

ZONING ORDINANCE

HARRIMAN, TENNESSEE

**HARRIMAN ZONING ORDINANCE
HARRIMAN, TENNESSEE**

Title 11 of the Harriman Municipal Code

PLANNING AND ZONING

Prepared For The
Harriman Regional/Municipal Planning Commission

Allan Williams, Chairman

Herbert Griffen, Vice-Chairman
Harold Wester, Mayor
Larry Garrett

Orvis McKinney, Secretary
Garvin Moms, City Council
Tommy Goldston

Prepared By The

LOCAL PLANNING ASSISTANCE OFFICE

The Department of Economic and Community Development

Knoxville, Tennessee

Ruth Viergutz Hawk
assisted by Jay Vincent

December 1993

TABLE OF CONTENTS

CHAPTER 2.....	1
HARRIMAN MUNICIPAL PLANNING COMMISSION	
11-201 - Short Title	1
11-202 - Creation and Membership.....	1
11-203 – Powers.	1
11-204 - Purpose of Zoning Ordinance	1
11-205 - Definitions.....	2
CHAPTER 3.....	8
GENERAL PROVISIONS SECTION	
11-301 - Continuance of Nonconforming Uses and Structures.	8
11-302 - Off-Street Automobile Parking.	9
11-303 - Off-Street Loading and Unloading Space.....	10
11-304 - Off-Street Parking Lot Design Requirements.....	11
11-305 - Ingress and Egress.....	12
11-306 - Access Control	12
11-307 - Vision Clearance	13
11-308 - Planned Unit Development (PUD) Regulations	13
11-309 - Signs.....	16
11-310 - Site Plan Regulations	19
11-311 - Temporary, Mobile, Factory-Built, or Factory Assembled Structures.....	20
11-312 - Customary Home Occupations	21
11-313 - Gasoline Service Stations.....	22
11-314 - Swimming Pools.....	23
11-315 - Cemeteries.....	23
CHAPTER 4.....	24
APPLICATION OF REGULATIONS	
11-401 - Use	24
11-402 - Street Frontage	24
11-403 - Corner Lots.....	24
11-404 - One Principal Building on a Lot.....	24
11-405 - Reduction of Lot Size	24
11-406 - Yard and Other Spaces.....	24
11-407 - Conformity to Subdivision Regulations	24
11-408 - Accessory Building and Use Regulations	24
11-409 - Height and Density	25
CHAPTER 5.....	26
ESTABLISHMENT OF DISTRICTS	
11-501 - Classification of Districts.....	26
11-502 - Zoning District Boundaries.....	26

CHAPTER 6.....27

PROVISIONS GOVERNING USE DISTRICTS

11-601 - R-H Residential Historic 27
11-602 - R-1 Low Density Residential 27
11-603 - R-2 Medium Density Residential 28
11-604 - C-1 Central Business District 30
11-605 - C-2 General Commercial District 31
11-607. - I-1Light Industrial District 32
11-608 - I-2 Heavy Industrial District 33
11-609 – O-S Open Space/Park/Agriculture District 34
11-610 - F-1 Flood Hazard District 35
11-611 - H-1 Historic District..... 35

CHAPTER 7.....36

AREA, YARD AND HEIGHT REQUIREMENTS

11-701 - Area, Yard and Height Requirements 36

CHAPTER 8.....37

EXCEPTIONS AND MODIFICATIONS

11-801 - Lot of Record..... 37
11-802 - Adjoining and Substandard Lots of Records 37
11-803- Front Yards..... 37
11-804 - Exceptions on Height Limits..... 37

CHAPTER 9.....38

ADMINISTRATION AND ENFORCEMENT

11-901 - Building Permit Required..... 38
11-902 - Enforcing Officer 38
11-903 - Application For/Issuance of Building Permits..... 38
11-904 - Expiration/Extension of Building Permit Approvals 38
11-905 - Final Site Inspection/Issuance of Certificate of Occupancy..... 39
11-906 - Violations 39
11-907 – Penalties..... 39
11-908 - Remedies 39

CHAPTER 10.....40

BOARD OF ZONING APPEALS

11-1001. -Creation and Appointment..... 40
11-1002 - Procedure 40
11-1003 - Appeals 40
11-1004 – Powers 40
11-1005 - Action of the Board of Zoning Appeals..... 41

CHAPTER 11	42
HISTORIC ZONING COMMISSION	
11-1101 - Creation and Appointment	42
11-1102 - Procedure	42
11-1103 - Powers and Duties	42
11-1104 - Jurisdiction	42
11-1105 - Review of Decisions	43
CHAPTER 12	44
AMENDMENTS	
11-1201 - Procedure	44
CHAPTER 13	45
LEGAL STATUS PROVISIONS	
11-1301 - Conflict with Other Ordinances	45
11-1302 - Validity	45
11-1303 - Effective Date	45
APPENDICES	46
APPENDIX B	47
APPENDIX C	48
APPENDIX D	49

HARRIMAN PLANNING COMMISSION RESOLUTION
ORDINANCE NUMBER _____

WHEREAS, the Harriman Municipal Zoning Code was initially adopted on May 1, 1962 and subsequently amended on April 2, 197 and

WHEREAS, several amendments recommended and subsequently adopted by the Harriman Municipal Mayor and Board of Aldermen have not been properly codified, and

WHEREAS, the planning commission hereby presents for adoption by this council appropriate revisions and corrections the Harriman Municipal Zoning Code,

BE IT ORDAINED BY THE HARRIMAN CITY COUNCIL THAT

SECTION 1. The adoption of this ordinance in no way diminishes the zoning authority of the Board of Mayor and Alderman, nor increases the zoning authority and jurisdiction of the Harriman Municipal-Regional Planning Commission. As prescribed in TCA Title 13, zoning authority shall rest with the governing body.

SECTION 2. There is hereby adopted the Harriman zoning Ordinance, dated December 1993 and the accompanying map prepared by the planning commission.

SECTION 3. This ordinance shall take effect after t required public hearing and upon second reading.

CITY COUNCIL CERTIFICATION

Passed 1st Reading

Passed 2nd Reading

CHAPTER 2

HARRIMAN MUNICIPAL PLANNING COMMISSION

SECTION

11-201	Short Title
11-202.	Creation and Membership
11-203	Powers
11-204	Purpose of Zoning Ordinance
11-205	Definitions

11-201 - Short Title This ordinance shall be known as the "Zoning Ordinance of the City of Harriman, Tennessee," the ma herein referred to, and which is identified by the title "Zone Map of the City of Harriman, Tennessee," and all explanatory matter thereon are hereby adopted and made a part of this ordinance.

11-202 - Creation and Membership. Pursuant to the provisions of Section 13-4-101 of the Tennessee Code Annotated there is herein created a municipal planning commission, hereinafter referred as the planning commission. The planning commission shall consist of seven (7) members; two (2) of these shall be the m and another member of the governing body selected by the governing body; the other five (5) members shall be appointed the mayor. All members of the planning commission shall serve such without compensation. Except for the initial appointment the terms of the five (5) members appointed by the mayor shall be for three (3) years each and shall be so arranged that the term of at least one (1) member will expire each year. The t of the mayor and the member selected by the governing body she run concurrently with their terms of office. Any vacancy in appointive membership shall be filled for the unexpired term the mayor.

11-203 – Powers. The planning commission shall be organized shall carry out its powers, functions, and duties in accordance with title 13 of the Tennessee Code Annotated. Having also been designated as a regional planning commission, the municipal planning commission shall have the additional powers granted and shall otherwise be governed by the provisions of the stat law relating to regional planning commissions.

11-204 - Purpose of Zoning Ordinance. The zoning regulations an districts as herein set forth have been made in accordance with comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fires floods, panic, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration among other things, as to the character of each district, and its peculiar uses and with a view of conserving value of buildings and encouraging the most appropriate use land throughout the city.

11-205 - Definitions. Unless otherwise stated, the following words shall, for the purpose of this ordinance, have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural includes the singular. The word "shall" is mandatory, not directory. The words "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

1. Access. The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.
2. Advertising. Includes any writing, printing, graphics painting, display, emblem, drawing, sign, or other device designed, used or intended for advertising, whether placed on the ground, rocks, trees, or other natural structures or on buildings, structures, milestones, sign boards, billboards, wall board, roof board, frames, supports, fences or other man-made structure.
3. Alley. A minor right-of-way, dedicated to public use which affords a means of vehicular access to the back or side of properties otherwise abutting a street.
4. Arterial Street. A street which the primary function is to move traffic between major activity centers and which collects and distributes traffic to and from other streets.
5. Bed and Breakfast/Tourist Homes. An owner - occupied single family dwelling with not more than four guest rooms where lodging is provided with or without meals for compensation.
6. Billboard. An off-premises advertising sign having more than thirty-two (32) square feet of sign area.
7. Boarding or Rooming House. A building containing a single dwelling unit and not more than five rooms (units) where lodging is provided with or without meals for compensation.
8. Buffer Strip. A strip of land not less than ten (10) feet in width and on which plant material is planted that has such growth characteristics as will provide an obscuring screen not less than six (6) feet in height within (2) years of planting.
9. Buildable Area of a Lot. That portion of a lot bounded by required rear yard, side yards, and front yard building setback lines (See Appendix A, Illustration A).
10. Building. Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or chattel.
 - a. Building or Use, Accessory. A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such building or use.
 - b. Building, Modular. A unit of construction which is totally or in part constructed off-site and transported for on-site erection, placement, assembly, or similar terms.
 - c. Building, Prefabricated. A building constructed on-site from components which have been prefabricated, panelized, or constructed in sections off-site.

- d. *Building, Principal.* A building in which is conducted principal use of the lot on which said building located.
11. *Building Height.* The vertical distance measured from the finished grade at any building line to the highest point of the roof; provided that where land is subject to required minimum floor elevations, the building height shall be measured from such elevation.
12. *Building Setback Line.* A line delineating the minimum allowable distance between the property line and the outermost protrusion of a building on a lot, within which no building or other structure shall be placed except as otherwise provided (See Appendix A, Illustration B).
13. *Carport.* A structure used for the storage of vehicle and having no enclosure other than its roof and such necessary support as will present the minimum obstruction to light, air, and view.
14. *Certificate of Appropriateness.* Certification which is issue either the building official or the Harriman Historic Zoning Commission and which is required prior to any exterior changes being undertaken to any structure or any alterations being made in parking, yards, or other open spaces within the historic districts.
15. *Club.* Buildings and facilities owned or operated by 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 business.
16. *Condominium.* A building or group of buildings in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.
17. *Day Care Center.* An establishment which receives for and supervision six (6) or more children or adults for less than 24 hours per day unattended by parent or legal guardian, and shall include day nurseries, child or senior adult day care services, nursery and play schools, and non-public kindergartens.
18. *Driveway.* A single curb cut allowing entrance and/or exit to and/or from a parcel. A single driveway may be split by a median provided the total width for the entrance, exit and median does not exceed forty (40) feet.
19. *Dwelling Unit.* One (1) or more rooms designed as a unit for occupancy as living quarters for sleeping and cooking purposes.
- a. *Dwelling, Multi-Family.* A building designed, constructed or reconstructed, and used for more than two dwelling units; with each dwelling unit having a common structural wall with any other dwelling the same floor.
- b. *Dwelling, Single-Family.* A building designed, constructed, and used for one (1) dwelling unit.
- c. *Dwelling, Single Family with Accessory Apartment.* A residential building having the external appearance of a single-family residence, but in which there is located a second and/or third dwelling unit, subordinate in size to the primary dwelling unit. For the purposes of this

ordinance, a single family dwelling with one or two accessory apartments shall not be considered a duplex or a multi-family dwelling.

