttable presumption that the value and appearance of the residence is at least equal to the value and appearance of the existing structures within the developed area. Additional documents showing intended improvements may also be presented.

- (3) The **size** of existing residences within the developed area of single family residences, if the size of the residence being moved is at least within one hundred (100) square feet of the average size of the existing structures within the developed area, provided that nothing in this subdivision shall be construed to prevent such residence from exceeding such average square footage. In establishing the average size of existing structures, the square footage of a modular home shall not be used in making such calculations.
- (4) The **appearance** of existing residences within the developed area of single family residences as determined by the specified body giving its approval for the single family residence to be moved to the developed area.

C. Enforcement

- (1) An approval letter from the specified body, along with documentation of the required criteria, shall be submitted to the Hamilton County Building Inspection Office before the issuance of a building permit for the movement of a single family residence.
- (2) All structural improvements which will affect the value and appearance of the residence moved to the developed area of single family residences shall be made to such residence in accordance to applicable codes and resolutions in effect. If improvements have not been completed on the residence at least equal to the average standards in the developed area, such residence shall be deemed to be in violation of the local government building codes, and penalties associated with such violations may begin to accrue in accordance with all relevant local building codes and resolutions adopted and in effect in the local jurisdiction where the residence is located.

**303. AMUSEMENT RESORTS - PERMANENT**

- (A) Includes shows, concerts, racing events, fairs, or any other such use which is staged for the entertainment and/or participation of an assembled group of persons at or on locations where structures, buildings, and/or other facilities necessary for the public welfare are provided. A revocable Special Permit may be granted by the Chattanooga-Hamilton County Regional Planning Commission on condition that the proposed use and/or related activities or method of operation will not be detrimental to the surrounding area or to the public health or welfare. The approval of a revocable Special Permit may allow both continuous or intermittent operation or use provided that the conditions of the permit are met.

(B) So that the Planning Commission may evaluate the effect of the proposed use and its effect on the surrounding area and on the public health and welfare, the applicant(s) shall submit the following information with the application for a revocable Special Permit.

(1) Six copies of a site plan showing the following:

- A location map drawn to scale of 1"=2000' showing the location of the tract in relation to the surrounding area, with all roads shown servicing the tract.
- Property lines of tract, with measurements labeled.
- Location of all building(s) and an explanation of their use(s).
- Location of pedestrian and vehicular entrance and exit points.
- Location and size of all parking areas and traffic circulation routes.
- Location, type, and number of health, medical, and sanitary facilities approved by the Hamilton County Health Department.

(C) The permit may be revoked by the Hamilton County Mayor, Hamilton County Health Department, or Hamilton County Sheriff, where it appears that the use, its method of operation, or effect is in fact seriously detrimental to the character of the surrounding area, and such revocation shall not be cause for action against the Chattanooga-Hamilton County Regional Planning Commission, any other county agency, or the Sheriff, who is charged with the enforcement of this resolution.

**304. AMUSEMENT RESORTS - TEMPORARY**

(A) Includes shows, concerts, racing events, fairs, or any other such use that is staged for the entertainment and/or participation of an assembled group of persons where structures or buildings or other facilities necessary for the public welfare are not in existence.

(B) A revocable Special Permit may be issued by the Planning Commission on an adequate tract of land, located within an A-1 AGRICULTURAL DISTRICT and either serviced by public roads, or by an approved ingress and egress from a public road. The approval of such Special Permit may allow either continuous or intermittent operation or use provided that the conditions of the permit are met.

(C) So that the Planning Commission may evaluate the effect of the proposed use and its effect on the surrounding area and on the public health, safety, and welfare, the applicant(s) shall submit the following information with the application for a revocable Special Permit.

- (1) A detailed description of the intended use or purpose for requesting a Special Permit.
- (2) The names and addresses of the property owners and officials sponsoring, owning or directing the proposed event or use.
- (3) The number of persons expected to attend.
- (4) The calendar dates and time of the event.

- (5) The submission of six (6) copies of a map drawn to a scale of 1"=100', showing the following information:
- A location map drawn to a scale of 1"=2000' showing the location of the tract in relation to the surrounding area, and showing all roads, with names, servicing the tract.
  - Property lines of the tract.
  - Location of proposed event within the tract.
  - Location of entrance and exit points on all access and service roads.
  - Location of parking areas and all internal vehicle circulation routes.
  - Location of medical facilities if required by the Hamilton County Health Department.
  - Location of water supplied including drinking water.
  - Location of fire-fighting equipment.
  - Location of toilet and other sanitary facilities.
  - Location of sheltered areas, including overnight facilities, if any.
  - Six (6) copies of an operational plan, approved by the Hamilton County Sheriff, Hamilton County Public Works or the appropriate agency, pertaining to traffic, parking, entrance and exit points, and public safety. The following minimum requirements shall be met:
    - Sufficient parking space to store and allow circulation of the greatest anticipated number of vehicles to be at the event at any time.
    - Guards or policemen, to be supplied by the applicant and approved by the Hamilton County Sheriff's Department.
- (6) Six copies of an operational plan, approved by the Hamilton County Health Department, concerning medical facilities. The following minimum requirements shall be met:
- **Toilets**
    - (a) Portable toilets sufficient in number and as approved by the Hamilton County Health Department.
    - (b) Facilities will be provided for both sexes and so labeled.
    - (c) Latrines or slit trenches will be acceptable providing the location, design, method of screening, and number are approved by the Hamilton County Health Department prior to construction.
  - **Water** \*(All water to be from an approved source)
    - (a) Potable water under pressure and from an approved supply is preferred. Drinking fountains and/or faucets will be located in strategic places throughout the area.
    - (b) When water under pressure is not available, portable water tanks, coolers, and other means of dispensing water which meets with a Hamilton

County Health Department approval will be acceptable if approved in advance.

\*Normally, for any overnight accommodations, 2 gallons of water per person is the minimal volume of water needed in a 24 hour period.

- **Food**
  - (a) All catering trucks, concession stands, or any other devices used for sale, dispensing or preparation of food and beverage must be approved by the Health Department prior to the opening of the event.
- **Trash and Solid Waste**
  - (a) Covered trash containers will be provided as required by the Hamilton County Health Department.
  - (b) Concession stands or other food and beverage services will provide covered trash containers for their respective facilities.
  - (c) Trash containers must be emptied daily or more frequently, if necessary.
  - (d) Large commercial type “dumpsters” will be acceptable for collection stations if location is approved by Hamilton County Health Department.
- **Aid Stations**
  - (a) At least one Registered Nurse or Nurses will be on duty at all times, as required by the Health Department.
  - (b) A licensed Medical Doctor and sufficient ambulance service will be on call if required by the Health Department.
  - (c) Tentage and cots will be provided for an aid station when a mobile medical unit is not available if such is required by the Hamilton County Health Department.
- **Clean-Up**
  - (a) Area must be left in a manner acceptable by the Hamilton County Health Department - trash and debris to be removed and slit trenches covered.

(D) Submission of an approved bond or certified check payable to Hamilton County Engineer, of sufficient amount to ensure that the conditions of the permit are met and for the restoration of the tract (including collection and disposition of solid waste, rebuilding of damaged facilities, etc.) following the termination of the event.

(E) A permit may be revoked by the County Mayor, Hamilton County Health Department or Hamilton County Sheriff where it appears that:

- (1) The application is materially false or purposely misleading, and such fact was not earlier discovered despite due diligence prior to such time.
- (2) The number of persons reasonably expected to attend is unexpectedly greater than the number initially projected, and the

applicant(s) is (are) unable to provide sufficient monies to ensure adequate police protection or is unable, by reason of such increase, to provide proportionately greater sanitary, water, food, and other health facilities.

(3) New or substantially changed conditions have arisen so as to imperil or materially endanger the public health, morals, safety, or welfare.

(F) The granting of approval of a revocable Special Permit shall not constitute a representation, guarantee, or warranty of any kind or nature by Hamilton County or the Chattanooga-Hamilton County Regional Planning Commission, by any officer or employee thereof or the Sheriff and/or any of his deputies of the practicability of the intended use, the safety of spectators or participants and shall create no liability upon or cause of action against such public body, official, or employee for any damage that may result to persons or property.

**305. Campground, tent only**(As defined in Article II, Definitions)

(A) Purpose

With the expansion of the Cumberland Trail into areas around Soddy-Daisy and the North Chickamauga Creek Gorge and further into Prentice Cooper State Forest there could be opportunities to establish tent-only campgrounds that provide a quality camping, recreational and educational opportunity for residents and visitors to Hamilton County.

These development regulations are meant to serve as a rural development tool that ensure the necessary facilities, sites, amenities, and other requirements are provided for tent-only campgrounds while preserving the public safety, health and general welfare. The intent of these regulations is to not permit the construction of buildings that could be utilized for group meetings or wedding facilities.

Standards for the number of proposed parking spaces, location of entrances and exits, width of internal street network, size of water and sewer lines, if applicable, will be reviewed on a case by case basis through the review of the Special Permit process.

B. Compliance

The owner(s) or management of the campground shall operate the campground in compliance with these regulations and shall provide adequate supervision to maintain the campground, its facilities and equipment in good repair and in a clean and sanitary condition.

C. Application Requirements

The owner/applicant requesting a Special Permit shall submit an application to the Chattanooga-Hamilton County Regional Planning Agency. A site plan shall be submitted for review drawn to a scale no smaller than 1"=100' and showing the following:

- (1) Name and address of the owner(s).
- (2) Location of the tract or parcel of property to be used as a campground.
- (3) Tract or parcel boundaries and total acreage.

- (4) The number, size and general location of proposed campsites or group campsites.
- (5) Proposed centralized off-street parking lot location and number of parking spaces.
- (6) If available, the size and location of the nearest public waterline.
- (7) Size and location of proposed public water line extensions or location of a private water source.
- (8) Size and location, if applicable of the sanitary sewer line or private septic and drain field locations.
- (9) Location and size of proposed restroom and/or shower facilities
- (10) If applicable, the location and width of the internal private street network.
- (11) Proposed type, floor area and location of any proposed accessory use.

D. Campground Standards

- (1) Acreage: The tract or parcel of land designated to be used as a campground shall be a minimum of ten (10) acres in size.
- (2) Individual Camp Site Identification: Unless designated and identified on the site plan as a group campsite, individual campsite spaces shall be clearly established on the ground by permanent monuments or markers to identify the individual campsite spaces.
- (3) Density: The maximum density within a campground shall be 10 individual campsite spaces per acre.
- (4) Total Area: The total area utilized for campsites shall not exceed 60% of the total area of the campground.
- (5) Access:
  1. Access to campsites in walk-in campgrounds shall be limited to walking, hiking, canoe, boat, bike, horse or other non-motorized means. Access by means of a motorized vehicle is prohibited in walk-in campgrounds. An internal street network is prohibited in walk-in campgrounds. Walk-in campgrounds may contain service roads for maintenance of campground facilities.
  2. Access to camp sites in semi-developed campgrounds shall take access from an internal street network.
    - i. The internal street network shall be private and maintained by the campground owner. The internal street network shall be constructed with an adequate, well-drained base surfaced with either gravel or pavement.
    - ii. Internal streets shall be maintained so emergency vehicles can safely access all areas of the campground
    - iii. Entrances and Exits: Entrance and exits to campgrounds shall be designed for safe and convenient movement of traffic into and out of the campground and shall take direct access from a public street.

