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Private Acts of 1967-68 Chapter 350

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Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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SECTION 1. (a) The Quarterly County Court of Hamblen County is authorized to create a County Planning Commission, to consist of not less than seven (7) members. One (1) of the members shall be the chairman of the County Court and one (1) of the members shall be a member of the Quarterly County Court selected by the Quarterly County Court. All other members shall be appointed by the Quarterly County Court in such manner as to give each civil district equal representation on the Commission among the appointed members. All members of the Commission shall receive for such service the sum of ten dollars (\$10) per meeting which they attend, except when they are also members of the Board of Zoning Appeals. They shall, in addition, receive the compensation as provided in Section 20. The terms of appointive members shall be of such length as may be specified by the Quarterly County Court not to exceed five (5) years and may be arranged by the Quarterly County Court so that the terms of one (1) or more members expire each year. Any vacancy in an appointive membership shall be filled for the unexpired term by the Quarterly County Court.

(b) The chairman of the County Court shall be a member of the Commission by virtue of his office and may serve any number of years. The member of the Planning Commission selected from the membership of the Quarterly County Court shall not be eligible for reappointment to the Commission after serving five (5) consecutive years. However, any member of the court shall be eligible for reappointment after being off the Commission for a period of one (1) year. Members appointed to the Commission by the Quarterly County Court from each of the five (5) civil districts of the county shall not be eligible for reappointment to succeed themselves after serving a full term of five (5) years. However, any such member shall be eligible for reappointment after being off the Commission for a period of one (1) year.

(c) The Quarterly County Court of Hamblen County is authorized to create an Advisory Board to advise and assist the Hamblen County Planning Commission, to consist of such number of members as the Quarterly County Court may determine. The Advisory Board shall include, but shall not be limited to, a representative of each of the following agencies and organizations:

- (1) The Hamblen County Health Department
- (2) The Hamblen County Road Department
- (3) The U. S. Soil Conservation Service
- (4) The Hamblen County Farm Bureau
- (5) The Hamblen County Homebuilders Association
- (6) The Hamblen County Board of Realtors
- (7) The representative of each of the utility districts located in Hamblen County.

The terms of members of the Advisory Board shall be of such length as may be determined by the Quarterly County Court. The court may arrange the terms so that the terms of one or more members will expire each year. Any vacancy on the board shall be filled by appointment by the Quarterly County Court of some person to serve the remainder of the unexpired term. Members of the Advisory Board shall serve without compensation. Members of the Advisory Board shall have the duty of attending the meetings of the Hamblen County Planning Commission and advising and assisting the Commission on all matters as may come before the Commission or as the Commission may from time to time request.

As amended by:
 Private Acts of 1969, Chapter 98
 Private Acts of 1974, Chapter 236
 Private Acts of 1975, Chapter 112

SECTION 2. The Commission shall elect its chairman from among the appointive members. The term of the chairman shall be one (1) year with eligibility for re-election. The Commission shall adopt rules for the transactions, findings and determinations, which record shall be a public record. The Commission may appoint such employees and staff as it may deem necessary for its work, and may contract with county planners and other consultants for such services as it may require. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Quarterly County Court.

SECTION 3. It shall be the function and duty of the Commission to make and adopt any official general plan for the physical development of the county, outside any municipal limits. The plan, with the accompanying maps, plats, charts, and descriptive and explanatory matter, shall show the commission's recommendations for such physical development, and may include among other things, the general location, character and extent of streets, bridges, viaducts, parks, parkways, waterways, waterfronts, playgrounds, airports and other public ways, grounds, places and spaces, the general location of public buildings and other public property, the general location and extent of public utilities and terminals,

whether publicly or privately owned, for water, light, powers, sanitation, transportation, communication and other purposes; also the removal, relocation, widening, extension, narrowing, vacating, abandonment, change of use or extension of any of the foregoing public ways, grounds, places, spaces, buildings, properties or utilities; also a zoning plan for regulation of the height, area, bulk, location and use of private and public structures and premises and of population density; also the general location, character, layout and extent of community centers and neighborhood units; also the general location, character, extent and layout of the replanning or blighted districts and slum areas; also regulation of subdivisions. The Commission may from time to time amend, extend or add to the plan or carry any part of subject matter into greater detail.

SECTION 4. The Commission may adopt the plan as a whole by a single resolution, or, as the work of making the whole plan progresses, may from time to time adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Commission. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the Commission to form the whole or part of the plan, and the action taken shall be recorded on the adopted plan or part thereof and descriptive matter by the identifying signature of the Secretary of the Commission, and a copy of the plan or part thereof shall be certified to the Quarterly County Court.