- d. Dwelling, Two Family or Duplex. A building designed, constructed, or reconstructed and used for two dwelling units that are connected by a common structural wall.
20. Home Occupation. Any activity carried out for gain by a resident as an accessory use in the resident's dwelling unit and/or other structure located on the same lot as the dwelling unit. Not more than one person not a resident of the premises shall be employed by the activity.
21. Incinerator. An engineered apparatus used to burn was substances and in which all the combustion factors, temperature, retention time, turbulence and-combust air, can be controlled.
22. Junk Yard or Salvage Yard. A lot, land or structure, or pa thereof, used for collecting, storage and/or sale of waste-paper, rags, scrap metal, or discarded material or for the collecting, dismantling, storage and salvaging of machinery or two (2)or more vehicles n in running condition or for the sale of parts thereof.
23. Local Collector. A street which collects traffic from l streets and whose adjacent land use is primarily residential in nature.
24. Local Street. A street designed to provide vehicular access to abutting property and to discourage through traffic.
25. Lot. A parcel of land which fronts on and has access a public street and which is occupied or intended to be occupied by a building or building with customary accessories and open spaces.
26. Lot Line. The boundary dividing a given lot from a street, alley, or adjacent lots.
27. Lot of Record. A lot existing prior to this ordinance, boundaries of which are filed as legal record.
28. Major Collector. A street which collects traffic from l streets and connects with arterials.
29. Medical Facilities.
 - a. Convalescent, Rest or Nursing Home. A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.
 - b. Dental Clinic or Medical Clinic. A facility for the examination and treatment of ill and afflicted h out-patients, provided however that patients are kept overnight except under emergency conditions
 - c. Hospital. An institution providing health service primarily for human in-patient medical care for sick or injured and including related facilities such as laboratories, out-patient facilities, emergency medical services, and staff offices wh are an integral part of the facility.
 - d. Public Health Center. A facility utilized by a health unit for the provision of public health services

30. Mobile Home. A detached residential dwelling unit built on a single chassis and designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor an incidental unpacking and assembly operations, location jacks or other temporary or permanent foundations connections to utilities, and the like, and which m all standards of the Southern Standard Building Code.
31. Mobile Home Park. A parcel or tract of land under sin ownership which has been planned and improved for t placement of mobile homes for dwelling purposes und the planned unit development regulations.
32. Non-Conforming Use. Any structure or land lawfully occupied by a use that does not conform to the use regulations of the district in which it is situated
33. Noxious Matter. Material in gaseous, liquid or solid which is capable of causing injury to living organisms, chemical reactions or detrimental effects upon the social, economic or psychological well-being of individuals.
34. Planned Unit Development. An integrated design for development of residential, commercial, or industrial uses or combination of uses which is professionally designed to allow flexibility and initiative in sit building design and location, in accordance with a plan approved by the planning commission.
35. Principal Use. The specific primary purpose for which or a building is used.
36. Professional Office. The office of a physician, dentist, attorney, architect, engineer, urban planner, accountant, or related professions.
37. Recreation Facility. A place designed and equipped for t conduct of sports, leisure time activities, and other customary and usual recreation activities.
38. Retail Trade and Services. Establishments engaged in selling goods and/or offering services to the general public for personal, small business or household use or consumption.
39. Shopping Center. For the purpose of this ordinance, a shopping center shall be considered as an enterprise located on a single parcel of property which is internally separated or segregated into individual or separate, distinct businesses or functions. Individual ownership is not a factor. These center shall be considered as planned unit developments.
40. Sign. Any object, device, structure, or natural feature or part thereof, which is used to attract the attention of persons for the purpose of communicating a message by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. Included within the definition of sign are following types of signs.
 - a. Business Sign. A sign which displays the name of and directs attention to a business, establishment, commodity, service or activity which is sold, offered or conducted on the premises or off the premises where the sign is located.

- b. Directory Sign. A sign which displays the name of a directs attention to a mall, office complex, shopping center or other multi-tenant commercial building and which may display thereon the name the individual businesses located in the mall, complex, center or building.
 - c. Freestanding Sign. A sign that is attached to, erect on, or supported by some structure (such as a pole, mast, frame or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign.
 - d. Ground Sign. A type of freestanding sign supported by poles, uprights or braces in or upon the ground.
 - e. Nonconforming Sign. Any sign which does not conform this ordinance.
 - f. Off-Premise Sign. A sign relating in its subject matter to premises, products, accommodations, services or activities other than those on which it is located.
 - g. On-Premise Sign. A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities the premises.
 - h. Portable Sign. Any sign which is, or is intended be, affixed or mounted to a frame with or without wheels for the expressed purpose of mobility.
 - i. Projection Sign. A type of sign erected approximately perpendicular to a building wall and which extends the wall or building line. A projection sign shall be considered a wall sign and shall include a sign suspended from the ceiling of a marquee, canopy or other such covered structure.
 - j. Roof Sign. Any sign which extends above the roof line.
 - k. Temporary Sign. A sign that is used in connection with a circumstance, situation or event that is designed, intended or expected to take place or be completed within a reasonably short or definite period after the erection of such sign; or is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.
 - l. Wall Sign. Any sign attached to the face or on the outside wall of any building and which does not extend above the roof line.
41. Sign Area. The net geometric surface area of a sign including the outer extremities of all letters and characters, but excluding the horizontal framing and post used to install the sign.
42. Site Plan. A drawing of sufficient scale and size to graphically show proposed improvements including all physical features on the site, all dimensional requirements of the zoning and building codes, all streets, drainage structures, utilities and other features in the immediate vicinity that may have a bearing on the proposed development.
43. Street, Public. Any vehicular way, except alleys, which is owned and maintained by the city, state, or federal governments.

44. Structure. Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground, excluding signs and fences.
45. Townhouse. A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.
46. Travel Trailer. A vehicle used, or so constructed as to permit its being used as conveyance upon the public streets or highways duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) more persons, and designed, for short-term occupancy for frequent and/or extensive travel, and for recreational and vacation use, including camper trucks and self-propelled campers, etc.
47. Travel Trailer Park. Any plot of land approved as a planned unit development upon which two or more travel trailers are located and used as temporary living or sleeping quarters for periods of thirty days, or less.
48. Wholesale Trade. Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business uses or to other wholesalers; or acting as agents or brokers and buying merchandise for or selling merchandise to, such individuals or companies.
49. Yard. An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky except as other provided in this ordinance, provided that accessory buildings may be located in a rear yard (See Appendix A, Illustration A).
- a. Front Yard. The yard extending across the entire width of the lot between the front lot line and nearest part of the principal building, including porches.
 - b. Rear Yard. The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including porches.
 - c. Side Yard. The required space unoccupied except herein provided, measured between the side lot and the nearest point of the principal building including porches, and between the front yard and the rear yard.

CHAPTER 3 GENERAL PROVISIONS SECTION

SECTION

11-301	Continuance of Nonconforming Uses and Structures
11-302	Off-Street Automobile Parking
11-303	Off-Street Loading and Unloading Space
11-304	Off-Street Parking Lot Design Requirements
11-305	Ingress and Egress
11-306	Access Control
11-307	Vision Clearance
11-308	Planned Unit Development Regulations
11-309	Signs
11-310	Site Plan Regulations
11-311	Temporary, Mobile, Factory-Built, or Factory-Assembled Structures
11-312	Customary Home Occupations
11-313	Gasoline Service Stations
11-314	Swimming Pools
11-315	Cemeteries

11-301 - Continuance of Nonconforming Uses and Structures. Lawful nonconforming uses, buildings, and structures existing at the time of the passage of this zoning ordinance, or any amendment thereto, shall be allowed to remain subject to the following provisions:

1. No building or land containing a nonconforming uses hereafter be extended unless such extensions shall conform with the provisions of this ordinance for the district in which it is located; provided, however, a nonconforming use may be extended throughout those parts of a building which were manifestly arranged or designed for such use prior to the time of enactment this ordinance.
2. When the following conditions have existed for a per of six (6) months, it shall be evidence of an intent to abandon a nonconforming use; and no use of land or structures shall be undertaken thereafter unless it be in conformity with the provisions of the district within which such property is located.
 - a. Nonresidential Uses. No employees, customers, or cli are present on site who are there to actively conduct business, give or receive professional services, participate in activities, or use equipment that is considered to be essential to character and operation of the nonconforming use and, no serious attempts are being made to market the property for sale for its former use.
 - b. Residential Uses. No residents, whether they be owners or tenants, are present, and no serious attempts are being made to market the property for sale for its former use.
3. Any nonconforming building which has been damaged by fire or other causes, may be reconstructed and used before unless the building official determines that building is damaged to the extent of more than fifty (50) percent of its appraised value for tax purpose which case any repair or reconstruction shall be in conformity with the provisions of this ordinance.

4. Nonconforming mobile homes located on single lots m replaced with newer and/or more structurally sound mobile homes for protection of the health, welfare, safety of the mobile home resident and surrounding property owners, provided they are placed on a permanent and enclosed foundation and the towing tongue is removed.

11-302 - Off-Street Automobile Parking.

1. With the exception of uses within the B-1, Central Business District, the number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below. For uses not specifically mentioned herein, off-street parking requirements shall be determined by the Board of Zoning Appeals. Each space shall conform to off-street parking lot design requirements as established in Section 11-304.
 - a. Automobile repair shop and/or truck repair: One (1) space f each employee plus one (1) space for each two hundred and fifty (250) square feet of floor space used for repair work.
 - b. Bed & Breakfast/Tourist Homes: One (1) space for each to be rented in addition to the two (2) spaces for the home.
 - c. Boarding houses and rooming houses: Not less than one (1) space for each room (unit) to be rented.
 - d. Bowling Alley: Not less than five (5) spaces for each bowling lane.
 - e. Churches: One (1) space for each four (4) seats.
 - f. Clubs and lodges: One (1) space for each three hundred (300) square feet of floor space.
 - g. Dwelling, single-family: Not less than two (2) spaces dwelling unit.
 - h. Dwelling, efficiency apartment: Not less than one (1) space per dwelling unit.
 - i. Dwelling, multiple-family: Not less than two (2) space per dwelling unit.
 - j. Funeral parlors: One (1) space for each four (4) seats in the chapel.
 - k. Gasoline service stations and similar establishments: Four (4) spaces for each bay or similar facility plus one space for each employee.
 - l. Hospitals and convalescent/nursing homes: One (1) space for each four (4) patient beds, plus one (1) space for each two (2) employees including staff doctors and nurses.
 - m. Hotels, motels, and other tourist accommodations: Not less than one (1) space for each room to be rented plus on (1) additional space per three (3) employees.
 - n. Manufacturing or other industrial use: Not less than two (2) spaces for each three (3) persons employed or intended to be employed, with a minimum of five spaces for any establishment.

- o. Mini-Warehouse/Self Storage: One (1) space per storage room rented out.
 - p. Mobile home parks: Two (2) spaces for each mobile home.
 - q. Movie Cinema: Not less than one (1) space for each four (4) seats.
 - r. Offices:
 - i. Medical - one (1) space for each three hundred (300) square feet of floor space
 - ii. Other professional - one (1) space for e four hundred (400) square feet of floor space.
 - iii. General - one (1) space for each four hundred (400) square feet of floor space
 - s. Places of public assembly: One space for each five (5) seats in the principal assembly room or area.
 - t. Recreation Center: Four (4) spaces for each one thousand (1,000) square feet of gross floor area.
 - u. Restaurants: One (1) space per two (2) customers computed on a maximum seating capacity. Restaurants that also serve take-out orders shall provide six (6) additional spaces. Drive-thru restaurants with no indoor seating, shall provide fourteen (14) spaces per 1,000 gross square feet of restaurant area.
 - v. Retail business, shopping centers and similar uses: Four (4) spaces for each one thousand (1,000) square feet of gross leasable area.
 - w. Schools: One (1) space for each faculty member a five (5) additional spaces for visitor parking, plus one space for each four (4) pupils except in elementary and junior high schools.
 - x. Swimming pool or club: Twenty (20) spaces for each acre covered by pool, buildings and sunbathing areas
 - y. Wholesale business: One (1) space for each three (3) employees based on maximum employment.
2. Combination of required parking space. The required parking space for any number of separate uses may be combined in one (1) lot, but the required space assigned to one (1) use may not be assigned to another use; except that, the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sunday.