- iv. Parking: Adequate off-street parking shall be provided to accommodate the campground users and located to the interior of the campground.
- v. Buffers: Buffer areas of at least 50' in width shall be provided along property lines and 100' in width along any public right-of-way. Every effort should be made to retain existing natural vegetation to serve as a supplement to the required buffer areas. No building, campsite or off-street parking area shall be located in buffer areas.
- vi. Restroom Facilities: Restroom facilities shall be provided. Such service shall be accomplished by connection to a public sewer system, if available, and if not available, then by private septic tank and drain field system located and constructed as approved by the Hamilton County Groundwater Protection or appropriated authority.
- vii. Water Facilities: All campgrounds shall be served by an accessible, adequate, safe and potable water supply. Such water shall be supplied by a public water system as reviewed and approved by the appropriate authority. If a water line is not available, then the potable water supply shall be from a private source constructed and located and approved in accordance with the Hamilton County Groundwater Protection or appropriate authority.
- viii. Refuse-Disposal: Each campsite space shall be provided with fly-proof, watertight, containers for the disposal of refuse. However, this may be waived when a central collection facility is available. Refuse for camping shall be collected at least once a day.
- ix. Campfires: Campfires shall only be permitted in designated areas such as fire pits, fire rings and grills.
- x. Lighting: Outdoor lighting, if provided, shall be designed and arranged and shielded so that no glare or direct illumination shall be cast upon any adjacent property or any public street.
- xi. Contact Information: A sign shall be posted on site at the campground indicating the name and telephone number of the owner, manager or caretaker of the campground.
- xii. Number of days to camp: Continuous camping shall be limited to a period of no more than 14 consecutive days within a 30-day period.

E. Accessory Uses

Other campground related accessory uses may be permitted, if approved through the Special Permit process. Accessory uses include management or caretaker headquarters, check-in facility, maintenance/storage buildings, recreational and educational facilities, shelters, camp store and other uses and structures customarily incidental to the operation of a campground are permitted as accessory uses. Additional picnic tables could be considered for campsite spaces.

- (1) Camp Store: for the convenience and use of campground residents only, the campground may provide one camp store. The Camp store shall be located to the interior of the campground and shall be no more than 1,000 square feet of floor area. The camp store may include laundry facilities, concessions, groceries, produce and camping equipment.
- (2) Recreational/Educational Facilities: Areas may be designated as undeveloped recreational areas to provide recreational or educational opportunities. The recreational area may include facilities such as picnic tables, playground equipment, ball fields, or areas to provide education opportunities. The use of the recreational and/or educational facilities shall be limited to the occupants of the campground.
- (3) Shelters: Shelters could be considered as accessory uses within the campground. These shelters could be enclosed structures that would provide areas for group camping.
- (4) Signage: Campgrounds shall be permitted one (1) on-premise sign, set back thirty-five (35) feet from the public street. The on-premise sign shall not exceed twenty (20) square feet in area. If illuminated, the sign shall be indirectly lit in such a way that the light source cannot be seen from any public way or adjoining property. No flashing or intermittent lights shall be permitted.

F. Prohibited Uses and Structures

The following uses shall be prohibited within all campgrounds:

- (1) Recreational vehicles or travel trailers.
- (2) No alcohol sales shall be permitted within the campground or within the camp store.
- (3) The outdoor use of an amplified sound system is prohibited.
- (4) There shall be no music performance events held at the campground that will be permitted to be attended by the general public.
- (5) No business or commercial uses shall take place within a campground, except for such small food market, or coin-operated laundry facility that may be approved by the Chattanooga-Hamilton County Regional Planning Commission as part of this Special Permit process.



**306. M-1 Industrial District Uses with Special Permit**

A. For the manufacture of any of the following bulleted uses:

- Acetylene gas
- Asphalt or products
- Asbestos
- Babbit metal
- Bleaching powder
- Blast, cupola or metal furnace
- Boiler shops
- Bronze powder
- Carbon, lampblack or graphite
- Celluloid
- Coal screening
- Coal tar or products
- Coke ovens
- Creosote or products
- Disinfectant
- Emery cloth or sandpaper
- Explosives
- Fat rendering
- Fertilizer
- Gas
- Gasoline or oil storage above ground
- Gasses or flammable liquids storage (subject to provisions and standards of the National Fire Codes)
- Glucose
- Glue or size (adhesives)
- Lime or products
- Lime kilns
- Linoleum
- Matches
- Oil cloth
- Paint, oil or shellac
- Poison
- Potash
- Printing ink
- Pulp or paper
- Rubber
- Slaughterhouse
- Starch
- Sulfuric Acid
- Tar or asphalt roofing
- Turpentine
- Vinegar
- Yeast
- Petroleum refining
- Rolling mill
- Salt works
- Soap works
- Smelting
- Sugar refining
- Tannery
- Wool pulling or scouring
- Wood or bone distillation

Any person desiring a Special Permit for these uses shall apply to the Chattanooga-Hamilton County Regional Planning Commission, which shall hold a public hearing thereon, notice of which shall be given at least twenty (20) days prior to date of such hearing by one publication in a daily newspaper of general circulation throughout the County and by personal service or by first class mail to the adjoining and other property owners within a radius of one hundred (100) yards of the property affected and, in addition, where such Special Permit shall pertain to land within three (3) miles on a direct line from a corporate limit of any incorporated municipality, by personal service or by first class mail to the mayor of such municipality; such distance to be ascertained by the Director of Building Inspection.

In order that the Planning Commission may evaluate the effect on nearby uses and on the community at large, the applicant for such Special Permit shall:

- 1) Furnish complete plans and method of operation.
- 2) Have present at the hearing for said permit an Engineering Consultant in this particular phase of industry to fully evaluate all areas of control of vibration, dust, noxious odors fumes, nuisance factor, etc.

Any person, firm, or corporation aggrieved thereby may appeal from the decision of the Chattanooga-Hamilton County Regional Planning Commission as to its decision concerning uses. Such appeal shall be to the Hamilton County Commission at its next regular meeting following the expiration of ten (10) days after the decision of the Chattanooga-Hamilton County Regional Planning Commission. At the hearing before the Hamilton County Commission, the decision of the Chattanooga-Hamilton County Regional Planning Commission shall constitute nothing more than a recommendation, and the Hamilton County Commission shall determine the appropriate action to be taken upon the request for a Special Permit de novo.

B. The uses listed below shall *under no condition* be permitted within 500 feet of any dwelling except such as may exist upon the property, any public park or school. These below listed uses shall have direct access only to a state highway or principal arterial.

- Acid manufacture
- Asphalt mixing plant
- Distillation of bones
- Dog and cat food factory
- Fish cannery
- Manufacture or storage of explosives
- Fertilizer works
- Glue manufacture
- Oil refining
- The feeding of garbage to hogs or other animals
- Slaughter house

Any other use dangerous by reason of explosion hazard or noxious or offensive by reason of the emission of smoke, dust, fumes, odor, vibration, or noise.

## **400. SPECIAL PERMITS BY THE HAMILTON COUNTY COMMISSION**

### **401. PLANNED UNIT DEVELOPMENT**

Purpose: The purpose of the Planned Unit Development (sometimes hereinafter referred to as PUD) is to provide the opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared. The Planned Unit Development is intended to encourage the application of new techniques and technology to community development which will result in superior living or development arrangements with lasting values. It is further intended to achieve economies in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable attractive open spaces, safe circulations, and the general well-being of the inhabitants.

#### A. Location

A PUD may be located in any district.

#### B. Permitted Uses

- 1) One-family dwellings, except that manufactured homes are allowed only in R-5 Single-wide Manufactured Home or MH Manufactured Home Park Districts
- 2) Two-family dwellings.
- 3) Multi-family dwellings, townhouses
- 4) Schools
- 5) Parks, playgrounds, and community buildings
- 6) Golf Courses, except driving ranges, miniature courses, "Par 3" courses and other similar commercial operations
- 7) Fire halls and other public buildings
- 8) Churches
- 9) Accessory uses and buildings customarily incident and subordinate to the above
- 10) All uses permitted in the underlying zone(s) (*Res.#814-24, 8/20/14*)

#### C. Height and Area Regulations

- 1) No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, except as provided in Article VIII, Section 503.
- (2) The minimum development site for a PUD shall be five (5) acres in all zones.
- (3) No free-standing building shall be closer than ten (10) feet to any other free-standing building and no closer than 25 (twenty-five) feet to the exterior PUD boundary line.

#### D. Off-Street Parking Regulations

Off-street parking shall be provided on a site adjacent to the building in accordance with the following requirements:

- (1) There shall be at least two spaces per dwelling unit for townhouses, duplexes, and single-family dwellings.
- (2) There shall be at least one and one-half (1 ½) spaces per dwelling unit for apartment houses.
- (3) There shall be at least one space for every three seats in the main auditorium of churches and other public buildings.
- (4) Parking spaces for parks, playgrounds, and community buildings in the development may be required according to the design of the Planned Unit Development.

#### E. General Provisions

- (1) A PUD will be shown on the official zoning map after it is approved by the Hamilton County Commission.
- (2) In addition, a PUD to be located in an R-3 Multi-family District shall be:

- (a) located along, or within 500 feet of a street of at least collector status as shown in the definition of Functional Classification of Streets and Roads as adopted by the Planning Commission, provided access to said street is approved by the County Engineer; and
- (b) located and situated to be in accordance with the most recently adopted General Regional Plan and transportation plan.

#### 401.2. Development Standards and Site Improvements

##### A. Minimum Elevations

- (1) All lots shall have a building area above the 100-year flood stage as delineated on the most recently adopted Flood Insurance Rate Maps (FIRM) on file in the Hamilton County Engineer's Office.
- (2) Streets may not be at an elevation less than one (1) foot below the flood level given above.

##### B. Site Improvements

- (1) All dedicated public streets and all streets, roads, rights-of-way or access easements serving lots to be sold shall be constructed in accordance with the Hamilton County Subdivision Regulations on rights-of-way having a minimum width as required by the Hamilton County Subdivision Regulations except that the Planning Commission may grant variances from this requirement using procedures for variances in the Hamilton County Subdivision Regulations.
- (2) When lots are to be sold, all physical improvements required by the Hamilton County Subdivision Regulations including water lines, drainage improvements, etc., shall be installed.
- (3) Fire hydrants in a location approved by the fire authority having jurisdiction or the Planning Commission shall be installed.
- (4) If there are to be two-family or multi-family dwellings, sidewalks or an equivalent paved internal pedestrian circulation system shall be installed.
- (5) There shall be a sanitary sewer system, utilizing a package sewage treatment plant, septic tanks, or tying into an existing municipal sewer, and approved by the Hamilton County Groundwater Protection and the County Engineer.

##### C. Building Construction

No multi-family structure in a PUD shall have more than four (4) contiguous apartment units that are not separated by fireproof construction.

#### 401.3. Computation of Density

- A. The maximum number of dwelling units in a PUD to be located in an A-1 Agricultural District shall be computed by multiplying the gross acreage to be developed by 2, excluding any area to be developed as a church or school.
- B. The maximum number of dwelling units in a PUD to be located in an R-1 Single Family Residential District shall be computed by multiplying the gross acreage to be developed by 5, excluding any area to be developed as a church or school.
- C. The maximum number of dwelling units in a PUD to be located in an R-3 Multi-Family District shall be computed by multiplying the gross acreage to be developed by 24, excluding any area to be developed as a church or school.
- D. The maximum number of dwelling units of a PUD to be located in a C-1 Tourist Commercial District, C-2 Local Business Commercial District, or C-3 General Business Commercial District shall be computed by multiplying the gross acreage to be developed by 24, excluding any area to be developed as non-residential.

- E. The maximum number of dwelling units of a PUD to be located in any other District than specified above shall be computed by multiplying the gross acreage to be developed by 8, excluding any area to be developed as a church, school, or other non-residential use.
- F. Where district boundaries for two or more districts divide one tract of land proposed for a PUD, the maximum number of dwelling units shall be computed by multiplying the gross acreage within each district by the densities given above, and adding the number for the whole tract. The allowed maximum number of dwelling units may be located anywhere within the tract, in accordance with the regulations of this resolution.

(Res.#814-24, 8/20/14)

#### 401.4.Open Space Requirements

- A. On-site usable recreation and open space shall be provided. Such area shall be set aside for open space or recreation purposes only. It is intended to serve the residents of the PUD, and should therefore be easily accessible to them. If the PUD is to be of individually-owned units, then this space shall be maintained in common ownership, established in the appropriate legal manner.
- B. Said open space shall be maintained in one of the following methods:
  - (1) by the developer or management authority of the PUD;
  - (2) by a Home Owner's Association established by deed restrictions.
- C. Open space shall be defined as an area suitable for passive recreational use or which provides an area of beautification and landscaping, exclusive of detention ponds, retention ponds, flood-control channel rights-of-way, area devoted to parking, vehicular traffic, or private use, and any other area which does not significantly lend itself to the overall benefit of either the particular development or surrounding environment. Retention and detention ponds **may** be included if they are designed as part of a pedestrian-accessible passive park with the following amenities as a minimum: pond fountain (for retention ponds only), benches, and walking path. Detention ponds shall be planted with grass or other live ground cover so as to contribute to the green open space character when the detention pond is dry. Additional amenities may be permitted.