SECTION 5. In the preparation of the plan, the Commission shall make careful and comprehensive surveys and studies of the existing conditions and future growth of the county and its environs. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the county which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development.

SECTION 6. The Commission may make reports and recommendations relating to the plan and development of the county to public officials and agencies, public utility companies, to civic, educational, professional and other organizations and to citizens. It may recommend to the executive or legislative officials of the county programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its work, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the Commission shall have powers as may be necessary to enable it to perform its purposes and promote county planning.

SECTION 7. Whenever the Commission shall have adopted the plan of the county or any part thereof, then and thenceforth no street, part or other public way, ground, place or space, no public building or structure, or no public utility whether publicly or privately owned, shall be constructed or authorized in the county outside of municipal boundaries until and unless the location and extent thereof shall have been submitted to and approved by the Planning Commission. In case of disapproval, the Commission shall communicate its reasons to the Quarterly County Court of the county and the Court by a vote of a majority of its membership, shall have the power to overrule such disapproval and, upon such overruling, the Court shall have the power to proceed. However, if the public way, ground, place, space, building, structure or utility is one the authorization or financing of which does not, under the law governing the same, fall within the province of the Quarterly County Court, then the submission to the Planning Commission shall be by the State, County, District, Municipal or other board or official having such jurisdiction, and the Planning Commission's disapproval may be overruled by such board by a majority vote of its membership, or by such official. The widening, narrowing, relocation, vacation, change in the use, acceptance, acquisition, sale or lease of any street or public way, ground, place, property or structure shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the Commission to act within thirty (30) days after the date of official submission to it shall be considered approval, unless a longer period is granted by the Quarterly County Court or other submitting board or official.

SECTION 8. For the purpose of this Act, "street" or "streets" includes streets, avenues, boulevards, roads, lanes, alleys and other ways; "subdivision" means the division of a tract or parcel of land into two (2) or more lots, sites or other divisions for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and, when appropriated to the context, relates to the process of subdividing or to the land or area subdivided; and "plat" includes plat, plan, plot or replot.

SECTION 9. After the Planning Commission adopts a master plan which includes at least a major street plan or shall have progressed in its master planning to the stage of the making and adoption of a major street plan, and files a certified copy of such major street plan in the office of the county register of the county, no plat of a subdivision of land lying wholly or partly within the county and wholly or partly outside

of municipal boundaries shall be filed or recorded until it is submitted to and approved by the Planning Commission and such approval is entered in writing on the plat by the Secretary of the Commission, provided that if the plat of subdivision divides the tract into no more than two (2) lots, the approval may be endorsed in writing on the plat by the secretary of the commission without the approval of the Planning Commission that the subdivision complies with such regulations governing a subdivision of land as having been adopted by the Planning Commission pursuant to this section, provided further, that no request for variance from such regulations has been requested. Where a conveyance between owners of adjoining parcels of land would result in the creation of substandard lots and require a survey for purposes of standardizing such lots, the planning commission may by order combine any such lots under one owner into a standard lot without the need for a survey, upon the written request of either party to the conveyance.

The county registrar (sic) shall not receive, file or record a plat of a subdivision without the approval of the Planning Commission as required by this section. Violation of this provision is a misdemeanor. Each such plat so filed shall include the most recent recorded deed book number and page number for each deed constituting part of the property being platted.

As amended by: Private Acts of 1982, Chapter 249

SECTION 10. In exercising the powers granted to it by this Act, the Planning Commission shall adopt regulations governing the subdivision of land within the county. Such regulations may provide for the harmonious development of the county, for the coordination of streets within subdivisions with other existing or planned streets or with the plan of the county for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity.

Such regulations may include requirements of the extent to which and the manner in which streets shall be graded and improved and water, sewer and other utility mains, piping, connections or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the Commission may provide for the tentative approval of the plat previous to such improvements and installation, but any such tentative approval shall not be entered on the plat. The regulations may provide that, in lieu of the completion of such work previous to the final approval of a plat, the Commission may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for the securing to the county the actual construction and installation of such improvements and utilities within a period specified by the Commission and expressed in the bonds. The county is authorized to enforce such bonds by all appropriate legal and equitable remedies. The regulations may provide, in lieu of the completion of such work previous to the final approval of a plat, for an assessment or other method whereby the county is put in assured position to do said work and make said installations at the cost of the owners of the property within the subdivision.