11-303 - Off-Street Loading and Unloading Space. With the exception of uses within the C-1, Central Business District, every building or structure hereafter constructed and used for industry, wholesale, business or trade shall provide space for the loading and unloading of vehicles off the public street or

alley. Each space shall measure at a minimum of 12 x 30 feet and shall not be considered as part of the space requirements for off-street automobile storage.

11-304 - Off-Street Parking Lot Design Requirements. To protect and enhance community appearance and to provide orderly, safe, a systematic circulation within parking areas, the following regulations shall apply:

1. All areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street or alley to obtain egress.
2. All parking lots shall be set back a minimum of five (5) feet from all property lines to accommodate for vehicles hanging over the curbs.
3. Each parking space shall be a minimum of nine (9) feet by nineteen (19) feet with minimum parking aisle and width dimensions shown as follows:

<u>Parking Angle</u>	<u>Stall Length</u>	<u>Stall Width</u>	<u>Aisle Width</u>
30 deg.	19.0	9.0	12.0
45 deg.	19.0	9.0	13.0
60 deg.	19.0	9.0	18.0
70 deg.	19.0	9.0	24.0
90 deg.	19.0	9.0	24.0

4. Handicapped parking shall be provided as regulated in the Southern Standard Building Code. Each establish shall have a minimum of one (1) handicapped parking space and be a minimum of twelve (12) feet and six (6) inches by nineteen (19) feet.
5. All parking aisles shall be arranged so as to channel traffic and minimize vehicular/pedestrian conflicts.
6. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 11-306 of this ordinance.
7. The parking lot shall be adequately drained to eliminate surface water without contributing to drainage problems on adjoining property or rights-of-way.
8. With the exception of single-family dwellings, all required off-street parking shall be paved with a minimum of asphaltic concrete and have an adequate base to prevent premature break-up.
9. All fixed objects within parking lots (utility pole signs, fire hydrants, etc.) shall be located within islands to which access by vehicles is physically limited. These islands shall be landscaped with grass, shrubs, trees or other appropriate plant material which shall not obstruct visibility from vehicles.
10. Traffic safety signs, signals, and markings shall be in conformance with the Tennessee Manual on Uniform Traffic Control Devices. Where needed, size reduction of devices shall be approved, however, shape and color shall meet requirements of the manual.

11. Landscaping shall be required between the public street and the parking areas.
12. Maintenance of all islands, parking spaces and ways, landscaping and traffic control devices within the parking facility is the responsibility of the property owner. All elements shown on the site plan are to be maintained on a regular schedule.

11-305 - Ingress and Egress. A plan for adequate and safe ingress and egress for all land uses shall be required.

11-306 - Access Control. It is the purpose of this section establish reasonable and impartial regulations for the location of driveway entrances, and to promote the safety of users of streets and lands of Harriman through the control of design, location, and construction of driveway entrances.

1. General Provisions. In no case shall any curbs on city streets or rights-of-way be cut or altered without first obtaining a driveway permit from the building official. Minimum paving requirements for such driveways shall be determined by the building official at the time of application. In all cases, the driveway extension over the right-of-way shall be paved to protect public streets.
2. Driveway Alignment. Driveways shall be positioned at right angles to the roadway. When the driveway is to be used by vehicles in only one direction of highway travel (right turns only) on a divided highway, the driveway angle may be between 45 degrees and 60 degrees.
3. Driveway Entrance/Exit Regulations. All driveway entrances/exits shall be located subject to the following controls:
 - a. On all streets classified as Arterial on the official Major Road Plan, no driveway entrances shall be constructed within eighty (80) feet of an intersecting street right-of-way line.
 - b. On all streets classified as Major Collector Streets and Local Collector Streets on the official Major Road Plan, no driveway entrances shall be constructed within sixty (60) feet of an intersecting street right-of-way line.
 - c. On all streets classified as Local Streets on the official Major Road Plan, no driveway entrances shall be constructed within twenty-five (25) feet of an intersecting street right-of-way line.
 - d. On all streets classified as Arterial on the official Major Road Plan, no driveway entrances shall be constructed within forty (40) feet of side property line.
 - e. On all streets classified as Major Collector Street and Local Collector Streets on the official Major Road Plan, no driveway entrances shall be constructed within twenty (20) feet of the side property line.
 - f. If neighboring property owners wish to share a driveway, the shared side property line setback requirements shall be waived. If a driveway is shared, this one driveway will count as two, or one driveway per lot and all other access control requirements shall be met.
 - g. If a lot of record cannot meet the above access control requirements, a driveway cut will not be denied; but the spirit and intent of this section shall be adhered to as closely as possible.

4. Number of Driveways Allowed. In order to promote the safety of the motorist and to minimize traffic congestion a property damage by reducing the points of conflict, the following regulations shall apply:
 - a. Lots with less than two hundred (200) feet frontage shall have a maximum of one (1) driveway entrance.
 - b. Lots with two hundred (200) feet to eight hundred (800) feet of frontage shall have a maximum of (2) driveway entrances.
 - c. Lots with over eight hundred (800) feet of frontage have one (1) additional driveway entrance for each additional four hundred (400) feet of road frontage.
5. Driveway Widths. The width of all curb cuts shall be within the following limits.
 - a. Residential uses shall be limited to driveway widths between ten (10) and twenty-five (25) feet.
 - b. Uses serving twenty-five (25) or more large trucks per week shall have driveway widths between twenty (20) and forty (40) feet.
 - c. All other uses shall be limited to driveway widths between fifteen (15) and thirty (30) feet. Additional width for turn lanes may be considered by the Board of Zoning Appeals.

11-307 - Vision Clearance. In all districts there shall be no plants or structures placed in or on any yard partition of a lot that would obstruct the vision of auto or pedestrian traffic using the intersecting public streets.

11-308 - Planned Unit Development (PUD) Regulations. The purpose the Planned Unit Development regulations is to provide for diversification in the relationship of uses and structures to their sites and also provide flexibility which will create a desirable living environment. A PUD shall mean an integrate professionally prepared design for development of residential commercial, or industrial uses, or as permitted, combination such uses, to allow application of new techniques and technology of site and building design and location; this for the purpose of achieving economies in land usage, maintenance, and street a utility systems while providing for attractive open areas, safe circulation, and general well-being of the inhabitants.

1. Applicability of PUD Regulations. A PUD may be developed in any district provided that the uses permitted and density requirements of the district allow the development and the PUD plan elements are approved by the planning commission. Residential, commercial, public, semi- public, or industrial uses, or combinations of these uses where district or special regulations permit, may be developed under the PUD concept. Cluster type subdivisions and condominiums, townhouses, multi- dwelling units, rental developments, multi-use parks, travel trailer parks and multi-use or ownership developments shall be considered as PUD's for the purpose of this ordinance.
2. Relationships of PUD Regulations to District and Site Plan Regulations. Unless specifically altered by any provision of this section, the use and development regulations of Sections 11-601 through 11-

611, Sections 11-310 or any other applicable provision of this ordinance shall apply to the development of a PUD.

3. General Requirements. All PUD developments shall comply with the following requirements.
 - a. Minimum Site. No PUD shall have an area less than that required by the planning commission as adequate for the proposed project; however, the minimum site shall not be less than the minimum lot size required in the district in which the proposed project is to be located.
 - b. Structures and Open Space. The planning commission shall require structures and open space to be arranged on the site in such a way that adjacent uses will not be adversely affected.
 - i. Where feasible, the highest height and intensity of uses shall be toward the interior of the projects.
 - ii. No freestanding building shall be located closer than twenty (20) feet to any other freestanding building.
 - iii. Minimum setback requirements for lots as established in Chapters 6 and 7 may be altered upon approval of the planning commission; except that, in no case shall the setbacks from any exterior project site side or rear property be less than twenty-five (25) feet.
 - iv. Landscaping and buffering requirements, as contained in Sections 11-304, 11-310 and Chapter 6, shall be applied to PUD developments; except that, the planning commission may require additional landscape materials or structures where it is deemed to be in the public interest to do so.
4. Open Space Requirements. Preservation, maintenance, and ownership of open space areas and facilities shall be accomplished by one or more of the following methods and shall be established in an appropriate legal manner.
 - a. Dedication to and acceptance by the public as part of a governmentally administered park and open space system.
 - b. A property owners association.
 - c. The developer or management authority of the PUD.
5. Parking and Access Control Requirements. The provisions of this ordinance relating to vehicular access and parking (Sections 11-302 through 307) shall be adhered to; except that, the planning commission may alter these requirements in instances in which a superior design alternative is presented which will not be detrimental to the public interest or in conflict with the intent of this ordinance.
6. Density Requirements for Residential PUD. The density (units per gross acre) of dwelling units in a PUD shall be no greater than that allowed in the zoning district within which a PUD is located.

7. Signs. The number, size, type and placement of signs within PUD's shall be governed by the applicable provisions of Section 11-309 of this ordinance.
8. Street and Utility Construction Standards. Public and common ways for pedestrian and vehicular circulation shall be developed in relationship to other existing or planned streets and ways and with the Harriman Major Road Plan. Whether or not the subdivision of property is proposed within a PUD, all project street and way improvement shall comply with the construction standards set out in the subdivision regulations. Fire hydrants shall be installed so that all portions of buildings can be reached with a 250 foot hose. Due to the uniqueness each PUD, the owner/developer of a PUD may request slight adjustments from widths of streets, ways, utility easements, curbing and similar standards set out in the subdivision regulations; and, upon a determination of good cause being shown for such adjustments, the planning commission may permit changes or alterations in standards, provided the spirit and intent of this section can be preserved.
9. Plan Preparation and Review Process
 - a. PUDs Requiring the Subdivision of Property. In PUDs in which property is divided for the purpose of sale or rental, such as a subdivision or mobile home park, the following requirements for PUD plan preparation shall apply:
 - i. Preliminary PUD Plan. Prior to submitting a preliminary subdivision plat for review, a preliminary PUD plan shall be submitted to the planning commission which shall include the following: the location of buildings and uses, circulation patterns, open space and recreation areas, parking areas, ingress/egress points, sketch elevations and drainage, the boundary dimensions, overall density of development, public uses, landscaping concepts, zoning classification, and other information deemed pertinent by the planning commission and staff. The approved preliminary PUD plan shall serve as the plan upon which the final PUD plan and preliminary subdivision plat are based. Approval of a preliminary PUD plan shall lapse twelve (12) months from the date it was approved.
 - ii. Final PUD Plan/Preliminary Subdivision Plat. In addition to meeting the applicable provisions of the subdivision regulations regarding preparation of a preliminary plat, the final PUD plan shall include detailed architectural/engineering plans for: utilities, vehicular and pedestrian circulation systems, location of all structures, topographic intervals at no less than five (5) feet, minimum elevations, and grading, the physical relationship of uses, parking areas, open space and recreation areas, landscaped areas, buffer or screening materials and locations, areas proposed for dedication as parks, ways, or places, final drafts or legal documents, and other information deemed pertinent by the planning commission and staff. Upon approval of the final PUD plan and the preliminary subdivision plat by the planning commission, development may commence with the installation of public improvements. No lots however, shall be sold until final subdivision plat approval has been granted by the planning commission with all required improvements having either been installed or appropriate security posted for the installation of such improvements.
 - b. PUDs Not Requiring the Subdivision of Property. In PUDs in which no individual parcel of property is owned or rented, such as condominium, apartment, commercial or industrial PUDs, and similar uses, the following requirements for PUD plan preparation apply:

- i. Preliminary PUD Plan. A concept plan containing the following information shall be submitted to the planning commission for review: the location of buildings and uses, circulation patterns, open space and recreation areas, parking areas, ingress/egress points, sketch elevations and drainage, the boundary dimensions, overall density of development, public uses, landscaping concepts, zoning classification, and other information deemed pertinent by the planning commission and staff. The approved preliminary PUD plan shall serve as the plan upon which the final PUD plan is based. Approval of a preliminary PUD plan shall lapse twelve (12) months from the date it was approved.
 - ii. Final PUD Plan. Following approval of a preliminary PUD plan, the developer may proceed to prepare a final PUD plan which shall include detailed architectural/engineering plans for: utilities, vehicular and pedestrian circulation systems, location of all structures, topographic intervals at no less than five (5) feet, minimum elevations, and grading, the physical relationship of uses, parking areas, open space and recreation areas, landscaped areas, buffer or screening materials and locations, areas proposed for dedication as parks, ways, or places, final drafts of legal documents, and other information deemed pertinent by the planning commission and staff. Upon approval of the final POD plan, a special conditions permit may be issued.
10. Staging of Development. The PUD applicant may elect to develop the site in successive stages. The stages and expected development periods shall be shown on the preliminary POD development plan. However, each stage given final POD approval must be substantially complete within itself. The planning commission may also require the development of a POD project in stages if public facilities are not adequate to handle the entire development initially.
11. Permits. The developer of a POD shall be entitled to receive appropriate development permits following approval of the final POD plan and the preliminary subdivision plat, where applicable. However, none of these permits shall be issued until the building official receives a POD plan which bears the signed certificates of approval and of application and agreement (See Appendix B for examples).
12. Changes and Modifications. A POD project may be changed or modified under conditions established for minor changes and major changes.
- a. Minor changes. The planning commission may approve changes in minor shifts of building locations, proposed streets and ways, utilities and easements, recreation and open space areas, or other features on the approved plan. However, these changes shall not increase densities, change exterior boundary lines, change uses, materially change location or amount of land devoted to specific uses, or significantly change the exterior features or appearance of buildings and uses shown on the approved plans.
 - b. Major changes. All changes other than those established as minor shall be considered as major changes to the POD plan and shall require a new plan submission in accordance with the procedures and requirements for approval of a POD plan.