##### **Retention Pond**

A pond or pool used for the **permanent** storage of water runoff.

##### **Detention Pond**

A pond or pool used for the **temporary** storage of water runoff and which provides for the controlled release of such waters.

#### 401.5.Staging

- A. The applicant may elect to develop the site in successive stages in a manner indicated in the Planned Unit Development Plan; however, each such stage shall be substantially complete within itself.
- B. The Planning Commission may recommend that the County Commission require that development be done in stages if public facilities are not adequate to service the entire development initially.
- C. All phases of a PUD shall have a connected street network.

#### 401.6.Changes and Modifications

- A. Major Changes – A major change is one of the following:
  - 1. Any increase in gross density;
  - 2. Any change in the PUD boundary;
  - 3. Changing the land use from Residential to Non-Residential.

4. Any change in residential building type (single-family detached, townhouse, apartment, etc.);
5. Moving townhouses or multi-family dwellings closer to or adjacent to existing single-family dwellings;
6. Increasing the amount of land dedicated to any use other than single-family detached dwellings;
7. Increasing the number of units adjacent to existing single-family detached residential unit(s);
8. Any significant change to the location of access as determined by the Hamilton County Engineer based on potential negative impacts, including, but not limited to, traffic patterns, traffic flow, and sight distance or relocating access to another existing public street;
9. Any increase in building height one store or greater.

If a major change is made to the Planned Unit Development after it has been reviewed by the Planning Commission or adopted by the legislative body, it shall be considered the same as a new petition and shall be made in accordance with the procedures specified in the Section.

- B. Minor Changes – A minor change is any changes that is not found in the list of major changes. Minor changes made to the Planned Unit Development after is has been reviewed by the Planning Commission or adopted by the legislative body may be approved by the Planning Commission Staff. Staff shall have the right and responsibility to withhold approval and refer the PUD Plan to the Planning Commission in any situation where the various reviewing agencies, utilities, or Planning Commission member is in disagreement; or in cases involving unusual land features or patterns of development.

#### 401.7.Application Procedure for Planned Unit Development

- A. Pre-Application Meeting –
1. The applicant shall attend a Pre-Application meeting with the Regional Planning Commission staff before a PUD application is submitted and/or accepted.
  2. Topics reviewed at the Pre-Application meeting shall include, but not be limited to, the following topics: reason for the proposal, PUD Development Plan, adjacent development patterns, transportation, open space areas, etc.
- B. PUD Development Plan –
1. The applicant shall submit a PUD Development Plan along with an application for the Residential Planned Unit Development to the staff of the Regional Planning Commission.
  2. The PUD Development Plan shall be 11” x 17” drawn at a minimum scale of one inch equals one hundred feet (1”=100”) and shall contain the following components:
    - (a) Proposed PUD boundary line with dimensions
    - (b) Surrounding land use and zoning
    - (c) Zoning of proposed PUD site
    - (d) Outline and label land uses: Single Family Homes, Townhomes, Multi-Family Units, Non-Residential, Open Space, Detention Ponds, etc.
    - (e) Streets (do not show alleys)
    - (f) Sidewalks or paved internal pedestrian circulation system
    - (g) Lot lines for single-family detached dwellings (no structures)
    - (h) Townhome and multi-family buildings

- (i) Legend with Tax Map Number(s), Total Acres, Acreage of each land use, Density-permitted gross number of units per acre and proposed gross number of units per acre.
- C. Planning Commission Review –
  - (1) If the applicant has met the Pre-Application Meeting and PUD Development Plan requirements, the Planning Commission shall review the proposed Development Plan in the month following the application deadline at their next regularly scheduled meeting/public hearing.
  - (2) Upon recommendation for approval, approval with conditions, or disapproval by the Planning Commission, the PUD Development Plan shall be submitted to the Hamilton County Commission.
- D. Hamilton County Commission Review –
  - (1) The Hamilton County Commission shall review the PUD Development Plan for consideration, public hearing, and action only after it has been submitted to the Planning Commission.
  - (2) The resolution by the County Commission approving the PUD Development Plan shall have attached thereto, as an exhibit, a copy of the approved PUD Development Plan.
- E. Subdivision Plat –
  - (1) Upon approval or approval with conditions of the PUD Plan by the County Commission, the applicant may submit a Preliminary or combined Preliminary and Final Subdivision Plan per the Hamilton County Subdivision Regulations. This is only necessary if the applicant desires to subdivide land based on an active Approved PUD Development Plan.
  - (2) The Preliminary Plat or the combined Preliminary and Final Plat shall have a note indicating the County Commission Resolution number which approved the PUD Development Plan.
- F. Enforcement -
  - (1) An Approved PUD Development Plan is considered “active” for sixty (60) months from and after its approval by the County Commission, after which time it shall expire.
  - (2) An Approved PUD Development Plan may be revoked by the County Commission upon written report by the Hamilton County Engineer or Director of Hamilton County Building Inspection that the PUD is not constructed in conformance with the Approved Development Plan.
  - (3) If the Approved PUD Development Plan expires or is revoked by the County Commission, no other building permit shall be issued for any construction whatsoever upon the land area covered by the PUD Development Plan until a decision is made by the County Commission as to whether such land area, or any part thereof, shall be rezoned; and if the decision is that it should be rezoned, then no building permit shall be issued until such rezoning is finally effectuated by chapter.
  - (4) If the Approved PUD Development Plan is revoked, the Hamilton County Engineer or Director of Hamilton County Building Inspection shall have the responsibility for notifying the staff of the Planning Commission. The Building Official, after having given said notice, may thereafter upon proper application issued building permits for construction upon said land area consistent with the then prevailing or existing zoning on such land.

- (5) No building permit shall be granted until after approval of the PUD Development Plan.
- (6) The Director of Hamilton County Building Inspection shall revoke any building permit issued in reliance upon said Plan, as finally approved, at such time as it reasonably appears that such Plan is not being complied with; and notice thereof shall be given to the staff of the Regional Planning Commission.
- (7) During such time as an Approved PUD Development Plan is in effect, no building permit for any other construction purpose not in accordance with such plan shall be issued.

**402. Airport or landing strip construction, expansion or operation**

A. Purpose

The purpose of this section is to establish a review procedure for the development, expansion and operation of airports or landing strips located within certain agricultural and residential areas of Hamilton County. Because of the unique and sometimes hazardous nature of these facilities, the Chattanooga-Hamilton County Regional Planning Commission shall review all proposals for development or expansion of any airport, landing strip or related facility. This review will be to determine if any activity associated with the proposed development or expansion will be detrimental to other development or in any way present a hazard to life or property within the geographic area surrounding the facility. For purposes of this Regulation, the term airport shall be taken to include any tract of land or body of water that is intended or maintained for the landing and takeoff of aircraft, for receiving and discharging of passengers and/or cargo, and to include attendant facilities for the sheltering, supply, maintenance or repair of aircraft.

B. Application Procedure for Special Permit for Airport or Landing Strip

- (1) To obtain a Special Permit for the development or expansion of an airport, or related facility, the owner/developer shall submit an application to the Chattanooga-Hamilton County Regional Planning Agency staff for its review and subsequent recommendation to the Planning Commission and County Commission. The applicant shall submit such information as required by the Planning Agency staff which shall include, but not be limited to, the following information:
  - a) Location and size of total area to be utilized by the facility.
  - b) Location, size, and orientation of existing and/or proposed runways, buildings, towers, and accessory structures.
  - c) A general land use map indicating development on all property bounding the site for a radius of 500 feet.
  - d) Location and approximate height of any "airport hazard". This includes any man-made structure or object of natural growth location on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight or aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.
  - e) Any other information considered pertinent for review may be requested by the staff, Planning Commission or Hamilton County Commission prior to final action on the application. Such information may include, but shall not be limited to, proposed or existing approach zones, transition zones, turning zones, horizontal zones and conical zones.
  - f) Method and times of operation.
  - g) Types of services available.



- (2) The Planning Commission shall hold a public hearing on the proposed Airport Plan. Notice and publication of such public hearings shall conform to the procedures used by the Chattanooga-Hamilton County Regional Planning Commission.
- (3) Upon the approval or disapproval by the Planning Commission, the plan shall be submitted to the County Commission for consideration, public hearing, and action. The recommendation of the Planning Commission shall be accompanied by a report stating the reasons for the approval or disapproval of the plan, with specific reference to, but not limited to, the following conditions:
  - (a) The property adjacent to the area included in the plan will not be adversely affected.
  - (b) The plan is consistent with the intent and purpose of these Regulations to promote public health, safety, morals, and general welfare.
  - (c) There is reasonable assurance that development will proceed according to the spirit and letter of the approved plans.
- (4) No building permit shall be issued until after approval of the Special Permit by the County Commission. The Building Commissioner shall revoke any permit issued in reliance upon said plan as finally approved at such time as it becomes obvious that such plan is not being complied with.
- (5) No airport development plan shall be approved by the County Commission unless it is first submitted to and approved by the Chattanooga-Hamilton County Regional Planning Commission or, if disapproved, shall receive the favorable vote of a majority of the entire membership of the Hamilton County Commission.
- (6) A permit may be issued on condition that the location and method of operation be approved by the County Commission, however, in all instances, the proposed facility must conform with all applicable State and Federal requirements or regulations.

**403. Hospitals, Sanatoriums, Correctional Institutions or Institutions for the Mentally Ill**

A. Purpose

The purpose of this section is to establish a review procedure for the development, expansion and operation of hospitals, sanatoriums, correctional institutions or institutions for the mentally ill located within areas zoned A-1 Agricultural District. Because of their unique characteristics and potential impact on a rural area, the Chattanooga-Hamilton County Regional Planning Commission and the Hamilton County Commission will review several factors relating to the location and operation of these facilities.

B. Application Procedure for a Special Permit for a Hospital, Sanatorium, Correction Institution or Institution for the Mentally Ill

- (1) To obtain a Special Permit for the development of these facilities, the owner/operator shall submit an application to the Chattanooga-Hamilton County Regional Planning Agency staff for its review and subsequent recommendation to the Planning Commission and action by the Hamilton County Commission. The applicant shall submit such information as required by the Planning Agency staff which shall include but not be limited to the following information:
  - (a) Location and size of the total area to be utilized by the proposed use.

- (b) A general land use map of the surrounding development for a radius of 500 feet.
  - (c) Proposed location of buildings, accessory structures, screening, buffer zones, access points, fences and parking facilities.
  - (d) Copies of Certificate of Need or application for certification from Local, State or Federal authorities.
  - (e) Types of services available and method of operation (treatment or rehabilitation program, security).
  - (f) Any other information considered pertinent for review may be requested by the staff, the Planning Commission or the Hamilton County Commission prior to final action.
- (2) The Planning Commission shall hold a public hearing to review the proposed use. Notice and publication of such public hearings shall conform to the procedures used by the Chattanooga-Hamilton County Regional Planning Commission.
- (3) Upon the approval or disapproval by the Planning Commission, the plan shall be submitted to the Hamilton County Commission for consideration, public hearing and action. The recommendation of the Planning Commission shall be accompanied by a report stating the reasons for the approval or disapproval of the plan, with specific reference to, but not limited to, the following conditions:
- (a) The property adjacent to the area included in the plan will not be adversely affected.
  - (b) The plan is consistent with the intent and purpose of these Regulations to promote public health, safety, morals, and general welfare.
  - (c) There is reasonable assurance that development will proceed according to the spirit and letter of the approved plans.
- (4) No building permits shall be issued until after approval of the Special Permit by the Hamilton County Commission. The Building Commissioner shall revoke any permit issued in reliance upon said plan as finally approved at such time as it becomes obvious that such plan is not being complied with.
- (5) No Special Permit shall be approved by the Hamilton County Commission unless it is first submitted to and approved by the Chattanooga-Hamilton County Regional Planning Commission or, if disapproved, shall receive the favorable vote of a majority of the entire membership of the Hamilton County Commission.
- (6) A permit may be issued on condition that the location and method of operation be approved by the Hamilton County Commission, however, in all instances; the proposed facility must conform with all applicable State and Federal requirements or regulations.