Before adoption of its subdivision regulations, or any amendments thereof, a public hearing thereon shall be held by the Commission.

SECTION 11. The Commission shall approve or disapprove a plat within thirty (30) days after the submission thereof, otherwise the plat shall be considered to have been approved and a certificate to that effect shall be issued by the Commission on demand. However, the applicant for the Commission's approval may waive his requirement and consent to the extension of such period. The ground of disapproval of any plat shall be stated upon the records of the Commission. Any plat submitted to the Commission shall contain the name and address of a person to whom notice of hearing shall be sent. No plat, shall be acted upon by the Commission without affording a hearing thereon, notice of the time and place of which shall be sent by mail to said address not less than five (5) days before the date fixed for the hearing.

SECTION 12. The approval of a plat shall not be considered to constitute or effect an acceptance by the county or public of the dedication of any street or other ground shown upon the plat.

SECTION 13. Whoever, being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the Planning Commission and obtained its approval as required by this chapter and before such plat be recorded in the office of the County Register, is guilty of a misdemeanor. In addition, such owner or agent of the owner shall be subject to a civil penalty of not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500). Such civil penalty can be sued upon by the county in chancery court or circuit court. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from being in violation of this section. The county may enjoin such transfer or sale or agreement by action for injunction.

As amended by: Private Acts of 1982, Chapter 298

SECTION 14. After the time when the platting jurisdiction of the Planning Commission attaches, as provided in Section 9, the county shall not, nor shall any public authority, accept, lay out, open, improve, grade, pave, or light any street or lay or authorize water mains or sewers or connection to be laid in any street within the county, outside of municipal boundaries unless such street has been accepted or opened as, or shall have otherwise received the legal status of, a public street prior to the attachment of the Commission's subdivision jurisdiction, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Planning Commission or with a street plat made and adopted by the Commission. However, the Quarterly County Court may locate and construct or may accept any other street, provided the resolution, ordinance or other measure for such location and construction or for such acceptance is first submitted to the Planning Commission for its approval, and, if disapproved by the Commission, is passed by a majority of the entire membership of the Quarterly County Court. A street approved by the planning commission upon such submission or construction or accepted by a majority vote of the Quarterly County Court after disapproval by the Commission, shall have the status of an approved street as fully as though it had been originally shown on a subdivision plat approved by the Commission or on a plat made and adopted by the Commission.

SECTION 15. After the time when the platting jurisdiction of the Planning Commission attaches, as provided in Section 9, no building permit shall be issued and no building shall be erected on any lot within the county, outside of municipal boundaries unless the street giving access to the lot upon which the building is proposed to be placed shall have been accepted or opened as, or shall have otherwise received the legal status of, 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 Commission, or with a street located or accepted by the Quarterly County Court of the county after submission to said Planning Commission and, in case of the Commission's disapproval, by the favorable vote required in Section 14. Any building erected or to be erected in violation of this section shall be an unlawful structure and the county may bring action to enjoin such erection or cause it to be vacated or removed.

SECTION 16A. For the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare, the Quarterly County Court is empowered, in accordance with the conditions and the procedure specified in this act, to regulate the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes. Special districts or zones may be established in those areas considered subject to seasonal or periodic flooding, and such regulations may be applied therein as will minimize danger to life and property, and as will secure to the citizens of Hamblen County the eligibility for flood insurance under Public Law 1016, 84th Congress or subsequent related laws or regulations promulgated thereunder.

SECTION 16B. For the purpose of promoting the public, health, safety, morals, convenience, order, prosperity and general welfare, the quarterly county court is empowered to regulate the location and the development of mobile home parks and trailer courts in that area of the county outside the city limits of the City of Morristown. A mobile home park or trailer court for the purposes of this act shall mean a plot or tract of ground upon which there is located two (2) or more mobile homes, trailers or similar structures used or to be used for residential purposes. The quarterly county court is empowered to regulate the location of such parks or courts, the lot area per mobile home, yard requirements, access streets, drives, parkways, parking, water, sewerage, sewage, electricity, lighting, fire protection, and sanitary facilities.
As amended by: Private Acts of 1973, Chapter 38

SECTION 16C. From and after the adoption of an ordinance by the quarterly county court regulating the location and development of mobile home parks or trailer courts as provided in paragraph (b) of this section, then and thenceforth no mobile home parks, as defined in paragraph (b) of this section, shall be constructed, maintained, or authorized in the county outside of municipal boundaries until or unless the location, extent, and plans therefor have been submitted to and approved by the planning commission. Appeals to the quarterly county court may be taken, under such rules and regulations as adopted by the quarterly county court, by any person aggrieved or by any officer, department, board or bureau of the county affected by any grant or refusal of a permit to construct and maintain a mobile home park.
As amended by: Private Acts of 1973, Chapter 38