11-309 - Signs. It is the purpose of this section to establish reasonable and impartial regulations for the location of signs within the zoning districts of the city so as to achieve a more aesthetically desirable environment through flexible and diversified standards that provide for adequate light, air,

and open spaces and a reduction in congestion and hazardous conditions within the city. Therefore, all new signs erected, constructed, or placed upon any property or building within the town shall conform to the provisions of this section.

1. General Provisions

- a. Plans Required. The building official shall be provided with plans and specifications identifying the location, type, and design of any sign which requires a permit under the provisions of this section.
- b. Height. No part of any sign shall exceed twenty-five (25) feet in height, unless provided for elsewhere in this ordinance. Signs placed above a walkway shall have a minimum clearance of nine (9) feet. Signs located above a driveway shall have a minimum clearance of fifteen (15) feet.
- c. Setback. No part of any sign shall be placed closer than five (5) feet to any public right-of-way; except that, signs of no more than three (3) square feet may be located at the right-of-way to designate entrances and exits provided such signs will be less three (3) feet higher than the driveway to prevent any obstruction of clear visibility to vehicles exiting the premises. One entrance/exit sign per driveway shall be permitted.
- d. Number of Signs. No business shall have more than one (1) ground sign, but any number of wall signs shall be permitted. Entrance and exit signs shall not be included in the total number of signs allowed.

2. Prohibited Signs

- a. *Signs which include action, motion, moving materials, or which have any moving parts; or contain flashing or rotating lights or bulbs; or are intermittently lighted; or interfere with the view of traffic or that could be confused with any authorized traffic control sign, signal, or device, with the exception of signs that display time and temperature and public service announcements without advertising matter.*
- b. *Roof signs.*
- c. *Signs in any residential district which are internally illuminated.*
- d. *Signs on public property including utility poles, except those erected by an authorized public entity.*
- e. *All signs which are not expressly permitted by this ordinance or any other ordinance of the city.*

3. Signs Permitted in all Zoning Districts and Not Requiring a Permit.

- a. Political Campaign Signs. All campaign signs shall be removed by the property owner within seven (7) days after the results of an election are certified.

- b. Temporary Special Event Signs. Signs may be erected on private property no more than thirty (30) days prior to the event. All special event signs shall be removed by the property owner within seven (7) days of the conclusion of an event.
- c. Parking Areas. Signs internal to parking areas which direct vehicular or pedestrian traffic but bear no advertising.
- d. Construction Site Signs. One sign noting construction information shall be permitted for each site. The sign shall be removed upon completion of the project.
- e. Real Estate Sale/Lease Signs. Such signs shall be removed within fourteen (14) days of the sale, rental or lease.
- f. Residential Name/Address Signs. For each single family dwelling unit, one (1) nameplate indicating name, address, house number, home occupation, or an announcement of space for boarders or roomers if applicable, limited to three (3) square feet in area, is permitted.

4. Signs Requiring a Permit

a. Residential Districts.

- i. Subdivision entrances, residential planned unit developments (PUDs), and all non-residential uses may have one (1) permanent sign, not to exceed twenty (20) square feet in area nor twelve (12) feet in height. Individual buildings within a PUD may have one (1) identification sign not exceeding nine (9) square feet in area.
- ii. Homes where a home occupation is being conducted shall be permitted one (1) permanent sign. The sign shall not exceed five (5) square feet in area nor five (5) feet in height.

b. Business Districts

- i. Shopping centers, malls, and commercial PUDs shall be limited to one (1) major directory sign, not to exceed one hundred and fifty (150) square feet in area. Each business within such developments shall be permitted any number of wall signs, but total area of which shall contain no more than one (1) square foot of area per linear foot of wall length. Wall signage shall be limited to walls which face a public street and/or customer parking area. Entrance and exit signs shall not be included when determining total square footage of sign area.
- ii. Individual businesses shall be permitted one (1) ground sign not to exceed one hundred and fifty (150) square feet in area. In addition, any number of wall signs shall be permitted, but the total area of which shall contain no more than one (1) square foot of area per linear foot of wall length. Wall signage shall be limited to walls which face a public street and/or customer parking area. Entrance and exit signs shall not be included when determining total square footage of sign area.
- iii. Individual businesses located within two thousand (2,000) feet of the I-40 interchange right-of-way, shall be permitted a larger freestanding sign in order to attract travelers on

the interstate. This sign shall not exceed fifty (50) feet in height and two hundred and fifty (250) square feet in area.

- iv. Businesses sharing a portion of their building, wall, or lot with another business, and is found in the central business district, shall not be permitted a freestanding sign, but will be permitted any number of wall signs. The total sign area shall contain no more than one (1) square foot of area per linear foot of wall length. Businesses located within the designated Historic District shall have their signs approved by the Historic Zoning Commission, prior to the issuance of a sign permit.

c. Industrial Districts

- i. Total sign area permitted for separate establishments on individual lots shall be one hundred and seventy-five (175) square feet; except that no individual ground sign or wall sign shall be greater than one hundred and fifty (150) square feet in area.
- ii. In industrial PUDs or buildings housing more than one establishment, each establishment may have one (1) ground sign not to exceed seventy-five (75) square feet and any number of wall signs so long as the total sign area for each establishment does not exceed one hundred and fifty (150) square feet. Industrial park entrance signs shall be limited to one (1) major directory sign per entrance and shall not exceed two hundred (200) square feet.

11-310 - Site Plan Regulations. It is the general purpose and intent of this section to require site plans for all new developments or redevelopments of commercial, industrial, public, or semi-public uses, and residential structures containing more than four (4) dwelling units, or more than one (1) residential structure per lot. A detailed site plan shall be submitted to the Harriman Planning Commission for review and approval prior to the issuance of a building permit. However, the Building Inspector may, after consultation with the chairperson of the planning commission, approve site plans without prior planning commission approval, if the development site is less than one (1) acre. When a project lies within any historic district, the Harriman Historic Zoning Commission shall also review and approve such site plans.

No building permit shall be issued until the building official receives a site plan which bears the signed certificates of site plan approval and of application and agreement (See Appendix C for examples).

Approval of a site plan shall expire twelve (12) months after the date of its approval unless a building permit has been issued and substantial progress has been made toward completion of the project.

In accordance with the provisions of 13-3-104, Tennessee Code Annotated, site plans for any public use including, but not limited to, schools, parks, streets and highways, public buildings, and utilities, shall be submitted to the planning commission for review, and shall be prepared in accordance with all the provisions of this ordinance.

A site plan shall set forth the proposed development of the total land tract and shall be at a scale of not less than 1" = 20' for small tracts and 1" = 50' for large tracts. A site plan shall contain the following:

1. North point and scale.
2. A location map identifying the surrounding land use and streets.
3. Total acreage of the tract of land.
4. Dimensions and bearings of all lot lines.
5. Location of any existing and/or proposed structures (including signs), street rights-of-way, sidewalks, easements, and covenants.
6. Dimensions of all existing and proposed structures (including signs).
7. Location and size of all existing and/or proposed utilities.
8. Proposed landscape design, which shall include the types and varieties of trees, shrubs, etc. to be planted.
9. Plans for waste disposal, which must include some type of screening so that it is not visible from any public street or adjoining properties.
10. Plans for ingress/egress and off-street parking.
11. Location of loading zones and front, rear, and side entrances.
12. Stormwater drainage plans including the location and size of culverts, storm sewers and water receptacles, stormwater retention areas, and drainage easements.
13. Topography of existing and finished grades when determined appropriate by the staff planner or building official.
14. Identification of any land subject to flooding.
15. Letter of approval from the appropriate governing agency for any entrance or curb cut on a state highway.
16. Approval by the health department if on-site sewage disposal is utilized.
17. Any other information deemed pertinent by the planning commission or staff.

11-311 - Temporary, Mobile, Factory-Built, or Factory Assembled Structures. It shall be unlawful to place any temporary structure, trailer, mobile structure (including, but not limited to: cars, vans, trucks, or buses), tents and tent-type structures, factory-built or factory assembled structures designed for conveyance after fabrication, either on their own wheels, flatbed truck, or other trailers on any residential, commercial, or industrial lot within the town for the purpose of assembly, or for business, educational, hazardous, institutional, mercantile, residential, or storage occupancies, except as noted herein or as provided for elsewhere in this ordinance.

1. Permitted Temporary, Mobile, Factory-Built or Factory-Assembled Structures.

The following structures shall be allowed subject to the provisions of this and other applicable sections of this ordinance and upon obtaining the proper permits from the building official.

- a. Mobile homes located in approved mobile home parks.
- b. Mobile homes located on single lots in the R-2 Medium Density Residential district, provided all provisions of the district are met.
- c. Modular buildings for residential or nonresidential use installed on permanent concrete or masonry foundation as a finished building with permanent sewer or water connections. Such units shall be inspected at the point of manufacture and shall bear the insignia of approval of the Tennessee Department of Commerce and Insurance or other approved inspection agency, as provided for in Title 58, Chapter 36, Part 3, TCA.
- d. Temporary office and storage buildings located on approved construction sites provided they are removed upon completion of construction.
- e. Customary accessory storage buildings in approved residential locations.
- f. Tents used by a person, firm, corporation, or group as an assembly occupancy for the purpose of a religious meeting, festival, fair, circus, or carnival for a limited time not to exceed thirty (30) days with proper permit procedure followed; additional permits may be granted for up to ninety (90) days in one calendar year.
- g. Tents or temporary buildings used to sell fresh produce locally grown during the growing season or Christmas trees during the holiday season.

2. Replacement of Nonconforming Mobile Home Dwellings. See Section 11-301.4 of this ordinance.

3. Establishment of New or Expansion of Existing Mobile Home and Travel Trailer Parks.

Mobile home and travel trailer parks shall be considered PUDs and the establishment or expansion of these uses shall be subject to the provisions of Section 11-308 and other applicable sections of this ordinance.

11-312 - Customary Home Occupations. The following uses shall be permitted as home occupations within all residential zoning districts, subject to the applicable provisions of the zoning districts and the limitations and requirements set out in subsection 2 below:

1. Permitted Home Occupations.

- a. Arts and crafts made by the owners of the premises.
- b. Professional offices for architects, real estate brokers, engineers and other contract workers whose businesses rarely require clients to visit the home.