**404. Residential Home for the Handicapped and/or Aged operated on a commercial basis**

- A. A Residential Home for the Handicapped and/or Aged operated on a commercial basis may be permitted as a Special Permit by the Hamilton County Commission provided that either:
- (1) The applicant shall have prepared an application for a license for a "Residential Home for the Aged" to be submitted to the Tennessee Department of Public Health, and a copy of the license application is included with the request for a Special Permit, or

- (2) The applicant shall have prepared an application for a license for a "Board Home Facility", a "Small Group House Facility", or a "Large Group Home Facility" to be submitted to the Tennessee Department of Mental Health and Mental Retardation, and a copy of the temporary or provisional license or the license application is included with the request for a Special Permit.

**405. Drug and alcohol, penal or correctional halfway houses, group homes or rehabilitation centers and similar uses which accept persons for domiciliary care and provides, room, board and non-medical living assistance to the residents in the A-1 Agricultural District.**

**406. Bed and Breakfast**

A Special Permit for Bed and Breakfast operations may be issued by the Hamilton County Commission after recommendation by the Chattanooga-Hamilton County Regional Planning Agency, provided that:

- (1) The Bed and Breakfast contain no more than nine (9) bedrooms for that purpose
- (2) The innkeeper shall reside on premises
- (3) Meet the definition of said Bed and Breakfast as stated in Article II of these Regulations.

**407. Outdoor Shooting Ranges**

Outdoor shooting range operations may be permitted by a Special Permit by the Hamilton County Commission after a public hearing by the Chattanooga-Hamilton County Regional Planning Commission.

- A. So that the Chattanooga-Hamilton County Regional Planning Commission may evaluate the effect of the proposed use and its effect on the surrounding area and public health and welfare, the applicant shall submit a site plan showing the following information:
  - (1) Property lines and the location of target facilities with an explanation of their uses(s) within the tract
  - (2) Location of vehicular entrance and exit points
  - (3) Location and size of all parking areas
  - (4) Location of sanitary facilities approved by the Hamilton County Health Department.
  - (5) Location of an earthen berm which must be provided as a backstop to aid the control of firearm discharge.
- B. Location of the facility on the property shall not be in proximity to any adjacent existing residential uses so as to be considered a nuisance due to noise or safety hazard.
- C. The Special Permit may be revoked by the Hamilton County Mayor, Hamilton County Commission, Hamilton County Health Department or Hamilton County Sheriff, where it appears that the use, its method of operation or effect is seriously detrimental to the safety and welfare of the surrounding area.

#### **408. Short-Term Vacation Rental**

A. A short term vacation rental may be permitted as a Special Permit by the Hamilton County Commission after a public hearing by the Chattanooga-Hamilton County Regional Planning Commission, provided that:

- (1) There shall be no signage.
- (2) The residence shall not be rented for events such as weddings, business meetings, or other such group events.
- (3) There shall be no more than five (5) sleeping rooms.
- (4) The permit shall be granted only in conjunction with an existing residential dwelling.
- (5) The permit shall not be transferable in any way. A new permit must be obtained by each subsequent property owner.

#### **409. Landscape Materials Yard**

##### **A. Intent**

It is the intent of this regulation to permit in areas that are primarily rural in nature with large lot sizes the small-scale storage of landscaping materials and equipment used in conjunction with a Landscape Contractor's business as a secondary use to the principle use of the property as a residential dwelling.

The actual landscape activity occurs off site, the Landscape Contractor's residential property may be approved for equipment storage, employee parking, and material storage if property located, screened, and managed on site.

It is understood that requests for a Landscape Materials Yard will vary in scope and scale based on the specific location and surrounding uses. It is further understood that some properties may not be suited for a Landscape Materials Yard.

So that the Chattanooga-Hamilton County Regional Planning Agency staff may adequately evaluate the application the review will include but shall not be limited to the following:

- (1) A review of adjacent land uses.
- (2) Location of existing and proposed vehicle entrance and exits points.
- (3) Review of adjacent lot sizes.
- (4) Proposed location of the buildings, screening, buffering and parking facilities in relation to their impact on adjacent properties.

##### **B. Application Procedure**

- (1) The owner/operation shall submit an application and site plan to the Chattanooga-Hamilton County Regional Planning Agency for review and subsequent recommendation to the Chattanooga-Hamilton County Regional Planning Commission.
- (2) The Chattanooga-Hamilton County Regional Planning Commission shall hold a public hearing to review the proposed use. Notice and publication of such public hearings shall conform to the procedures used by the Chattanooga-Hamilton County Regional Planning Commission.
- (3) Upon approval or disapproval by the Chattanooga-Hamilton County Regional Planning Commission, the plan shall be submitted to the Hamilton County Commission for consideration, public hearing, and action.
- (4) No Special Permit shall be approved by the Hamilton County Commission unless it is first submitted to and approved by the Chattanooga-Hamilton County Regional Planning Commission.

C. Minimum Required Information

So that the Chattanooga-Hamilton County Regional Planning Commission and the Hamilton County Commission may evaluate the effect of the proposed use and its effect on adjacent properties the applicant shall provide the following:

- (1) A scaled site plan that shows the following information:
  - (a) Location and size of the tract or parcel of land.
  - (b) Location and square footage of existing dwelling(s), building(s), or structure(s).
  - (c) Location of existing and proposed driveway(s).
  - (d) Location, square footage and purposed of any proposed building(s) and structure(s).
  - (e) Proposed location for storage areas for materials, equipment/vehicles, and employee parking area.
  - (f) Required or proposed landscaping and buffering areas.
- (2) A description of all vehicles, trailers, equipment, and materials to be stored and maintained for use by the landscape contractor.
- (3) The range of number of employees throughout the year and the average number of employees at any tie.
- (4) Proposed hours of operation or activity occurring at the site.

D. Minimum Development Requirements

- (1) General Standards
  - (a) The property must be the primary residence of the owner of the landscape contractor.
  - (b) The permit shall be granted only in conjunction with an existing residential dwelling located on the same piece of property or parcel as the landscape materials yard.
  - (c) The permit shall not be transferable in any way. A new permit must be obtained by each subsequent property owner.
- (2) Scale of Operation
  - (a) The minimum size of the property must be five (5) acres.
  - (b) The maximum size of the landscape materials yard shall not exceed one (1) acre in size.
- (3) Setback and Location
  - (a) The landscape materials yard shall be no less than twenty-five feet (25') from any property line.
  - (b) The landscape materials yard shall be prohibited in front yards.

**410. Commercial Radio, Television, Telephone, Microwave, and other Communication Towers**

A Special Permit may be issued by the Hamilton County Commission for commercial radio, television, telephone, microwave and other communication towers, subject to the following provisions

- (1) Towers may be permitted in all zoning districts subject to the issuance of a Special Permit, landscaping standards, co-location requirements and other requirements set forth in the special permit procedures. Towers shall be set back from all property lines

on which the tower is located by the height of the tower. No portion of the tower structure shall be designed and constructed so that the height of the tower allows it to fall across the property line of the abutting property. If a tower site is located adjacent to a public road right-of-way, no portion of the tower structure shall have a fall zone across the road right-of-way. In zoning districts where a tower is proposed to be co-located on a site with an existing residential structure, the tower must be set back from the residential structure the length of the tower height.

- (2) New communication towers proposed to be constructed must accommodate a minimum of three (3) primary wireless telephone antenna arrays and must be made available for co-location to more than one (1) commercial communication company. In addition, the site size must be suitable to accommodate additional telecommunication equipment shelters, cabinets or additions to existing structures.
- (3) To further encourage co-location, additional users and associated equipment, which do not add to the tower height, may be added without additional approval. However, additional building code regulations may apply. Setbacks on all equipment buildings shall be met.
- (4) In every situation the reviewing body must find that the proposed site plan and tower meets or exceeds all Federal Communications Commission (FCC) and American National Standard Institute (ANSI), Institute of Electrical and Electronics Engineers (IEEE) standards for power density levels and structural integrity.
- (5) The following information must be provided at the time of application for a Special Permit:
  - (a) A scaled site plan, a landscape plan and a scaled elevation view of the type of facility to be placed on the site. The site plan shall depict where the tower is to be located on the site and where additional co-located communication equipment, shelters or vaults can be placed.
  - (b) Identification of the intended user(s) of the tower. The application shall be accompanied by a minimum of one (1) contract for occupancy thereon, or a letter of intent to subsequently occupy, executed by at least one (1) wireless telephone provider.
  - (c) Documentation provided by a registered engineer that the tower has sufficient structural integrity and equipment space to accommodate multiple users.
  - (d) Adequate documentation by the applicant that no suitable existing facilities within the coverage area are available to the applicant. Adequate documentation shall include maps, the location of existing towers or structures that have been reviewed by the applicant, calculations and other specific evidence of why the existing towers or structures are not sufficient. Facilities include other towers, buildings or presently constructed non-tower structures within the service perimeter of the proposed site. As part of the documentation process, Hamilton County or its assign may conduct research to verify data that has been submitted including but not limited to a field reconnaissance of the service perimeter of the proposed site.
  - (e) A statement indicating the owner's commitment to allow feasible shared use of the tower and how many other users can be accommodated within the design parameters of the tower, as proposed. If the tower will not accommodate multiple users, the applicant must demonstrate with compelling evidence why it is not either economically, aesthetically, and/or technologically feasible to construct the tower with co-location capability.

(6) Landscape Requirements: Commercial telecommunication tower sites shall be subject to the following landscaping standards:

- (a) Tower sites on lots or parcels located in or abutting any property zoned A-1, R-1, R-2, R-2A, RT-Z, RT-1, RZ-1, R-3MD, R-3, R-5 SINGLE-WIDE MANUFACTURED HOME DISTRICT or MH MANUFACTURED HOME DISTRICT shall be landscaped with a 10 foot deep landscape yard, with evergreen trees spaced a maximum of 10 feet on-center, or two staggered rows of shrubs spaced a maximum of 8 feet apart.

All plantings shall meet the installation and planting size requirements as specified below:

(i) Intent

All landscaping materials shall be installed in a professional manner and according to accepted planting procedures specified in the current edition of the American Studies for Nursery Standards or appropriate publications from the American Association of Nurserymen (AAN) or an equivalent professional organization.

(ii) Screening Trees

Screening Trees are used to meet the tree planting requirements of this Regulation and shall be installed at a minimum height of 8 feet and have a minimum expected mature spread of 8 feet. Recommended species are American Holly, Foster Holly, Southern Magnolia, Eastern Red Cedar, Atlas Cedar, Deodar Cedar and Virginian Pine.

(iii) Screening Shrubs

All screening shrubs shall be installed at a minimum size of 3 gallons and have an expected maturity height of at least 8 feet and a mature spread of at least 5 feet. Recommended species include: Fragrant Olive, English Holly, Buford Holly, Nellie R. Stevens Holly, Wax Myrtle, Cherry Laurel, English Laurel and Leatherleaf Viburnum.

(iv) Prohibited Plants

The following plants are prohibited from being used to meet these requirements due to problems with hardiness, maintenance, or nuisance: Kudzu Vine, Purple Loosetrife, Japanese Honeysuckle, Shrub Honeysuckle, Autumn Olive, Common Privet, Tree of Heaven, Lespedeza, Garlic Mustard, Paulownia, Multiflora Rose, Siberian Elm, Silver Poplar, Mimosa, Mulberry and Silver Maple.

(v) Maintenance

The property owner or their assign shall be responsible for the maintenance of all provided landscaping. All landscaped areas must present a healthy, neat and orderly appearance and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by the property owner with new plantings that meet the requirements of these regulations.

- (b) A break in the landscape, not to exceed 12 feet in width, shall be allowed for access for maintenance personnel and vehicles.

- (c) New or existing vegetation, earth berms, existing topographic features, walls, screening fences, buildings and other features other than prescribed above may be used to meet the requirements of these regulations if the Director of Building Inspection finds that they achieve reasonably equivalent screening as (8)(a) above.