SECTION 16D. Any person who fails to comply with any resolution promulgated by the county legislative body in its regulation of the location and development of mobile home parks and trailer courts shall be subject to a civil penalty of not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500). Such civil penalty can be sued upon by the county in Chancery Court or Circuit Court.
As amended by: Private Acts of 1982, Chapter 298

SECTION 17. Whenever the Planning Commission makes and certifies to the Quarterly County Court a zoning plan, including both the full text of a zoning ordinance and the maps, representing the

recommendations of the Planning Commission for the regulation by districts or zones of the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the size of yards, courts and other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes, then the Quarterly County Court may exercise the powers granted and for the purposes mentioned in Section 15 and may divide the county into districts or zones of such number, shape and areas it may determine, and, for said purposes, may regulate the erection, construction, reconstruction, alteration and uses of buildings and structures and the uses of land. This Section shall not apply to the powers granted the quarterly county court to regulate the location and development of mobile home parks set out in Sections 16B and 16C of said Act.

As amended by: Private Acts of 1973, Chapter 38

SECTION 18. Before enacting the zoning ordinance or any amendment thereof, the Quarterly County Court shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be published in a newspaper of general circulation in the county. No change in or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission and approved by it, or, if disapproved, receive the favorable vote of a majority of the entire membership of the Quarterly County Court. This Section shall not apply to the powers granted the quarterly county court to regulate the location and development of mobile home parks set out in Sections 16B and 16C of this act.

As amended by: Private Acts of 1973, Chapter 38

SECTION 19. The zoning ordinance, including the maps, may from time to time be amended, but no amendment shall become effective unless it is first submitted to and approved by the Planning Commission or, if disapproved, shall receive the favorable vote of a majority of the entire membership of the Quarterly County Court. This Section shall not apply to the powers granted the quarterly county court to regulate the location and development of mobile home parks set out in Sections 16B and 16C of said act.

As amended by: Private Acts of 1973, Chapter 38

SECTION 20. The Quarterly County Court may create a board of zoning appeals of three (3) or five (5) members, may specify the mode of appointment of members of such board and their terms, which terms shall be of such length and so arranged that the term of one (1) member shall expire each year, or the Quarterly County Court may designate the Planning Commission as the board of zoning appeals. The compensation of members of said board shall be as fixed by the Quarterly County Court.

The Quarterly County Court may provide and specify, in its zoning or other resolution or ordinance, general rules to govern the organization and procedure and jurisdiction of the board of zoning appeals, which rules shall not be inconsistent with the provisions of this Act, and the board of zoning appeals may adopt supplemental rules of procedure, not inconsistent with this act or such general rules.

SECTION 21. The zoning resolution or ordinance may provide that the board of zoning appeals may, in appropriate cases and subject to the principles, standards, rules, conditions and safeguards set forth in the resolution or ordinance, make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent. The Quarterly County Court may also authorize the board of zoning appeals to interpret the zoning maps and pass upon disputed questions of lot lines or district boundary lines or similar questions as they arise in the administration of the zoning regulations.

Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any grant or refusal of a building permit or other act or decision of the building commission of the county or other administrative official based in whole or part upon the provisions of the resolution or ordinance enacted under this Act.

SECTION 22. The board of zoning appeals shall have the following powers:

- (1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the county building commissioner or any other administrative official in the carrying out or enforcement of any provision of any resolution or ordinance enacted pursuant to this Act.
- (2) To hear and decide, in accordance with the provisions of any such resolution or ordinance, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which the board is authorized by any such resolution or ordinance to pass.
- (3) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the zoning regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this Act would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property to authorize, upon an appeal relating to said

property, a variance from such strict application so as to relieve such substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning resolution or ordinance.

SECTION 23. The Quarterly County Court may provide for the enforcement of any resolution or ordinance enacted under this act. A violation of any such resolution or ordinance is declared to be a misdemeanor. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be sued in violation of any resolution or ordinance enacted under this Act, the county or any adjacent or neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure or land.

SECTION 24. If any provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 25. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Hamblen County before December 1, 1968. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

SECTION 26. This Act shall take effect upon ratification by the Quarterly County Court of Hamblen County, as provided in Section 25.

Passed: March 11, 1968.

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