- c. Tutorial instruction allowing two pupils per session, except for music instruction which shall be one student per session.
- d. Beauty/barber shops.
- e. Antique sales.
- f. Any other use which the Board of Zoning Appeals finds to be of similar character.

2. Requirements/Limitations Regarding the Operation of Home Occupations.

- a. Location on Premises. A home occupation shall be conducted within a dwelling which is the bona fide residence of the principal practitioner or in any building accessory thereto which is normally associated with a residential use.
- b. Exterior Alterations. No alterations to the exterior appearance of the principal residential building or premises shall be made which changes the character thereof as a residence.
- c. Outdoor Display or Storage. No outside display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.
- d. Employees. No persons other than a member of the immediate family occupying such dwelling, and one (1) person not a member of such family, may participate in or be employed by such occupation.
- e. Level of Activity. 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 shall under no circumstances change the residential character thereof.
- f. Traffic, Parking. 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.
- g. Equipment and Production Processes. No mechanical or electrical equipment shall be employed other than machinery or equipment customarily found in the home associated with a hobby or vocation not conducted for gain or profit, or machinery or equipment which is essential in the conduct of the home occupation; and, 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 premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or televisions receivers off the premises.
- h. Signs. No signs accessory to such home occupation shall be displayed except as permitted or authorized by Section 11-309.

11-313 - Gasoline Service Stations. The following development standards shall apply to all gasoline service stations:

1. Front yard setbacks for all structures except the principal building, shall be reduced to fifteen (15) feet.
2. On all streets classified as Arterials on the official Major Road Plan, no driveways shall be constructed within sixty (60) feet of an intersecting street right-of-way line.
3. In addition to the allowed signs as regulated in Section 11-309, gas station logo signs affixed to the canopy shall also be allowed.

11-314 - Swimming Pools. Swimming pools shall be permitted an accessory use in all residential districts, provided that, with the exception of aprons and walks, no part of a swimming pool shall protrude into any required front or side yard setback. A fence or wall, a minimum of five (5) feet in height and designed so as to prevent uncontrolled access by children or pets from the street or adjacent properties into the pool area, shall be constructed by the owner and maintained in good order, so long as the pool is in existence. Swimming pools built as a primary use shall meet all setback requirements and a fence or wall shall be constructed and maintained as described above.

11-315 - Cemeteries. The establishment or expansion of a cemetery shall be considered a semi-public/public use and shall be subject to the provisions of Section 11-310 and other applicable provisions of this ordinance, and in addition shall be subject to the following development standards:

1. Minimum Site. No new cemetery shall be established site less than ten (10) acres in size and no existing cemetery shall be expanded unless the site is of sufficient size to meet all setback requirements.
2. Location. Newly established cemeteries shall have direct access to an arterial or collector street and shall be located so as not to interfere with development of the town's street system.
3. Setbacks. All structures and facilities including, but not limited to, mausoleums, graves, burial lots, monuments, and maintenance buildings, shall be set back at least twenty-five (25) feet from all property lines or street right-of-way lines, except where other provisions of this ordinance may require a greater setback.

CHAPTER4

APPLICATION OF REGULATIONS

SECTION

- 11-401. Use
- 11-402. Street Frontage
- 11-403. Comer Lots
- 11-404. One Principal Building on a Lot
- 11-405. Reduction of Lot Size
- 11-406. Yard and Other Spaces
- 11-407. Conformity to Subdivision Regulations
- 11-408. Accessory Building and Use Regulations
- 11-409. Height and Density

11-401 - Use. Except as herein provided, no building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located.

11-402 - Street Frontage. No building shall be erected on a lot which does not abut on at least one public street for at least forty (40) feet. If an approved public street is inadequate to serve a proposed development, the developer may be required to improve the existing street to approved city standards.

11-403 - Corner Lots. The minimum width of a side yard along an intersecting street shall be fifty (50) percent greater than the minimum side yard requirements of the district in which t lot is located.

11-404 - One Principal Building on a Lot. Only one principal building and its customary accessory buildings may hereafter be erected on any lot; except that planned unit developments may be excluded from this provision on the approval of the planning commission.

11-405 - Reduction of Lot Size. No lot shall be reduced in area so that yards, lot width, building area, or other provisions of ordinance cannot be maintained.

11-406 - Yard and Other Spaces. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required under this ordinance for another building.

11-407 - Conformity to Subdivision Regulations. No building permit shall be issued for or no building shall be erected on any lot within the municipality, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or opened as a public street prior to that time or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Harriman Planning Commission and such approval entered in writing on the plat by the secretary of the commission.

11-408 - Accessory Building and Use Regulations. Buildings and/or uses which are customarily incidental and subordinate in size and function to the principal use of a site are considered to be accessory buildings and/or uses and are permitted on the same lot with a principal use. The establishment of

accessory buildings and/or uses shall be subject to the following provisions and other applicable provisions of this ordinance:

1. General Provisions

- a. No accessory structure shall be occupied or used unless the principal structure to which it is accessory is occupied or being used.
- b. If an accessory building shares a structural wall with a principal building, it shall be deemed to be a part of the principal building and shall comply with the requirements of the ordinance applicable to a principal building, such as setback, height, etc.

2. Location. Accessory buildings may be located as close as ten (10) feet to the rear property line, except as may be provided for in Chapter 6 or elsewhere in this ordinance. No accessory buildings or uses shall be permitted within any required front or side yard, except for such items as mail boxes, yard ornaments, and light fixtures located so as not to create a nuisance or safety hazard to neighboring property or the public.

11-409 - Height and Density. No building or structure shall hereafter be erected or altered so as to exceed the height limit to accommodate or house a greater number of families, or to have narrower or smaller front yards or side yards than are required or specified in the regulations herein for the district in which it is located.

CHAPTER 5 ESTABLISHMENT OF DISTRICTS

SECTION

- 11-501 Classification of Districts
- 11-502 Zoning District Boundaries

11-501 - Classification of Districts. For the purpose of this ordinance, the City of Harriman, Tennessee, is hereby divided into eleven (11) classes of districts as follows:

Residential	R-H	Residential Historic
	R-1	Low Density Residential
	R-2	Medium Density Residential
Commercial	C-1	Central Business District
	C-2	General Commercial District
	C-3	Neighborhood Commercial District
Industrial	I-1	Light Industrial District
	I-2	Heavy Industrial District
Open Space	O-S	Open Space/Park/Agriculture District
Flood	F-1	Flood Hazard District
Historic	H-1	Historic District

11-502 - Zoning District Boundaries. The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map of The City of Harriman, Tennessee," dated _____ and all amendments thereof, which is a part of this ordinance and which is on file in the mayor's office. Unless otherwise specifically indicated on the map, the boundaries of districts are lot lines or the center lines of streets or alleys or such lines extended, the corporate limit lines, or a line midway between the main track of a railroad or the center lines of streams or other water bodies. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.

CHAPTER 6

PROVISIONS GOVERNING USE DISTRICTS

SECTION

11-601	R-H	Residential Historic
11-602	R-1	Low Density Residential
11-603	R-2	Medium Density Residential
11-604	C-1	Central Business District
11-605	C-2	General Commercial District
11-606	C-3	Neighborhood Commercial District
11-607	1-1	Light Industrial District
11-608	1-2	Heavy Industrial District
11-609	O-S	Open Space/Park/Agriculture District
11-609	F-1	Flood Hazard District
11-610	H-1	Historic District

11-601 - R-H Residential Historic. It is the purpose and intent of this district to establish the historic neighborhoods near downtown as a separate residential area. The requirements of the district are designed to protect the unique characteristics of the district, to promote and encourage an environment for family life, and to restrict all business oriented activities.

In order to achieve the purpose and intent of the R-H Residential-Historic District, as shown on the zoning map of the City of Harriman, Tennessee, no building, development, or improvement shall be commenced or any building or sign permits issued unless such project has received a certificate of appropriateness from the Harriman Historic Zoning Commission. In addition to complying with the design criteria of the Harriman Historic Zoning Commission, the following regulations apply and uses are permitted:

1. Single family residences, except mobile homes.
2. Single family residences with a maximum of two accessory apartments.
3. Customary home occupations as regulated in Section 11-312.
4. Signs as regulated in Section 11-309.
5. Customary accessory buildings as regulated in Section 11-408.
6. Access and parking as regulated in Sections 11-302 through 11-307.
7. Setback and height requirements as regulated in Chapter 7.

11-602 - R-1 Low Density Residential. It is the purpose and intent of this district to establish low density residential areas along with open areas which appear likely to develop in a similar manner. The requirements of the district are designed to protect the total characteristics of the district, to promote and encourage an environment for family life, and to restrict all business oriented activities.

In order to achieve the purpose and intent of the R-1 Low Density Residential District, as shown on the zoning map of the City of Harriman, Tennessee, the following regulations apply and uses are permitted:

1. Single-family residences, except mobile homes.
2. Single-family residences with a maximum of one access apartment.
3. Individually sited residential structures containing to four (4) dwelling units.
4. Single-family and two-family (duplex) POD's except mobile homes.
5. Customary home occupations as regulated in Section 11-312.
6. Publicly owned buildings and uses, following approval by the planning commission as required in Tennessee Code Annotated, 13-4-104; schools offering general education, churches and tennis clubs, country clubs, and other similar uses which are characteristically associated with ample open space areas and recreation or leisure activities, and are used for social purposes which restrict participation to members and guests only, provided that:
 - a. A site plan prepared as regulated in Section 11-310 is reviewed and approved by the planning commission;
 - b. The buildings are placed not less than fifty (50) feet from side and rear property lines;
 - c. There are planted buffer strips with a minimum of ten (10) feet in height along rear and side property lines;
 - d. That access be restricted to streets classified as Arterial or Major Collector Streets on the adopted Major Road plan; and
 - e. Any outside lighting of courts, parking lots, or other facilities shall be designed and constructed in such a manner as to not cause inconvenience to other uses in the immediate area.
7. Signs as regulated in Section 11-309.
8. Customary accessory buildings as regulated in Section 11-408.
9. Access and parking as regulated in Sections 11-302- through 11-307.
10. Set back and height requirements as regulated in Chapter 7.

11-603 - R-2 Medium Density Residential. It is the purpose and intent of this district to provide areas for higher density residential development plus open areas where similar development is likely to occur. Professional services are also permitted in this district provided that they meet applicable standards and are limited so as not to encourage general commercial activity. When proposed uses are not allowed in the R-H Residential Historic District or the R-1 Low Density Residential District but are adjacent to these districts, a ten (10) foot buffer strip shall be planted and maintained.

In order to achieve the purpose and intent of the R-2 Medium Density Residential District, as shown on the Zoning Map of the City of Harriman, Tennessee, the following regulations apply and uses are permitted:

1. Any use and regulations in the R-1 Low Density Residential District.
2. Multi-family dwellings provided they are developed following the regulations set forth in Section 11-308
3. Mobile home parks as regulated in Sections 11-308 and 11-311.
4. Single-wide mobile homes provided all setback requirements are met, they are placed on a permanent and enclosed foundation, and the towing tongue is removed.
5. Bed and breakfast inns.
6. Funeral homes; fraternal organizations; clubs not operated for profit; day care centers providing care and supervision for children, handicapped persons, or elderly for periods of less than twenty-four (24) hours; and professional offices of doctors, lawyers, accountants, architects, dentists, real estate, insurance agencies, and similar uses, provided:
 - a. A site plan prepared as regulated in Section 11-3 is reviewed and approved by the planning commission;
 - b. The buildings are placed not less than fifty (50) feet from side and rear property lines;
 - c. There are planted buffer strips with a minimum of ten (10) feet in height along rear and side property lines;
 - d. Any outside lighting of parking lots or other facilities shall be designed and constructed in such a manner as to not cause inconvenience to other uses in the immediate area.
 - e. That access be restricted to streets classified as Arterial or Major Collector Streets on the adopt Major Road Plan; and
 - f. Existing buildings may be utilized provided that the provisions of this ordinance are met as closely as possible.
7. Signs as regulated in Section 11-309.
8. Customary accessory buildings as regulated in Section 11-408.
9. Access and parking as regulated in Sections 11-302 through 11-307.
10. Setback and height requirements as regulated in Chapter 7.