- (d) In Commercial and Industrial Districts a sight-obscuring fence at least 8 feet in height and a minimum of 75% opaque may be substituted for screening trees or screening shrubs as specified in (8)(a) above.
- (e) No screening shall be required if the base of the communication tower site is not visible from adjoining property or is not otherwise visible from a dedicated public right-of-way.
- (f) Site landscaping is not required for antennas which are being co-located on existing towers, or which are being placed on other buildings or structures where the antenna is allowed as an accessory use.
- (g) No screening shall be required when this screening is explicitly prohibited by Federal Communications Commission regulations or is otherwise restricted by site limitations. The Board of Appeals shall review and approve any deviations from the standards specified herein.

(7) Removal of Abandoned Antennas and Towers:

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within (90) days of receipt of notice from Hamilton County. Failure to do so shall be deemed to be a violation of these regulations and shall be subject to the penalty provisions of ARTICLE VIII, Section 105(A), 105(B) and 105(C) of the Hamilton County Zoning Regulations and removed at the owner's expense.

(8) Exemptions and Administratively Approved Sites

(a) Concealed Towers\Devices

Communication towers and associated equipment which are totally concealed within a building or structure so that they are architecturally indiscernible shall not be considered towers or antennas for transmitting and receiving electronic signals, and may be permitted in all zoning districts subject to the approval of the Director of Building Inspection of Hamilton County. The Director of Building Inspection shall consider whether the addition or feature containing the antenna is architecturally harmonious in such as aspect as material, height, bulk, scale and design with the building or structure which it is to be a part.

(b) Additions To Existing Structures In Any Zoning District

On property that is a proposed site for an antenna, an antenna may be permitted to be placed inside or on a structure (excluding non-applicant single-family or duplex dwellings) without obtaining a conditional permit provided that proper screening or other requirements of the landscape standards of 107(T)(8)(a) be complied with.

For purposes of this regulation, towers and antenna are permitted to locate on steeples, silos, spires, utility water tanks or towers, athletic field lighting poles, utility poles and similar structures. If it is anticipated that an addition to a structure will be necessary to accommodate the proposed antenna, plans must be submitted to the Director of Building Inspection of Hamilton County. If an addition to the existing structure is necessary to attach the antenna, the maximum height above the existing structure is 20 feet, including the supporting tower and antenna. The setback requirements listed in 107(T)(8)(a) above will not be applied to the structure used to support or house the antenna. Additional antenna may be place on existing cellular towers without obtaining a Special Permit.

**411. Adult-Oriented Establishments**

For adult-oriented establishments in the C-2 Local Business Commercial District, C-3 General Business Commercial District, M-1 Industrial District, and M-2 Wholesale and Light Industry



District, provided that the use meets the following definitions, conditions, restrictions and other provisions:

(A) Definitions:

For the purpose of these regulations, certain terms and words shall be defined as follows:

**ADULT:** Any person who is eighteen (18) years of age or older.

**ADULT-ORIENTED ESTABLISHMENTS:** Sexually explicit establishments which cater to an exclusively or predominantly adult clientele and including, but not limited to: adult bookstores, adult motion picture theaters, cabarets, massage parlors and other enterprises which regularly feature materials, acts or displays involving complete nudity or exposure of the "Specified Anatomical Areas" herein below defined and/or sexual excitement or enticement.

**ADULT BOOK STORE:** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, motion pictures, periodicals, and other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Anatomical Areas" (as defined below) or an establishment with a segment or section devoted to the sale or display of such material.

**ADULT MOTION PICTURE THEATER:** Any public place, whether open or enclosed, used for presenting material distinguished or characterized an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Area" (as defined below) for observation by patrons therein.

**CABARET:** Any restaurant, bar, dance hall, nightclub or other such place which features exotic dancers, go-go dancers, strippers, male or female impersonators or similar entertainers.

**MASSAGE PARLORS:** Any premises, public place, place of business or membership club where there is conducted the business or activity of furnishing, providing or giving for a fee or any other form of consideration a massage, a bath, body painting or similar massage services or procedure. This definition shall not be construed to include a hospital, nursing home, medical clinic or the office of a duly licensed physical surgeon, physical therapist, chiropractor or osteopath. Nor shall this definition be construed to include a barbershop or beauty salon operated by a duly licensed barber or cosmetologist, so long as any massage administered therein is limited to the head and neck.

**MASSAGE:** Shall mean the administering by any person by any method of exerting or applying pressure, friction, moisture, heat or cold to the human body, and/or the rubbing, stroking, kneading, pounding, tapping, or otherwise manipulating a part or the whole of the human body or the muscles or joints thereof, by any physical or mechanical means. Massage shall also mean the giving, receiving, or administering of a bath to any person or the application of oil, lotion, body paint, or other such embrocation to any person.

**MINOR:** Any person less than 18 years of age.

**PUBLIC PLACE:** Shall mean any place to which the public or a substantial group of persons has access and congregates, regardless of whether admission is charged thereto, and includes, but is not limited to: Businesses open to the public; highways; transportation facilities; schools; places of amusement; parks; playgrounds; hotels; theaters; auditoriums; restaurants; nightclubs; cocktail lounges; and burlesque houses.

**SCHOOL:** An academic learning center, whether public or private, from the level of nursery through twelfth grade.

**SPECIFIED SEXUAL ACTIVITIES:**

- (a) Human genitals in a state of actual or simulated sexual stimulation or arousal;
- (b) Acts of actual or simulated human masturbation, sexual intercourse or sodomy;
- (c) Actual or simulated fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

**SPECIFIED ANATOMICAL AREAS:**

- (a) Less than completely and opaquely covered:
  - (i) Human genitals, pubic region;
  - (ii) Buttock; and
  - (iii) Female breast below a point immediately above the top of the areola;and
- (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**(B) Location Restrictions:**

Adult-oriented establishments, as defined above, are absolutely and expressly prohibited from all parts of the county, except those portions zoned M-1 Industrial District, C-2 Local Business Commercial District, and M-2 Wholesale and Light Industry District. Furthermore, the location and operation of adult-oriented establishments within the above specified zones will not be permitted unless a special permit is obtained from the Hamilton County Commission, subject to the following additional restriction.

**(C) Special Permit Restrictions for Adult-oriented Establishments:**

In no case shall an adult-oriented establishment be permitted to locate within five hundred feet (500') of any boundary of an A-1 Agricultural District, R-2 Urban Residential District, R-2A Rural Residential District, R-3 Multi-Family Residential District, C-1 Tourist Commercial District, R-1 Single-Family Residential District, O-1 Office District, R-5 Single-wide Manufactured Home District within 500 feet of a residential use within any zone, nor shall any proposed adult-oriented establishment be permitted to locate within five hundred (500') feet from the nearest property line of a site which is used for the purpose of a recreational park (ornamental parks are not to be considered in the requirement), place of worship, school, day care center, or other adult-oriented establishment. Measurement shall be made from the nearest recorded property line of the adult-oriented establishment to the nearest property line or boundary of the above-mentioned uses.

**(D) Evaluation:**

For the purpose of enforcing the regulations of this action, it shall be the responsibility of the Planning Commission to evaluate and advise the Hamilton County Commissioners regarding compliance of a proposed adult-oriented establishment with the special restrictions set forth herein. It shall be the responsibility of the applicant to supply site plans, maps, surveys or other such special information as might reasonably be required and requested by the Planning Commission staff for use in making a thorough evaluation of the proposal.

**(E) Revocation and Hearing:**

Expansion, relocation, substantial misrepresentation, violation of any of the terms of this Regulation or change in dominant sales items or services offered to the public or failure to operate the establishment in conformity with any terms and specifications set forth in the conditions attached to the special permit after notice and hearing. Notice of the hearing before the Hamilton County Commission for revocation of the permit shall be given in writing, setting forth the grounds of the complaint and the time and place of hearing. Such notice shall be mailed by certified mail to applicant's last known address at least five (5) days prior to the date set for hearing.

**(F) Adult-Oriented Establishments - Unlawful Acts:**

It shall be unlawful for any person to own, manage or operate an adult-oriented establishment in any District other than M-1 Industrial, C-2 Local Business Commercial, C-3 General Business, and M-2 Whole and Light Industry Districts or to own, manage, or operate such an establishment without obtaining a special permit as hereinabove required.

(G) Enforcement:

The provisions set forth in ARTICLE VIII of these Regulations, Section 105(A), 105(B), and 105(C) are hereby adopted and become a part hereof as though specifically copied herein.

(H) Status of Pre-Existing Adult-Oriented Establishment:

Adult-oriented establishments existing prior to the date of adoption of this section may continue in operation subject to all restrictions on non-conforming uses, as specified in ARTICLE VI, Section 200 of these regulations provided that such pre-existing uses shall obtain special permits within ninety (90) days, said permits shall be granted as a matter of right.

**412. Tea Room or Restaurant in a C-1 Tourist Commercial District**

In the C-1 Tourist Commercial District, upon the premises of a Tourist Court, Motel, or Hotel, a Tea Room or Restaurant may be permitted by a revocable Special Permit on condition that no beer, liquor, wines, or other intoxicating drinks are sold or permitted to be consumed on the premises.

**413. Garbage Collection Service in the M-2 Wholesale and Light Industry District**

A. Any person desiring such a Special Permit shall apply to the Chattanooga-Hamilton County Regional Planning Commission, which shall hold a public hearing thereon, notice of which shall be by first class mail to the adjoining and other property owners within a radius of 300 feet of the property affected.

In order that the Planning Commission may evaluate the effect on adjacent property and on the community at large, the applicant for a Special Permit to operate a garbage collection service or demolition dump in the M-2 Wholesale & Light Industry District shall submit to the Chattanooga-Hamilton County Regional Planning Commission staff information which shall include, but not be limited to, the following:

1. A site plan which shows the following:
  - Location of the site on an arterial or major street.
  - Location of driveways entering the site.
  - Location (to scale) of accessory structure(s) on site.
  - Delineation of all parking areas and spaces (refuse collection trucks and automobiles).
  - Location of concrete washing pad, center of pad must be 500 feet from any residential structure (NOT APPLICABLE TO DEMOLITION DUMPS).
  - Location of solid waste containers storage area (dumpsters, etc.) (NOT APPLICABLE TO DEMOLITION DUMPS).
  - Location of septic tank and field lines for wash down (NOT APPLICABLE TO DEMOLITION DUMPS).
  - Screening and buffering (see Article V, Section 300).
2. Letter from the Hamilton County Groundwater Protection indicating approval of site with regard to the septic system, water supply, drainage characteristics of the site and general site suitability.
3. Copy of a valid Hamilton County business license or proof that a license has been applied for. (NOT NECESSARILY APPLICABLE TO DEMOLITION DUMPS)

B. Accessory Uses Permitted

1. Repair facility for vehicles.
2. Storage of solid waste containers (dumpsters, etc).
3. Business office.
4. Solid waste compactor

**ARTICLE VII  
BOARD OF ZONING APPEALS**

**100. Creation**

A Board of Zoning Appeals hereafter referred to by the word "Board" is hereby authorized to be established. Such Board shall consist of five regular members appointed by the Hamilton County Commission. The first Board appointed shall serve terms of one, two, three, four, and five years respectively. Thereafter, terms shall be for five years, and vacancies shall be for the unexpired terms only. The Hamilton County Commission may appoint associate members of said Board, and, in the event that any regular member be temporarily unable to act owing to absence from the County, illness, interest in a case before the Board or other cause, his place may be taken during such temporary disability by an associate designated for the purpose by the Hamilton County Commission. Associate members shall serve terms of one and two years respectively. Thereafter, terms shall be for two years. The Hamilton County Commission shall have power to remove any member or associate member of the Board for cause, after a public hearing.

**200. Meeting and Rules**

The Board shall elect one of their members Chairman, who shall call meetings of the Board at such times and places within the County as the Board may determine. The chairman may administer oaths and compel the attendance of witnesses.

The Chairman may, in the absence of a regular Board member from a meeting, appoint one of the associate members to temporarily fill the vacancy.

The Board shall keep minutes of its proceedings and records of its examinations and other official actions, which shall be filed at the office of the Board and constitute a public record. The Board shall adopt its own rules of procedure not in conflict with this Resolution. In the performance of its duties, the Board may employ administrative and consulting employees, and may incur such expenditures as shall be authorized by the Hamilton County Commission. The Board shall receive and administer the fees described in ARTICLE VII to defray the costs of the Board and the office of Building Inspection. Each regular member and associate member of the Board shall receive for his services \$5.00 for each meeting of the Board which he attends; no member, however, to receive more than \$100.00 during any one year.

**300. Powers and Duties**

**(A) Power to Grant Variance in Site and Area Regulations of all Districts**

The Board shall have the power to grant variances and adjustments in the area and building site regulations of this Resolution in cases where strict application of the regulations would result in practical difficulty or unnecessary hardship; but only in harmony with the spirit and intent of these regulations and in such a manner as to grant relief without substantial injury to the public interest and rights.

No variation in the application of the provisions of this Resolution or grant of special permit shall be made, unless after public hearing as provided for in this section, the Board shall find that such variation will not (1) impair an adequate supply of light and air to adjacent property, (2) increase the hazard from fire and other dangers to said property, (3) diminish value of land and buildings throughout the surrounding area, (4) increase the congestion or traffic hazards in the public streets or highway, and (5) otherwise impair the public health, safety, comfort, morals, and general welfare of the inhabitants of Hamilton County; and the Board may impose such conditions as will lessen any injury to the character of the District.

- (B) Pre-authorization before filing application with properties using subsurface sewage disposal  
No application to the Board of Zoning Appeals for a special permit or variance on property where subsurface sewage disposal will be utilized shall be taken unless the applicant provides a letter or permit from the Hamilton County Groundwater Protection indicating that such request will meet the Rules to Govern Subsurface Disposal for the State of Tennessee.

The exceptions to this requirement will include any subdivision which will be covered in the subdivision review process and any variance or permit which will not affect the subsurface sewage disposal system or the reserve area.

(C) Variances within the Flood Hazard District

- (1) For Manufactured Homes in the Floodway Zone: The Board of Appeals shall **NOT** have the power to grant a variance to ARTICLE IV, Section 2000 of the Flood Hazard District Regulations, for placement of manufactured homes in a Floodway Zone.
- (2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places of the State Inventory of Historic Places without regard to the procedures set forth in the remainder of these regulations.
- (3) In passing upon applications which relate to areas of special flood hazard, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of these regulations, and;
  - a. The danger that materials may be swept onto other lands to the injury of others;
  - b. The danger of life and property due to flooding or erosion damage;
  - c. The susceptibility of the proposed facility and its content to flood damage and the effect of such damage on the individual owner;
  - d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity to the facility of a waterfront location, where applicable;
  - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - g. The compatibility of the proposed use with existing and anticipated development;
  - h. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
  - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

- k. The cost of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- l. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the above (1) - (11) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
  - Upon consideration of the factors listed above and the purposes of these regulations, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of these regulations.
  - Variances shall not be issued within the FLOODWAY DISTRICT if any increase in flood levels during the base flood discharge would result.

(4) Conditions for Variances

Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Variances shall only be issued upon:

- a. a showing of good and sufficient cause;
- b. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or regulations.

Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest flood elevation.

(D) Variances to the Hamilton County Landscape Regulations

As listed in ARTICLE V, Section 300.

(E) Variances to the Hamilton County Sign Regulations

As listed in ARTICLE V, Section 200 except that the Board is NOT authorized to grant variances from on-premise sign size standard

(F) Non-conforming Uses

The Board may allow for the reconstruction and remodeling of a nonconforming building in accordance with plans and specifications approved by the Board where, in the judgment of the Board such reconstruction and remodeling will in the matter of front, side, and rear yards, structural character, and exterior appearance of said building make

said non-conforming building safer and more healthful and bring it and its subsequent uses into fairer conformity with its surroundings.

(G) Temporary permits

As listed in subsection 400 below.

(H) Special permits

As listed in subsection 500 below.

(I) Methods of Appeal to Board

(1) Occasions for Appeal

Appeal from the decision of the County Building Commissioner (by and through the Director of Building Inspection) may be taken to the Board whenever the applicant contends that the reasons for withholding a permit are inapplicable or unjust. An appeal from the decision of the Building Commissioner (by and through the Director of Building Inspection) shall be submitted within 30 days of the date of such decision.

a) Application through Building Commissioner (by and through the Director of Building Inspection)

Appeals and applications for variances and special permits shall be made through the office of the Building Commissioner (by and through the Director of Building Inspection) and transmitted by him to the Board, as the case may be, in the form of a written application (1) for a building permits, or (2) for a variation or grant for special permit. Said applications shall be accompanied by the following material:

Complete plans and descriptive material to be submitted

Complete plans and description of the property involved and ground plans of the proposed buildings and uses, and, where required by the Board, as the case may be, building plans, and elevations, and information on methods of operations and forms of operation contracts, leases, or other legal instruments.

Evidence Required

Evidence which, in the opinion of the applicant, satisfies the requirements precedent to grants of variance placed on the Board of Appeals, in the above part of this Section, concerning practical difficulty, unnecessary hardship, special or temporary conditions, safeguards against injury to the public interest, and similar evidence.

Fees for Board of Appeals Public Hearings

A fee of fifty (50) dollars, payable at the time of application, shall be paid to the Building Commissioner (by and through the Director of Building Inspection), as agent of the Board. The fee shall be used to pay the cost of notices and other expenses incidental to the hearing.

(b) Public Hearing Required

Upon receipt in proper form of any such appeal or application, the Board shall hold a public hearing, thereon, notice of which shall be give, at least seven (7) days, prior to date of such hearing by one publication in a daily newspaper of general circulation throughout the county and by personal



service or by First Class Mail to the adjoining and other property owners within a radius of one-hundred (100) yards of property affected.

(c) Conditions of Approval of Board of Appeals

If the Board finds that there are good and substantial reasons for issuance of the permits, and that the conditions and restrictions described in the Section have been satisfactorily met, it may grant the variance requested and direct the issuance of a permit by affirmative vote of three member of the Board, provided that a 4/5 vote of the Board shall be required to reverse a decision of the Building Commissioner.

In approving any variance or issuance of any special permit under the provisions of this Section, the Board may designate such conditions in connection therewith, as will in its opinion secure substantially the objective of the regulation or provision from which such variance is granted. Where necessary, the Board may require appropriate guarantees to insure that the conditions designated in connection therewith are being or will be complied with.

(2) Court Review of Board of Appeals

(a) Method of Appeal to Court

Any person, firm, or corporation aggrieved by any decision of the Board may present to a court of competent jurisdiction a petition duly verified setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board. Such petition shall not be filed with respect to the decision of the Building Commissioner or any administrative officer, without recourse to the Board of Appeals.

(b) Final Action of the Court

Upon the presentation of such petition, the Court may allow a writ of certiorari directed to the Board to review such decisions of the Board. The allowance of the writ shall not stay proceedings upon the decision appealed from. The Board shall be required to turn over to the court certified copies of all papers acted on by it, and any other information as may be pertinent and material to show the grounds of the decision appealed from.

If upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take evidence which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly, or partly, or may modify the decision brought up for review.

(c) Costs Not to be Charged to Board

Costs shall not be allowed against the Board unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

## **400. TEMPORARY PERMITS**

### **401. Farm Stands**

Temporary stands for the sale of edible products grown or produced on the premises shall be permitted in any district, excluding A-1 Agricultural District, M-2 Wholesale and Light Industry District, M-3 Warehouse and Wholesale District and M-4 Outdoor Industrial Use District, provided that:

- (a) the application for such permit to erect such stand agrees to remove same during seasons when not in use,
- (b) that any such stand shall not be closer than 10 feet to any street or road right-of-way line,
- (c) the stand does not exceed an area of two-hundred (200) square feet,
- (d) that location and building plans be approved by the Board of Appeals.

### **402. Manufactured Homes**

The Board may order the issuance of temporary permits for manufactured homes, in areas not zoned for manufactured homes, to be used as temporary residences. A temporary permit may be granted on one the following conditions, for a period not to exceed three years. With regard to the temporary permit, the Board of Appeals may require a corporate performance bond renewable annually in favor of the County effective in case such building or structure is not completed, or such manufactured home is not removed.

- (a) The property owners have obtained valid building permits to construct their permanent residences on the property;  
OR
- (b) Cases of hardship whereby the property owners require a temporary residence in order to care for an elderly, handicapped or otherwise disabled family member.

The permit shall be good for the period of time determined by the Board, not to exceed three (3) years, and shall be renewable if deemed necessary and if so ordered by the Board of Appeals.

## **500. SPECIAL PERMITS**

### **501. Manufactured Home Parks**

A permit may be granted for a mobile home park in the MH MANUFACTURED HOME PARK DISTRICT, under the conditions listed below:

(1) Location

The main entrance to the manufactured home park shall be on an existing collector street, or on or within 500 feet (measured along the street) of a major street (as designated on the General Regional Plan adopted by the Chattanooga-Hamilton County Regional Planning Commission).

(2) Manufactured Home Plot Requirements

Manufactured home plots shall be clearly defined and mobile homes parked so that there will be at least 15 feet of clear space between mobile homes or any attachment, such as a garage or porch, 15 feet between mobile homes and any building or structure, and at least 15 feet between any manufactured home and the manufactured home park property line, or the inside edge of the greenbelt planting strip, if that type of screening is used. (See Subsection 9 below)

The individual plat sizes for manufactured home spaces shall be determined as follows:

- (a) Minimum width shall be equal to the width of the mobile home plus twenty (20) feet.
- (b) Minimum depth - with end parking of an automobile - shall be equal to the length of the manufactured home, plus thirty (30) feet.
- (c) Minimum depth - with side or driveway parking - shall be equal to the length of the trailer, plus twenty (20) feet.

In no case shall the minimum width be less than 28 feet and the minimum depth less than 55 feet, and such spaces shall be used for parking manufactured homes no larger than 8 feet wide and 35 feet long.

- (d) Distance across drives; the minimum distance between manufactured homes, measured across any driveway, shall be thirty-six (36) feet.
- (e) If fences are used to separate plots, no manufactured home may be parked within ten (10) feet of a fence.
- (f) In no case shall there be over a two-foot (2') difference in elevation from one end of the manufactured home pad to the other.

(3) Density

The density of manufactured homes within the park shall not exceed eight (8) manufactured homes per acre.

(4) Parking Manufactured Homes

No manufactured home plot shall be so laid out that it requires backing or turning by the manufactured home or its transport vehicle in a public right-of-way to place it in its permanent position.

- (5) Driveways in the Manufactured Home Park  
Driveways shall be at least twenty-four (24) feet wide. The driveway shall be constructed with a four-inch (4") base of crushed stone and a surface of asphaltic concrete at least two (2) inches thick, or a double bituminous surface treatment.
- (6) Off-Street Parking  
There shall be one and one-half (1 ½) off-street parking spaces per manufactured home plot. At least one parking space shall be located adjacent to or on each plot.
- (7) Recreation Space  
Each manufactured home park shall have 8% of the total park area (exclusive of plots, driveway, and planting strips) devoted to outdoor recreation, and maintained and equipped by the park owner.
- (8) Signs  
Only one sign shall be permitted for each mobile home park, and it shall be set back twenty-five (25) feet from the front property line. It shall not exceed twenty (20) square feet in area. If illuminated, the sign shall be indirectly lit in such a way that the light source cannot be seen from any public way or adjoining property. The lighting intensity shall not exceed 25 foot-candles at the face of the sign. No flashing or intermittent lights will be permitted.
- (9) Screening  
The manufactured home park shall be screened on all lot lines by one of the methods given below, as selected by the owner. The requirements may be reduced or eliminated by the Board of Appeals in those parts of the perimeter where the screen would create a traffic hazard.
- (a) A greenbelt planting strip, not less than fifteen (15) feet in width. Such greenbelt shall be composed of at least:
- (i) One row of deciduous and evergreen trees, spaced not more than fifteen (15) feet apart, at least eight (8) feet tall, and with a minimum trunk diameter of one and one-half (1 ½) inches at planting, and
  - (ii) One row of shrubs, with a ratio of two deciduous to one evergreen shrub, spaced an average of five (5) feet apart. Such shrubs shall be a minimum of thirty (30) inches in height at planting and expected to grow to a height of eight (8) feet in 3 or 4 full growing seasons.
- (b) Natural vegetation can be retained if it meets the intent of this section, or supplemented to meet the intent of this section.
- (c) A sight obscuring screen (either solid or veil block, or some form of fence that is at least 50% opaque and at least six (6) feet high.
- (10) Storage Building(s)  
There shall be a covered storage area not less than 16 square feet in floor area, and not less than 6 feet high for each manufactured home plot. This storage area can be in the form of:
- (a) Community storage building(s) containing bins to be covered, lighted, and sidewalled; constructed out of any suitable building material; to be maintained and equipped by the park owner.