11-604 - C-1 Central Business District. It is the purpose and intent of this district to secure the commercial core of the City, to promote the historic preservation of the old CBD, and to encourage concentrated development of office and shopping facilities. The requirements of the district are designed to protect and improve this area as the principal shopping and office district of Harriman. Prior to the issuance of building permits for all new construction, site plans as required by Section 11-310, shall be reviewed and approved by the planning commission to determine if the projects meet all requirements and are in keeping with the comprehensive planning program of the City of Harriman, Tennessee. When proposed uses are adjacent to a residential district, a ten (10) foot buffer strip shall be planted and maintained.

In order to achieve the purpose and intent of the C-1 Central Business District, as shown on the zoning map of the City of Harriman, Tennessee, the following regulations apply and uses are permitted:

1. Retail trade and services, excluding all types requiring outdoor display or storage.
2. Business, professional, and personal services excluding repair garages, junk yards, and storage yards.
3. Cultural activities.
4. Churches, clubs, and lodges.
5. Dwelling units located above street level, provided parking is provided for as required in Sections 11-302 through 11-307.
6. Townhouses, condominiums, and similar types of housing may be established as separate uses as a PUD under the applicable provisions of Section 11-308 of this ordinance when the following development criteria are met:
 - a. There shall be no minimum lot size required for this type of development.
 - b. Setback requirements of the B-1, Central Business District, shall prevail.
 - c. The density of such developments shall not exceed fifteen (15) units per gross acre.
 - d. Access and parking as required in Sections 11-302 through 11-307.
7. Public buildings and lands, except schools, provided a site plan is submitted as required in 13-4-104 of the Tennessee Code Annotated.
8. Hospitals and clinics provided access and parking requirements are met.
9. Signs as regulated in Section 11-309.
10. Customary accessory uses and structures as regulated in Section 11-408.
11. No off-street parking is required, except as herein noted, however, any off-street parking provided shall meet the applicable provisions in Sections 11-302 through 11-307.

12. Setback and height requirements as regulated in Chapter 7.

11-605 - C-2 General Commercial District. It is the purpose and intent of this district to provide for general commercial areas at convenient locations within the city. The regulations are designed to encourage concentrations of commercial activities to preserve the traffic carrying capacity of the major collect and arterials upon which such uses are located. The regulations are also designed to encourage groupings of compatible commercial activities in which parking and traffic congestion can be reduced to a minimum. Therefore, prior to issuance of building permits for all new construction, site plans, as required by Section 11-310, shall be reviewed and approved by the planning commission to determine if the projects meet all requirements and are in keeping with the comprehensive planning program of the City of Harriman, Tennessee. When proposed uses are adjacent to a residential district, a ten (10) foot buffer strip shall be planted and maintained.

In order to achieve the purpose and intent of the C-2 General Commercial District, as shown on the zoning map of the City of Harriman, Tennessee, the following regulations apply and uses are permitted.

1. Personal, business, and professional services and offices, excluding junkyards and other similar uses.
2. Storage yards provided a buffer strip is planted.
3. Retail business, including automobile and mobile home sales.
4. Lodges, clubs, hotels, motels, restaurants, and other similar services.
5. Funeral homes.
6. Churches and places of worship.
7. Gasoline service stations as regulated in Section 11-313.
8. Wholesale business and warehousing.
9. Places of amusements, recreation, entertainment, or assembly.
10. Shopping centers developed as planned unit developments as regulated in Section 11-308.
11. Commercial and travel trailer parks developed as planned unit developments as regulated in Section 11-308.
12. Publicly owned buildings and uses, following approval by the planning commission as required in Tennessee Code Annotated, 13-4-104; and schools and colleges offering general education.
13. Signs as regulated in Section 11-309.
14. Access and parking as regulated in Sections 11-302 through 11-307.
15. Customary accessory uses and structures as regulated in Section 11-408.

16. Setback and height requirements as regulated in Chapter 7.

11-606 - C-3 Neighborhood Commercial District. It is the purpose and intent of this district to establish areas to serve surrounding residential districts. The regulations are intended to discourage strip development and encourage grouping of uses in which parking and traffic congestion will be reduced, thereby protecting the general public and promoting a more desirable and aesthetically pleasing community. Prior to the issuance of a building permit for any new construction, a site plan, as required in section 11-310, shall be submitted to the planning commission for review and approval to determine if the project meets all requirements and is in keeping with the comprehensive planning program of the City of Harriman, Tennessee. When proposed uses are adjacent to a residential district, a ten (10) foot buffer strip shall be planted and maintained.

In order to achieve the purpose and intent of the C-3 Neighborhood Commercial District, as shown on the zoning Map of the City of Harriman, Tennessee, the following regulations apply and uses are permitted:

1. Any use permitted in the R-2 Residential District subject to the requirements of the R-2 District.
2. Grocery stores, bakery stores, hardware stores, shoe repair shops, tailor shops, photographic studios, barber and beauty shops, laundromats, self-service laundries, restaurants and other similar uses, provided access is restricted to streets classified as Arterial, Major Collector, or Local Collector on the official Major Road Plan.
3. Multi-use commercial centers developed as planned unit developments as regulated in Section 11-308.
4. Signs as regulated in Section 11-309.
5. Access and parking as regulated in Sections 11-302 through 11-307.
6. Customary accessory uses and structures as regulated Section 11-408.
7. Setback and height requirements as regulated in Chapter 7.

11-607. - I-1 Light Industrial District. It is the purpose and intent of this district to establish areas for certain industrial and commercial establishments along with open areas which will likely develop in a similar manner. The regulations are designed to protect the essential community characteristics and to promote and encourage industrial, wholesaling, and commercial uses and to discourage residential development. Therefore, prior to the issuance of building permits for all new construction, site plans, as required by Section 11-310, shall be reviewed and approved by the planning commission to determine if the projects are in keeping with this ordinance and the comprehensive planning program of the City of Harriman, Tennessee. When proposed use are adjacent to a residential district, a 25 foot buffer strip shall be planted and maintained.

In order to achieve the purpose and intent of the I-1 Light Industrial District, as shown on the Zoning Map of the City of Harriman, Tennessee, the following regulations apply and uses are permitted:

1. Personal, business and professional services and offices.

2. Wholesale trade.
3. Warehouses.
4. Trucking terminals of moderate vehicle size and activities.
5. Contractor offices and equipment storage.
6. Building supplies.
7. Enclosed manufacturing uses.
8. Junkyards, provided the entire outdoor storage area is enclosed with an eight (8) foot privacy fence. The purpose of the privacy fence is to screen from view the junkyard from adjacent properties and rights-of-way. The fence shall be setback a minimum of ten (10) feet and trees shall be planted in the setback area.
9. Publicly owned buildings and uses, following approval by the planning commission as required in Tennessee Code Annotated, 13-4-104.
10. Other uses of the same general character as the above uses.
11. Signs as regulated in Section 11-309.
12. Access and parking as regulated in Section 11-302 through 11-307.
13. Customary accessory uses and structures as regulated in Section 11-408.
14. Setback and height requirements as regulated in Chapter 7.

11-608 - I-2 Heavy Industrial District. It is the purpose and intent of this district to establish areas for heavy industrial activities. The regulations are designed to protect essential community characteristics and promote the economy by encouraging industrial development in an orderly planned manner. Therefore, prior to the issuance of building permits for all new construction, site plans, as required by Section 11-310, shall be reviewed and approved by the planning commission for compliance with this ordinance and the comprehensive planning program of the City of Harriman, Tennessee. When proposed uses are adjacent to a residential district, a twenty-five (25) foot buffer strip shall be planted and maintained. When proposed uses are adjacent to a commercial district, a ten (10) foot buffer strip shall be planted and maintained.

In order to achieve the purpose and intent of the I-2 Heavy Industrial District, as shown on the Zoning Map of the City of Harriman, Tennessee, the following regulations apply and uses are permitted:

1. Any use permitted in the I-1 Light Industrial District.
2. Service terminals for waterways, trucks, railroads, related facilities.

3. Any industry which does not cause injurious or obnoxious noise, odors, fire hazards, or other objectionable conditions as determined by the building official. Slaughterhouses, stockyards, and other similar uses shall automatically be considered as non-permitted uses.
4. Access and parking as regulated in Sections 11-302 through 11-307.
5. Signs as regulated in Section 11-309.
6. Customary accessory uses and structures as regulated in Section 11-408.
7. Setback and height requirements as regulated in Chapter 7.

11-609 – O-S Open Space/Park/Agriculture District. It is the purpose and intent of this district to identify those areas that are predominantly open and not intensely developed or public/semipublic in nature. The requirements of the district are designed to protect the land and the existing uses of the district and to restrict all business oriented activities.

In order to achieve the purpose and intent of the O-S Open Space/Park/Agriculture District, as shown on the zoning map of the City of Harriman, Tennessee, the following regulations apply and uses are permitted:

1. Single-family residences, provided density does exceed one dwelling unit per five (5) acres.
2. Customary home occupations as regulated in Section 11-408.
3. Customary general farming.
4. Parks and recreational uses.
5. Cemeteries.
6. Golf Courses.
7. Publicly owned buildings and uses, following approval by the planning commission as required in Tennessee Code Annotated, 13-4-104; schools offering general education; churches; nursing homes; and tennis clubs, country clubs, and other similar uses which are characteristically associated with ample open space areas and recreation or leisure activities, and are used for social purposes which restrict participation to members and guests only, provided that:
 - a. A site plan prepared as regulated in Section 11-310 is reviewed and approved by the planning commission;
 - b. The buildings are placed not less than fifty (50) feet from side and rear property lines;
 - c. There are planted buffer strips with a minimum ten (10) feet in height along rear and side property lines;

- d. That access be restricted to streets classified as Arterial or Major Collector Streets on the official Major Road plan; and
 - e. Any outside lighting of courts, parking lots or other facilities shall be designed and constructed in such a manner as to not cause inconvenience to other uses in the immediate area.
8. Other similar uses as defined by the Board of Zoning Appeals.
 9. Signs as regulated in Section 11-309.
 10. Customary accessory buildings as regulated in Section 11-408.
 11. Access and parking as regulated in Sections 11-302 through 11-307.
 12. Setback and height requirements as regulated in Chapter 7.

11-610 - F-1 Flood Hazard District. The flood hazard district is established as an overlay district, the intent of which is to protect the health, safety, and welfare of the citizens by requiring that development within this district be regulated in accordance with the National Flood Disaster Act of 1973, and as subsequently amended. All development shall comply with these regulations.

The use regulations of any zoning district underlying the F-1 district shall prevail; except that no building, development or improvement project shall be commenced within the F-1 district unless a permit has been obtained from the building official stating such project plans meet the requirements of the city's flood hazard area development regulations, a copy of which is in Appendix D.

11-611 - H-1 Historic District. The H-1 District is established as an overlay district. The City of Harriman may designate areas within existing zoning districts as an H-1 district for the purpose of: preserving and protecting the historical and/or architectural value of buildings, other structures, or historically significant areas; regulating exterior design, arrangement, texture, and materials proposed to be used within the historic district to ensure compatibility; creating an aesthetic appearance which complements the historic building or other structures; stabilizing and improving property values; fostering civic beauty; strengthening the local economy; and promoting the use of historic districts for the education, pleasure, and welfare of the present and future citizens of t City of Harriman.

The regulations of any zoning district underlying the H-1- zone shall prevail, except that no building, development, or improvement project shall be commenced within the H-1 district unless such project follows the regulations established by the Harriman Historic Zoning Commission and has received a certificate of appropriateness from the Harriman Historic Zoning Commission.

CHAPTER 7 AREA, YARD AND HEIGHT REQUIREMENTS

11-701 - Area, Yard and Height Requirements. For the purpose of this ordinance, area, yard, and height requirements for the district classifications of the City of Harriman, Tennessee, zoning Ordinance are hereby established as follows:

District	Minimum Lot Size			Minimum Yard Requirements from Property Lines (feet)			Maximum Height of Structures (feet)
	Area in Square Feet	Square Feet per Additional Family	Lot Width at Bldg. Setback (feet)	Front Yard*	Side Yard*	Rear Yard*	
R-H	7,500	3,500	75	30	10**	25	35
R-1	12,000	4,000	75	30	10**	25	35
R-2	7,500	3,500	75	30	10**	25	35
C-1				0	0	0	35***
C-2				30	15	25	35***
C-3				30	15	25	35
I-1				30	20	25	55
I-2				40	25	25	55
O-S		217,800 (5 acres)		30	25	25	35

* Different setback requirements stated in Sections 11-308, 11-310, and 11-601 through 11-611 shall take precedence over the above stated requirements.

** Structures greater than twenty (20) feet in height shall meet a fifteen (15) foot side yard setback.

*** Height limits may be increased to 45 feet if an internal fire protection system and fire hydrants are installed.

CHAPTER 8 EXCEPTIONS AND MODIFICATIONS

SECTION

- 11-801 Lot of Record
- 11-802 Adjoining and Vacant Lots of Record
- 11-803 Front Yards
- 11-804 Exceptions on Height Limits

11-801 - Lot of Record. Where the owner of a lot consisting one or more adjacent lots of official record at the time of the adoption of applicable zoning regulations does not own sufficient land to enable him to conform to the yard or other requirement of the zoning regulations, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of the zoning ordinance. Such lot may be used as a building site; provided, however, that the yard and other requirements of the district are complied with as closely, in the opinion of the Board of Zoning Appeals, as is possible.

11-802 - Adjoining and Substandard Lots of Records. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

11-803- Front Yards. The front yard setback requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots located within two hundred (200) feet on each side of such lot and with the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing front yard depths on the developed lots.

11-804 - Exceptions on Height Limits. The height limitations of this ordinance shall not apply to any structure not intended for human occupancy, including but not limited to chimneys attached to residential structures, church spires, belfries, cupolas, domes, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts, and aerials.

CHAPTER 9 ADMINISTRATION AND ENFORCEMENT

SECTION

11-901	Building Permit Required
11-902	Enforcing Officer
11-903	Application for Issuance of Building Permits
11-904	Expiration/Extension of Building Permit Approvals
11-905	Final Site Inspection/Issuance of Certificate of Occupancy
11-906	Violations
11-907	Penalties
11-908	Remedies

11-901 - Building Permit Required. It shall be unlawful to commence the excavation for or the construction of any building including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings until the building official has issued for such work a building per including a statement that the plans, specifications, and intended use of such building in all respects conform with the provisions of this ordinance. Application for a building per shall be made to the building official.

11-902 - Enforcing Officer. The provisions of this ordinance shall be administered and enforced by the Municipal Building Official. The building official shall have the authority to enter upon any land during reasonable hours and make examination and surveys that do not occasion damage or injury to private property.

11-903 - Application For/Issuance of Building Permits. For all multi-family residential, commercial, public, semi-public, or industrial uses, a site plan or PUD plan, whichever may be applicable, prepared in accordance with the provisions of Sections 11-308 and 11-310 shall be submitted to and approved by the planning commission prior to the issuance of a building permit. Building permit applications for all other uses not requiring a site plan or PUD plan shall be accompanied by a dimensioned sketch or scale plan indicating the size and shape the lot and the location and use of any existing or proposed buildings or structures on the site. Before a permit is issued the building official may also ask the applicant to supply any such other information deemed necessary to determine whether provisions of this ordinance are being observed. If the request for issuance of a building permit is refused, the building official shall state the reason for his refusal in writing.

11-904 - Expiration/Extension of Building Permit Approvals.

1. Expiration of Building Permits. Unless provided for otherwise this ordinance, building permits, along with any sketch be null and void six (6) months from the date of issuance and/or approval if substantial progress has not been made toward completion of the development activity as it was approved. Planned Unit Developments (POD and site plans shall be null and void twelve (12) months from the date of approval if substantial progress h not been made toward completion of the development activity as it was approved.

The building official may grant any number of ninety (90) day extensions to a building permit holder for a building permit, if just cause can be given to justify the extension and if progress toward completion of project can be shown.

2. Abandonment of Permitted Projects. Any project for which a building permit has been issued and where an accessory or principal building has only been partially constructed at the end of one (1) year and for which application for extension has not been submitted, may be subject to being considered as an unsafe and illegal building and may be subject to the provisions of Section 102.4 of the Southern Standard Building Code and any other applicable provisions of this or any other ordinance of the city.

11-905 - Final Site Inspection/Issuance of Certificate of Occupancy. In order to ensure that a building, structure, or addition has been constructed in accordance with the approved sketch, site, or plan and will be occupied by a use lawful within the zoning district in which it is located, the building official shall a final inspection upon notification by the owner or occupant that a premises is ready to be occupied. Within six (6) work days of such application, the building official shall make a final inspection of the property in question, and shall issue a Certificate of Occupancy if the building/structure is found to conform to the provisions of this ordinance, the approved plan and the statements made in the application for the building permit. If such a certificate is refused, the building official shall state such refusal in writing with the cause. No land building hereafter erected or altered in its use shall be use until such a Certificate of Occupancy has been granted.

11-906 - Violations. Any person whether owner, lessee, principal, agent, employee, or otherwise who violates any provision of this ordinance, permits any such violation, fails to comply with any of the provisions or requirements hereof, including any conditions, stipulations, or safeguards attached to any permit, variance, special exception, or other such final authorization or approval hereunder, or who erects, constructs or reconstructs any building or structure, or uses any land in violation of any written statement or plan submitted and approved pursuant to this ordinance shall be guilty of a misdemeanor.

11-907 – Penalties. Any persons violating any provision of the ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

11-908 - Remedies. In case any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the building official or any other appropriate authority or any adjacent or neighboring property owner who w be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure or land.

CHAPTER 10

BOARD OF ZONING APPEALS

SECTION

- 11-1001 Creation and Appointment
- 11-1002 Procedure
- 11-1003 Appeals
- 11-1004 Powers
- 11-1005 Action of the Board of Zoning Appeals

11-1001. -Creation and Appointment. A board of zoning appeals is hereby established in accordance with Section 13-7-205, Tennessee Code Annotated. The Harriman Municipal/Regional Planning Commission is hereby designated as the board of zoning appeals and the terms of the members of the board of zoning appeals shall be concurrent with the terms of the members of the Harriman Municipal/Regional Planning Commission.

11-1002 - Procedure. Meetings of the board of zoning appeals shall be held at the call of the chairman or by a majority of the membership and at such other times as the board may determine. Such chairman, or in his/her absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact; shall take all evidence necessary to justify or explain its action, and shall keep records of its examinations and other official action, all of which shall be immediately filed in the office of the board and shall be a public record.

11-1003 - Appeals. An appeal to the board of zoning appeals may be taken by any person, firm or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the staff planner and/or building official based in whole or part on provisions of this ordinance. Such appeal shall be taken within a reasonable time, as provided the rules of the board, by filing with the staff planner and building official and with the board of zoning appeals a notice of appeal, specifying the grounds thereof. The staff planner and/or building official shall transmit forthwith to the board all papers constituting the record upon which the action was taken. The board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or attorney.

11-1004 – Powers. The board of zoning appeals shall have the following powers:

1. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is error in an order, or requirement, permit decision, determination or refusal made by the building official or other administrative official in the carrying out or enforcement of any provision of this ordinance.
2. Special Exceptions. To hear and decide special exception this ordinance as noted in Chapter 8.
3. Variance. To hear and decide applications for variance from the terms of this ordinance, but only where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of adoption of this ordinance was a lot of record; or where by reason of exceptional

topographical conditions or other extraordinary or exceptional situations or condition a piece of property, the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided t such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granting variance, the board may attach thereto such conditions regarding the location, character, and other feature the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance. Before any variance is granted it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood.

11-1005 - Action of the Board of Zoning Appeals. In exercising the aforementioned powers, the board of zoning appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all powers of the building official. The concurring vote a majority of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matte upon which it is required to pass under this ordinance, or to authorize any variance from the terms of this ordinance.

CHAPTER 11 HISTORIC ZONING COMMISSION

SECTION

- 11-1101 Creation and Appointment
- 11-1102 Procedure
- 11-1103 Powers and Duties
- 11-1104 Jurisdiction
- 11-1105 Review and Decisions

11-1101 - Creation and Appointment. In accordance with Chapter 13-7-104, Tennessee Code Annotated, a Historic Zoning Commission is hereby established. The City Council shall create a five (5) member Historic Zoning Commission which shall consist of a representative of a local patriotic or historical organization; an architect, if available; and a member of the planning commission, at the time of his appointment. The remaining members shall be appointed from the community in general. Historic Zoning Commission members shall be appointed by the Mayor of the City of Harriman and shall be confirmed by the City Council. Appointments to membership on the Historic Zoning Commission shall be arranged so that the term of one member s expire each year and his successor shall be appointed in like manner in terms of five (5) years. All members shall serve without compensation.

11-1102 - Procedure. The Historic Zoning Commission shall adopt by-laws which shall at least establish a regular meeting time and place, establish the manner of voting, set procedure for the recordation of procedures, and may address any additional matters relating to the conduct of the Historic Zoning Commission as the Historic Zoning Commission may deem appropriate.

11-1103 - Powers and Duties. The Harriman Historic Zoning Commission shall have the following powers and duties:

1. To review all projects within any historic district require the issuance of a permit before such projects can be lawfully commenced within the City of Harriman, and following such review, grant, grant with conditions or deny a certificate of appropriateness; and further review any projects not requiring a permit, but which the building official has been authorized to review by the Harriman Historic Zoning Commission within its "Design Review Guidelines," and for which he has ref to issue a certificate of appropriateness, and thereafter to grant, grant with conditions, or deny certificate of appropriateness.
2. To adopt design review guidelines for each classification of historic district established in the City by which all projects subject to review in such historic districts are to be reviewed in order that the building official and/or Harriman Historic Zoning Commission may make a determination as to the granting or denial of a certificate of appropriateness.
3. To recommend to the planning commission the establishment of historic zones; and to review the recommendations of the planning commission, or any other group or person, for the establishment or change in boundaries of any historic zone.

11-1104 - Jurisdiction. For the projects for which the building official is authorized to grant or grant with conditions a certificate of appropriateness, the building official shall render a decision within five (5)

working days of the date on which he received sufficient data on which to make a judgement regarding the project's appropriateness. For projects which require review by the Harriman Historic Zoning Commission, and those other projects which the building official refers to it for review, the Harriman Historic Zoning Commission shall render decision to grant, grant with conditions, or deny a certificate of appropriateness within thirty (30) days of the date of the meeting at which sufficient data is available concerning the project to make a judgement regarding its appropriateness.

11-1105 - Review of Decisions. Any person who may be aggrieved by any final order of judgement of the Historic Zoning Commission may have such order or judgement reviewed by the courts by the procedure of statutory certiorari, as provided for in Title 27, Chapter 8, Tennessee Code Annotated.

CHAPTER 12 AMENDMENTS

SECTION

- 11-1201 Procedure
- 11-1202 Approval by Planning Commission
- 11-1203 Introduction of Amendment

11-1201 - Procedure. The city council may amend the regulations, boundaries, or any provision of this ordinance. Any member of the city council may introduce such amendment, or any official, board, or any other person may present a petition the city council requesting an amendment or amendments to this ordinance.

11-1202 - Approval by Planning Commission. No such amendment shall become effective unless the same be first submitted for approval disapproval, or suggestions to the planning commission. If the planning commission disapproves after such submission, it shall require the favorable vote of a majority of the entire membership of the city council to become effective.