- (b) A small storage building, to be covered and sidewalled, for each manufactured home plot; constructed out of any suitable building material.
  - (c) A joint use of part of a recreation building through additions to the recreation building.
- (11) Special Procedures for Applying for a Special Permit for a Manufactured Home Park
- Each applicant for a Special Permit for a Manufactured Home Park shall submit to the Board of Appeals, two (2) copies of a site plan drawn to a scale no smaller than 1"=50', and showing the following:
- (a) Name of the actual or beneficial owner(s)
  - (b) Location of the tract
  - (c) Tract boundaries and acreage
  - (d) Drainage and contours at 5 feet intervals
  - (e) The number, location, and size of all manufactured home plots
  - (f) Driveways, parking spaces, sidewalks or foot paths, patios, and runways
  - (g) Buildings, noting type of material to be used and purpose of building
  - (h) Size and location of nearest public water line
  - (i) Type and location of sewage disposal facilities
  - (j) Recreation space
  - (k) Screening
  - (l) Distance to the nearest fire department that can provide service to the manufactured home park

The Board of Appeals shall submit one copy of the site plan to the Hamilton County Groundwater Protection for their review, approval, and specified limitations on the number of manufactured home plots and separate washing machines that can be allowed, based upon the capacity of the sewage disposal facilities. The Hamilton County Groundwater Protection's written review must be received by the Board of Appeals before action can be taken upon the request for a permit.

## **502. Travel Trailer Camps**

A permit may be granted to develop and operate a camp for travel trailers and other camping facilities, under the conditions listed below:

### (1) Site Plan

The owner shall submit to the Board of Appeals a site plan of the proposed camp, drawn to a scale no smaller than 1"=50' and showing:

- (a) Name of the actual or beneficial owner(s)
- (b) Location of the tract
- (c) Tract boundaries and acreage
- (d) The number and general location of the trailer stands
- (e) Driveways and parking spaces
- (f) Size and location of the nearest public waterline that is approved by the Hamilton County Groundwater Protection (if used)
- (g) Type and location of sewage disposal facilities
- (h) Rest rooms and shower facilities

### (2) Density

There shall be no more than 10 trailer or tent stands per acre. There shall be at least 20 feet between all trailers with chief tow vehicle and any other trailer or tow vehicle. There shall be at least 20 feet between all tents.

(3) Setback Requirements

No trailer or tent may be located within:

- 35 feet of the front property line
- 25 feet of the rear property line, and
- 15 feet of the side property lines.

(4) Accessory Uses

- (a) There may be one, but not more than one, small food market located on the Travel Trailer camp site. It shall have no more than 1,000 square feet in floor area, and be in business to serve the transients of the camp.
- (b) There may be one, but not more than one, structure containing a laundrette and/or dry cleaning establishment. This building shall be located on the site and shall contain no more than 600 square feet in floor area. Such building shall be heated, lighted, sidewalled, and covered.

**503. High-Rise Multi-Family, and Office Structures**

A Special Permit may be granted by the Board of Appeals for the construction of structures exceeding 2 ½ stories and 35 feet in the R-3, MH, O-1 Districts, and in (PUD) Planned Unit Developments, provided the following conditions are met:

- (A) There is at least a six (6) inch waterline serving the site.
- (B) Fire hydrants are installed so that all buildings can be reached with a 250 foot hose.
- (C) There is an internal fire protection system in each structure over 2 ½ stories or 35 feet, consisting of at least:
- (1) Enough 4 inch standpipes, with 1 ½ inch reducers, on each floor so that a 100 foot hose will reach to within 30 feet of all parts of the floor area. A 6-inch standpipe is required for all buildings over 75 feet in height.
  - (2) 100 feet of a 1 ½ inch hose, with nozzle, attached to each standpipe on each floor and mounted on a pin rack.
  - (3) Two Class ABC-type fire extinguishers installed on each floor near the pin racks.
  - (4) Each standpipe shall be equipped with a siamese fire department inlet connection located on a street front of the building.
- (D) The building shall be so constructed so as to have a one-hour fire rating between adjacent (horizontally and/or vertically) dwelling units.
- (E) The stairwell and stairwell doors shall be so constructed so as to have a two hour fire rating. The stairs shall open directly out of the main hallways.
- (F) Exit lights shall be placed at all doors leading out of the buildings and at stairwells. All doors that are used as a means of egress from a building shall swing outward and shall be equipped with panic bars.
- (G) The total number of dwelling units may not exceed the density allowed in that district.

- (H) For every one foot of additional height over 35 feet, the structure shall be set back one additional foot from all property and/or building lines, as specified elsewhere in these regulations.

**504. Storage Garages**

A permit may be granted subject to approval by the Board, or the Chattanooga-Hamilton County Regional Planning Commission, as the case maybe, subject to submittal of site plan showing:

- (1) Tract or parcel boundaries with dimensions shown
- (2) Location of existing and/or proposed structures on said property with setback dimensions shown
- (3) Points of Ingress/Egress

**505. Public Utilities**

A permit may be granted for public utility uses, structures, and accessory facilities, including transmission lines, substations, railroad yards, lines and stations, bus loading or waiting platforms or buildings, dams, temporary work camps, or other governmental agency uses and buildings, temporary contractors camps, and buildings on public works projects and other similar public service uses and buildings, radio and television broadcasting stations, and studios, subject to submittal of a site plan showing:

- (1) Tract or parcel boundaries with dimensions shown
- (2) Location of existing and/or proposed structures on said property with setback dimensions shown
- (3) Points of Ingress/Egress

**506. Borrow Pits**

A Special permit may be granted on condition that location and method of operation be approved by the Board of Appeals except that in all instances where state or federal surface mining regulations apply, the following additional conditions shall be attached:

- (1) The proposed operation must have received approval of all appropriate state and federal agencies and the mining company or other operator must be in possession of all required permits.
- (2) A pre-blast survey must be completed for all properties located within a one (1) mile radius of the area covered by the state permit. The survey is to be undertaken by an independent consultant satisfactory to the Board of Appeals. (This condition can be waived for any properties where the owners sign releases or refuse to allow the survey.)
- (3) Evidence of liability insurance in an appropriate amount (commensurate with potential damage to surrounding development) shall be filed with the County Attorney.
- (4) To supplement any bonds or deposits required by state or federal regulations, an additional bond of \$2,000 per acre shall be filed with the County Engineer to assure compliance with all state and federal regulations relative to reclamation of the disturbed area within Hamilton County.
- (5) A plan of operation shall be prepared and submitted to the County Highway Department showing all intended haul routes and proposals for meeting load limits of bridges, roads and highways used in the operation. No variation from the selected route shall be permitted except by written permission of the County Engineer.

**507. Cemeteries, Columbariums, Mausoleums, and Crematories**

Except crematories excluded in sub-section 601(C)(2) of the R-2A Rural Residential District, a special permit may be granted by the Board of Appeals provided that the applicant furnishes:

- (1) A site plan drawn at a minimum scale of one inch equals one hundred feet (1"=100') and shall:
  - (a) Define location, size and accessibility to the proposed site;
  - (b) Indicate surrounding type of development and land use;
  - (c) Illustrate the proposed plan of development, including all structures, parking areas, internal drives and open space.
- (2) The review and approval of the Hamilton County Engineer of the points of ingress and egress.
- (3) Proof that all land intended for grave sites shall be above the elevation of the 100-year flood.
- (4) Furnish satisfactory proof to the Board regarding convenience, necessity and absence of harmful effect on surrounding property.

**508. Day Care Centers**

A Special Permit may be granted for a day care center, in districts where a permit is required, by the Board of Zoning Appeals, subject to:

- (1) A site plan being submitted showing the location of the building, playground area, driveways, parking and loading areas, and other materials, if requested.
- (2) The review and approval by the Hamilton County Engineer of the points of ingress and egress, internal circulation, loading areas and on-site parking.
- (3) The installation of a secured playground.
- (4) The residential character of the neighborhood being maintained.

**509. Open Air Markets**

A revocable Special permit may be granted for operation of an open air market, as defined in ARTICLE II of the Regulation, provided that the following conditions are met:

- (1) Parking shall be provided at a rate of two spaces for every stall, booth, or vendor's lot; or (alternatively) at least two-thirds of the entire site shall be set aside as usable customer parking space.
- (2) Access and egress to public streets shall be established and maintained in a manner approved by the County Engineer.
- (3) Public sanitary facilities shall be provided as follows:
  - (a) Whenever business is conducted on undeveloped property zoned for open air markets, sanitary facilities including but not limited to toilets, water and trash containers will be made available at the start of each business day.
  - (b) Either permanent toilet fixtures or portable facilities approved for public use by the Hamilton County Health Department shall be made available in the following ratio:
    - (i) Property less than one acre: two (2) toilet units shall be provided.
    - (ii) One (1) - three (3) acres: four (4) toilet units shall be provided.
    - (iii) More than three (3) acres: six (6) toilet units shall be provided.



- (c) All portable toilets will be emptied, sanitized and serviced not less than two times a week or more frequently if needed, and the contents emptied in an approved waste water treatment facility.
  - (d) Potable drinking water either under pressure or furnished in an approved dispenser will be made available so there will be a drinking fixture or dispenser for each acre of used property or fraction thereof. Single service cups, in an approved dispenser, will be made available.
  - (e) A covered trash receptacle, capable of holding not less than ten (10) gallons will be made available by each vendor who leases, rents or is furnished space to barter or sell merchandise. All trash and debris must be picked up and removed from the area, curb or street by close of the business day.
- (4) A board or chain link fence at least four (4) feet high shall be erected along any property boundary adjacent to a school, church, or residential land use.
- (5) Alteration or deletion of any parking space or sanitary facility, or abridgment of any condition agreed to at the time of issuance of the revocable Special Permit shall constitute grounds for revocation of the permit. Upon verification by the Director of Building Inspection that such alteration, deletion, or abridgment has occurred, the operator of the open air market shall be summoned before the Board of Zoning Appeals to show cause why the special permit should not be permanently revoked. Failure to appear, or failure to correct deficiencies found by the Board within ten (10) days following the hearing shall result in automatic revocation of the special permit and the operator shall cease to use the property as an open air market until such time as a new Special permit is applied for and received.

**510. Outdoor Amusements**

A Special permit may be granted in the A-1 Agricultural District for Golf Driving Ranges, "Par 3" golf courses, miniature golf courses, and similar low intensity outdoor uses on the following conditions:

- (1) All lights are placed so that they will not shine in adjacent residential areas.
- (2) Any excess noise will not be offensive to adjacent residential neighbors.
- (3) Adequate provision has been made for off-street parking and points of ingress and egress.

**511. Recreational Marinas**

Four copies of the Recreational Marina site plan must be submitted at the time of application for a Special permit. This site plan shall include but shall not be limited to the following information.

- (a) Location of all building(s) on the property and waterline, and explanation of their use.
- (b) Location of pedestrian and vehicular entrance and exit points.
- (c) Location and size of all parking areas and traffic circulation routes.
- (d) Location, type and number of sanitary facilities as approved by the Hamilton County Groundwater Protection.

**512. Two-family Dwelling (Duplex)**

A Special Permit may be issued at the discretion of the Board of Appeals for two family dwellings (duplexes) in the R-2 and R-2A Districts subject to the following:

- (1) Application to the Board of Appeals shall accompanied by a site plan drawn to a scale of 1"=50' and shall show the following:
  - (a) Name of the owner;
  - (b) Location of the site;
  - (c) Site boundaries and dimensions;
  - (d) Location of structures, including set-backs;
  - (e) Drive-ways and on-site parking;
  - (f) Surrounding land use.
- (2) The Board of Appeals shall determine that:
  - (a) The proposed development is in accordance with the most recently adopted Plan for Hamilton County.
  - (b) The proposed development will be harmonious and not conflict with the surrounding residential neighborhood.
- (3) Appeal of the Board decision is subject to court review as set out in subsection 300 (l) (2) of this Article.