11-1203 - Introduction of Amendment. Upon the introduction of an amendment of this ordinance or upon the receipt or a petition to amend this ordinance, the city council shall publish a notice of such request for an amendment, together with the notice of t set for hearing by the city council of the requested change. Said notice shall be published in some newspaper of general circulation in the City of Harriman, Tennessee. Said hearing by the city council shall take place not sooner than fifteen (15) days after the date of publication of such notice.

CHAPTER 13
LEGAL STATUS PROVISIONS

SECTION

- 11-1301 Conflict with Other Ordinances
- 11-1302 Validity
- 11-1303 Effective Date

11-1301 - Conflict with Other Ordinances. In the case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Harriman, the most restrictive shall in all cases apply.

11-1302 - Validity. If any section, clause, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this ordinance which is not of itself invalid or unconstitutional.

11-1303 - Effective Date. This ordinance shall take effect and be in force from and after its passage, the public welfare demanding it.

Certified by Planning Commission _____

Passed on First Reading _____

Passed on Second Reading _____

Approved and Signed in Open Meeting _____

Attest:

/S/ _____
City Recorder

Mayor

APPENDICES

APPENDIX B

CERTIFICATE OF PLANNED UNIT DEVELOPMENT APPROVAL

We hereby certify that this Planned Unit Development (PUD) been found to comply with the zoning and PUD regulations of t Harriman Municipal/Regional Planning Commission, with the exception of such alterations or variances, if any, as noted the minutes of the Harriman Municipal/Regional Planning Commission and the Harriman Board of Zoning Appeals.

Date

Chairman Harriman Municipal/Regional
Planning Commission

Date

Secretary Harriman Municipal/Regional
Planning Commission

CERTIFICATE OF PUD APPLICATION AND AGREEMENT

I-(we) hereby certify that I (we) understand that the approval of a Planned Unit Development (PUD) shall expire twelve (12) months after the date of approval.

Date

Applicant

Date

Applicant

APPENDIX C

CERTIFICATE OF SITE PLAN APPROVAL

We hereby certify that this site plan has been found to comply with the zoning and site plan regulations of the Harriman Municipal/Regional Planning Commission, with the exception of such variances, if any, as noted in the minutes of the Harriman Board of Zoning Appeals.

Date

Chairman Harriman Municipal/Regional
Planning Commission

Date

Secretary Harriman Municipal/Regional
Planning Commission

CERTIFICATE OF SITE PLAN APPLICATION AND AGREEMENT

I (we) hereby certify that I (we) understand that the approval of a site plan shall expire twelve (12) months after the date approval unless a building permit has been issued and substantial progress has been made toward completion of the project.

Date

Applicant

Applicant

APPENDIX D

F-1 Flood Hazard District Regulations

**HARRIMAN MUNICIPAL FLOODPLAN MANAGEMENT REGULATIONS
(D Level)**

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section A. Statutory Authorization

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

Section B. Findings of Fact

1. The Harriman Mayor and City Council wishes to main eligibility in the National Flood Insurance Program an order to do so must meet the requirements of 60.3(d) of Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-88 Edition) and subsequent amendments.
2. Areas of Harriman are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental service extraordinary public expenditures for flood protection relief, and impairment of the tax base, all of w adversely affect the public health, safety and gen welfare.
3. These flood losses are caused by the cumulative effect obstructions in floodplains, causing increases in f heights and velocities; and by uses in flood hazard a which are vulnerable to floods; or construction which inadequately elevated, flood-proofed, or other unprotected from flood damages.

Section C. Statement of Purpose

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

1. Restrict or prohibit uses which are vulnerable to water erosion hazards, or which cause in damaging increases erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate 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 will unnaturally divert flood waters or which may increase flood hazards.

Section D Objectives

The objectives of this Ordinance are:

1. To protect human life and health;
2. To minimize expenditure of public funds for costly control projects;
3. To minimize the need for rescue and relief efforts associated with flooding;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodable areas;
6. To help maintain a stable tax base by providing for sound use and development of flood prone areas;
7. To ensure that potential buyers are notified that prop is in a floodable area; and,
8. To establish eligibility for participation in the National Flood Insurance Program.

ARTICLE 2. DEFINITIONS

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

"Accessory Structure" shall represent a subordinate structure the principal structure and, for the purpose of this sect shall conform to the following:

1. Accessory structures shall not be used for human habitation.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on building site so as to offer the minimum resistance to flow of floodwaters.
4. Accessory structures shall be firmly anchored to pre flotation which may result in damage to other structures.
5. Service facilities such as electrical and heating equip shall be elevated or floodproofed.

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

"Addition (to an existing building)" means 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 fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

"Appeal" means a request for a review of the Building Official's interpretation of any provision of this Ordinance or a request for a variance.

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

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

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

"Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

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

"Breakaway Wall" means 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 supporting foundation system.

"Building", for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See "structure")

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

"Elevated Building" means a non-basement building (i) built to have the bottom of the lowest horizontal structure member of elevated floor elevated above the ground level by means pilings, columns (posts and piers), (ii) and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones AI-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

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

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

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

"Existing Construction" any structure for which the "start of construction" commenced before the effective date of this Ordinance.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

"Existing Structures" see "Existing Construction"

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

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

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

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

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

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.

"Flood Insurance Rate Map (FIRM)" means an official map 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" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the water surface elevation of the base flood.

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

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

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

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

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

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

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

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

"Floor" means 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.

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

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

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

"Historic Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the 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.

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

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

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable 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 Ordinance.

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

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

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

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For 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.

"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" any structure for which the "start of construction" commenced on or after the effective date of this Ordinance. The term also includes any subsequent improvements to such structure.

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

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

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

"Recreational Vehicle" means a vehicle which is:

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

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

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

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

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program in that state.

"Structure", for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

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

"Substantial Improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

"Variance" is a grant of relief from the requirements of this Ordinance which permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the

elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means 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 flood plains of coastal or riverine areas.

ARTICLE 3 _____ GENERAL PROVISIONS

Section A. _____ Application

This Chapter shall apply to all areas within the incorporated area of Harriman, Tennessee.

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

The areas of special flood hazard identified on the Harriman, Tennessee, Federal Emergency Management Agency, Flood Insurance Rate Maps, Community - 47527 -, Panel Numbers 0001 0003; Effective Date: September, 1984 and any subsequent amendments or revisions, are adopted by reference and declared to be a part of this Ordinance. These areas shall be incorporated into the Harriman, Tennessee Zoning Map.

Section C. _____ Requirement for Development Permit

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

Section D. _____ Compliance

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

Section E. _____ Abrogation and Greater Restrictions

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

Section F. _____ Interpretation

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

Section G. _____ Warning and Disclaimer of Liability

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does

not imply that land outside the flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Harriman, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

Section H. Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Harriman, Tennessee from taking such other lawful actions to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION

Section A. Designation of Building Official

The Building Official is hereby appointed to administer and implement the provisions of this Ordinance.

Section B. Permit Procedures

Application for a development permit shall be made to the Building Official on forms furnished by him prior to any development activity. The development permit may include, but is 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, earthen fill, storage of materials or equipment, drainage facilities. Specifically, the following information is required:

1. Application stage
 - a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings.*
 - b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed, where base flood elevation data is available.*
 - c. Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Article 4. Section B.2, where base flood elevation data is available.*
 - d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

* (see 2. below)

2. Construction Stage

Within unnumbered A zones, where flood elevation data are not available, the Building Official shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building and the highest adjacent grade. USGS Quadrangle maps may be utilized when no more detailed reference exists to establish reference elevations.

Within all flood zones where base flood elevation data are utilized, the Building Official shall require that upon placement of the lowest floor, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Building Official a certification of the elevation of the lowest floor, or flood-proofed elevation, 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, professional engineer, or architect 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 Building Official 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.

Section C. Duties and Responsibilities of the Building Official

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

1. Review of all development permits to assure that the requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Article 4 Section B.2.
5. Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been flood- proofed, in accordance with Article 4. Section B.2.
6. When flood-proofing is utilized, the Building Official shall obtain certification from a registered professional engineer or architect, in accordance with Article 4. Section B .2.

7. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Official shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Article 6.
8. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Building Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FHBM or FIRM meet the requirements of this Chapter.

(Optional additional requirement)

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Building Official shall require the lowest floor of a building to be elevated or floodproofed to a level of at least (2J two feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article 2 of this Ordinance). All applicable data including the highest adjacent grade elevation and the elevations of the lowest floor of flood-proofing shall be recorded as set forth in Article 4. Section B.

9. All records pertaining to the provisions of this Ordinance shall be maintained in the office of the Building Official and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.
10. Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section A. General Standards

In all flood prone areas the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over- the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Chapter; and,
10. Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this Ordinance, shall be undertaken only if said non- conformity is not extended.

Section B. Specific Standards

These provisions shall apply to all areas of special flood hazard as provided herein;

In all areas of special flood hazard where base flood elevation data have been provided, including A zones, AI-30 zones, AE zones, AO zones, AH zones and A99 zones, and has provided a regulatory floodway, as set forth in Article 3. Section B, the following provisions are required:

1. Residential Construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 5. Section B.3.
2. Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Buildings located in all A-zones may be flood-proofed 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 registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Building Official as set forth in Article 4. Section B.2.

3. Elevated Building. 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 flood waters to automatically equalize hydrostatic flood forces on exterior walls.
 - a. 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 openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be no higher than one 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.
 - b. 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
 - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Article 5. Section B. of this Chapter.
4. Standards for Manufactured Homes and Recreational Vehicles
 - a. All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
 - b. 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 lower than one (1) foot above the level of the base flood elevation on a permanent foundation;
 - ii. The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,
 - iii. In or outside of an existing or new manufactured home park or subdivision, or in an expansion of 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 Article 5. Section B.4.b.i. and ii, above.
 - c. All recreational vehicles placed on sites must either:

- i. Be on the site for fewer than 180 consecutive days;
- ii. Be fully licensed and ready for highway use; or
- iii. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Article 5. Section B.4.a. or b.i. and ii, above.

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.

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of Article 4. Section C.8. shall be utilized for all requirements relative to the base flood elevation or floodways.

Section C. Standards for Areas of Special Flood Hazard Zones AI-30 and AE With Established Base Flood Elevation But Without Floodways Designated

Located within the areas of special flood hazard established in Article 3. Section B, where streams exist with base flood data provided but where no floodways have been provided, (zones AI-30 and AE) the following provisions apply:

1. No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article 5, Section B.

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

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'- 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.
2. All new construction and substantial improvements of nonresidential buildings shall:

- a. have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade . If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade; or,
 - b. together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level 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.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

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

Located within the areas of special flood hazard established in Article 3. Section B. are areas of the 100-year flood protected by a flood protection system which is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 Zones) the following provisions apply:

1. All provisions of Article 4. and Article 5. Section A. and H. shall apply.

Section F. Standards for Areas of Special Flood Hazard With Established Base Flood Elevation And With Floodways Designated

Located within the areas of special flood hazard established in Article 3. Section B, where streams exist with base flood data and floodways provided, the following provisions apply:

1. No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. If Article 5. Section F. 1. Above is satisfied, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article 5. Section B.

Section G. Standards For Unmapped Streams (optional)

Located within Harriman, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor base flood data or floodways have been provided. Adjacent to such streams the following provisions shall apply:

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream along

each side of the stream, unless certification by a 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 foot at any point within the locality.

2. When flood elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Article 4. Section B.2.

Section H. Standards for Subdivision Proposals

Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

1. All subdivision proposals shall be consistent with the need to minimize flood damage.
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty lots and/or five acres.

ARTICLE 6. VARIANCE PROCEDURES

The provisions of this section shall apply exclusively to areas of special flood hazard.

Section A. Board of Zoning Appeals

1. The Harriman Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Chapter.
2. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
3. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
 - a. The danger that materials may be swept onto other property to the injury of others;
 - b. The danger to life and property due to flooding or erosion;

- c. The susceptibility of the proposed facility and its contents to flood damage;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. The relationship of the proposed use to the comprehensive plan and for that area;
 - h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
 - j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
4. Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance.
 5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
2. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result *in* increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

4. The Building Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.