**513. Radio, Television Broadcast Stations**

A Special Permit may be issued at the discretion of the Board of Appeals for radio, television broadcast stations in the A-1, R-2, R-3MD and M-3 Districts subject to the following:

- (1) Application to the Board of Appeals shall accompanied by a site plan drawn to a scale of 1"=50' and shall show the following:
  - (a) Name of the owner;
  - (b) Location of the site;
  - (c) Site boundaries and dimensions;
  - (d) Location of structures, including set-backs;
  - (e) Drive-ways and on-site parking;
  - (f) Surrounding land use.
- (2) The Board of Appeals shall determine that:
  - (a) The proposed development is in accordance with the most recently adopted Plan for Hamilton County.
  - (b) The proposed development will be harmonious and not conflict with the surrounding residential neighborhood.
- (3) Appeal of the Board decision is subject to court review as set out in subsection 300 (l) (2) of this Article.

**514. Kindergartens**

A Special Permit may be issued at the discretion of the Board of Appeals for kindergartens other than those operated by governmental or religious organizations, in the R-1, R-5, and O-1 Districts subject to the following:

- (1) Application to the Board of Appeals shall accompanied by a site plan drawn to a scale of 1"=50' and shall show the following:
  - (a) Name of the owner;
  - (b) Location of the site;
  - (c) Site boundaries and dimensions;
  - (d) Location of structures, including set-backs;
  - (e) Drive-ways and on-site parking;
  - (f) Surrounding land use.

- (2) The Board of Appeals shall determine that:
  - (a) The proposed development is in accordance with the most recently adopted Plan for Hamilton County.
  - (b) The proposed development will be harmonious and not conflict with the surrounding residential neighborhood.
- (3) Appeal of the Board decision is subject to court review as set out in subsection 300 (l) (2) of this Article.

**515. Fire halls, substations, water towers, booster pumping stations and telephone exchanges**

A Special Permit may be issued at the discretion of the Board of Appeals for fire halls, substations, water towers, booster pumping stations and telephone exchanges in the R-2, R-3, R-3MD and M-3 Districts subject to the following:

- (1) Application to the Board of Appeals shall be accompanied by a site plan drawn to a scale of 1"=50' and shall show the following:
  - (a) Name of the owner;
  - (b) Location of the site;
  - (c) Site boundaries and dimensions;
  - (d) Location of structures, including set-backs;
  - (e) Drive-ways and on-site parking;
  - (f) Surrounding land use.
- (2) The Board of Appeals shall determine that:
  - (a) The proposed development is in accordance with the most recently adopted Plan for Hamilton County.
  - (b) The proposed development will be harmonious and not conflict with the surrounding residential neighborhood.
- (3) Appeal of the Board decision is subject to court review as set out in subsection 300 (l) (2) of this Article.

**516. Funeral Homes**

A Special Permit may be granted by the Board of Appeals provided that the applicant furnished the following:

- (1) A site plan drawn at a minimum scale of one inch equals one hundred feet (1"=100') and shows:
  - Location, size and accessibility to the proposed site
  - Indicate surrounding type of development and land use
  - Illustrate the proposed plan of development, including all structures, parking areas, internal drives and open space
- (2) Review and approval of the Hamilton County Engineer of the points of ingress and egress.
- (3) Furnish satisfactory proof to the Board regarding convenience, necessity and absence of harmful effect on surrounding property.



**ARTICLE VIII  
ADMINISTRATION AND ENFORCEMENT**

**100. Permits**

**101. Permits Required**

A permit shall be obtained from the County Building Commissioner, through the Department of Building Inspection, before starting or proceeding with the erection, alteration or moving of any building or structure, or changing the use of any such building, structure or land.

**102. Permits for Accessory Buildings**

Each permit issued for a main building shall cover all accessory buildings constructed at the same time, otherwise each accessory or other building or structure including billboards, advertising structures and signs, shall require a separate permit.

**103. Fees for Permits**

All permit fees and penalties are established by the legislative body and are subject to change by resolution of said legislative body.

**104. Building Commissioner**

A. Establishment of Office of Building Commissioner

There is hereby created the office of Building Commissioner of Hamilton County who shall serve as Building Commissioner for a term of one year and thereafter until a successor shall have been appointed by the County Commission. (June 1, 1946).

B. Duties of the Building Commissioner

It shall be the duty of the Building Commissioner, among other things, to administer the provisions of this Resolution pertaining to the issuance or withholding of permits for the erection, alteration, and use of buildings, structures, and land as prescribed in the foregoing Sections. The Building Commissioner (by and through the Director of Building Inspection) shall issue or withhold any permit, in any form, as directed by the Board of Appeals; failure to do so shall be a misdemeanor with penalties as provided by this Resolution. The Building Commissioner or any administrative officer, shall not be liable for legal action for the issuance of any such permit by direction of the Board.

**105. Enforcement**

A. Enforcing Officer

It shall be the duty of the Sheriff of Hamilton County and of all officers of said County otherwise charged with the enforcement of the law to enforce this Resolution and all the provisions of the same.

## B. Penalties for Violation

Any person, firm, or corporation whether as principal, agent, employee, or otherwise violating any provisions of this Resolution shall be guilty of misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$25.00 or not more than \$100.00. Such person, firm, or corporation shall be deemed guilty of a separate offense for each day during any portion of which any violation of this Resolution is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

## C. Remedies for Removing Violations

It shall be unlawful to erect, construct, reconstruct, alter, maintain, or use any building or structure or to use any land in violation of any provision of this regulation or any amendment thereof enacted or adopted by the County Commission. Any person, firm, or corporation violating this regulation shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law. Each and every day during which such illegal erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained, or used or any land is or is proposed to be used in violation of this Resolution or of any regulation or provision enacted or adopted by the County Commission under the authority granted by this Resolution, the Building Commissioner, of and through the Department of Building Inspection of Hamilton County, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, or abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use. Subject remedies pursuant to existing private acts and the Tennessee Code Annotated.

## **106. Interpretation**

In interpreting and applying the provisions of this Resolution, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, property, or general welfare.

## **107. Amendment**

### A. Initiation of Amendments

The County Commission of Hamilton County may from time to time, after report thereon by the Planning Commission and after public hearings as required by law, amend, supplement, or change the number, shape, or boundaries of Districts, or any regulations or provisions of this Resolution. An amendment, supplement, or change may be initiated by the County Commission or the Planning Commission.

### B. Public Hearing on Amendments

Upon receipt of a petition or proposal for change, the Planning Commission shall prepare a report on the proposed change, approving or disapproving the proposal or petition, or may specify conditions of approval or a recommended modification of the proposed change, with reason therefore, and submit to the County Commission. The Planning Commission staff, at the authorization of the petitioner, shall thereupon give notice of a public hearing to be held by the County Commission, at a regular session of

the commission, to be held not less than thirty (30) days from the date of the publication of the notice. Such notice shall be by publication in a daily newspaper of general circulation throughout the County.

#### C. Action of the County Board of Commissioners

After the official hearing by the County Board of Commissioners as described above, the County Board of Commissioners shall, by a majority vote approve or disapprove the proposed amendment, or approve the amendment with modification, but if modification of the proposed change are made by the County Board of Commissioners, the modified amendment shall be referred back to the Planning Commission for report, as prescribed above.

#### D. Fees for Administrative Costs

The Planning Commission is authorized to charge the petitioner an amount that is commensurate with the cost of processing the application.

#### E. Petition

A petition, once heard and denied, shall not be accepted and heard again for the same area, or any part or combination including the same area, and the same or similar change of zoning, use or other change, for a period of twelve (12) months following denial of this petition by the chief legislative body of Hamilton County, or for a period of fifteen (15) months following action by the Chattanooga-Hamilton County Regional Planning Commission, whichever shall come last.

A policy is adopted by the Hamilton County Commission that a petition, upon recommendation of the Planning Commission, not be heard unless said petition is set for public hearing with the respective legislative body within three (3) months of the Planning Commission's recommendation.

#### F. Incorporation of Amendment in the Language of this Resolution

The phrase used in this Resolution "at the time of passage of this Resolution" shall in its application to land, and buildings, properties and uses affected by an amendment to this Resolution be read to mean "at the time of passage of this amendment".

**ARTICLE IX  
EXCLUSION OF INCORPORATED AREAS**

**100. Existing Incorporated Areas Not Included in These Regulations**

Any territory within Hamilton County at the time of passage of this Resolution, which is incorporated, with all usual powers of corporate administration, shall be exempt from the provisions of this Resolution.

**101. Existing Incorporated Areas May Adopt These Regulations**

Such incorporated territory or territory hereafter incorporated may by appropriate legal action declare in force the provisions of this Resolution, together with accompanying special maps prepared for the area by the Planning Commission.

**102. Future Incorporated Areas May Amend These Regulations**

Any area hereafter incorporated may amend the provisions of this Resolution by adoption of municipal zoning regulations provided by Chapter 44 of the Public Acts of 1935.



**ARTICLE X**  
**CONFLICTING RESOLUTIONS REPEALED**

**100.** Any Resolution or parts of Resolutions heretofore adopted by the County Court which are in conflict with the provisions of this Resolution are hereby repealed and declared null and void.

**ARTICLE XI**  
**VALIDITY AND SEPARABILITY**

**100.** Should any section, clause, or provision of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of the regulations as a whole or any part thereof, other than the part so declared to be invalid.

**ARTICLE XII  
EFFECTIVE DATE**

**100.** This Resolution shall become effective from the date of passage by the County Commission of Hamilton County.

Originally adopted November 21, 1945

Re-codified date: February 21, 2001

Resolution #201-22

May 21, 2014

Resolution #514-32

Revised by Resolution of the Chattanooga-Hamilton County Regional Planning Commission and approved by the Hamilton County Commission:

Note: Dates previous to 1975 do not have Resolution numbers.

12/16/53	01/19/83	03/20/96	8/20/14
10/07/59	02/16/83	07/24/96	01/07/15
06/15/60	04/20/83	09/04/96	01/21/15
08/28/63	08/24/83	11/20/96	
01/04/67	10/19/83	11/19/97	
03/18/70	12/21/83	05/20/98	
10/21/70	03/21/84	12/16/98	
09/15/71	05/16/84	04/21/99	
10/21/71	08/18/84	09/15/99	
01/05/72	11/21/84	07/19/2000	
06/14/72	02/18/87	11/01/2000	
09/06/72	11/18/87	12/20/2000	
10/04/72	02/17/88	02/21/2001	
03/07/73	05/18/88	08/21/2002	
07/18/73	06/01/88	10/15/2003	
12/19/73	01/18/89	10/30/2003	
05/21/75	03/15/89	07/21/2004	
03/03/76	10/18/89	09/15/2004	
03/24/76	11/15/89	11/17/2004	
12/01/76	01/17/90	12/15/2004	
01/05/77	02/21/90	09/21/2005	
04/06/77	02/20/91	10/19/2005	
07/06/77	09/18/91	01/04/2006	
12/18/78	01/22/92	03/13/2006	
12/20/78	05/21/92	06/21/2006	
01/07/79	11/18/92	02/07/2007	
04/04/79	01/20/93	07/18/2007	
07/25/79	02/17/93	05/07/2008	
08/22/79	04/07/93	01/21/2009	
12/19/79	05/19/93	02/18/2009	
01/16/80	07/28/93	03/19/2009	
02/20/80	07/28/93	04/15/2009	
03/19/80	12/15/93	05/20/2009	
09/17/80	01/19/94	06/17/2009	
11/19/80	08/24/94	07/15/2009	
01/21/81	01/18/95	11/18/2009	
06/01/81	01/18/95	05/19/2010	
10/21/81	01/18/95	12/15/2010	
07/28/82	03/15/95	03/16/2011	
10/20/82	05/17/95	07/20/2011	
11/17/82	08/16/95	08/21/2013	
11/29/82	11/15/95	05/21/2014	

