

## RESOLUTION 2025 – \_\_\_\_\_

### **A RESOLUTION AMENDING THE ZONING RESOLUTION OF JEFFERSON COUNTY, TENNESSEE TO REFLECT AND CLARIFY THE JURISDICTION, POWERS, AND AUTHORITY OF THE JEFFERSON COUNTY BOARD OF ZONING APPEALS AND THE POWERS AND DUTIES OF ZONING OFFICIAL**

**WHEREAS**, The Jefferson County Regional Planning Commission (JCRPC) desires to consider amendments to the Zoning Resolution of Jefferson County to reflect and clarify the jurisdiction, powers, and authority of the Jefferson County Board of Zoning Appeals (BZA) and the powers and duties of zoning official;

**WHEREAS**, While it is the position of the Jefferson County Regional Planning Commission that the BZA presently has the power to hear and decide appeals from the decisions of any administrative official pursuant to T.C.A. § 13-7-108 and/ or T.C.A. § 13-7-109 and the Zoning Resolution, based on a recent decision from the Jefferson County Chancery Court, out of an abundance of caution, the JCRPC recommends amendments to the Zoning Resolution;

**NOW, THEREFORE, BE IT RESOLVED** by the Jefferson County Regional Planning Commission (hereinafter referred to as the “JCRPC”) that recommends the Board of Commissioners of Jefferson County, Tennessee adopt the following amendments to the Jefferson County Zoning Resolution:

**Section 1.** §10.1 is deleted and replaced with the following section:

A zoning official shall be appointed to enforce and administer the Zoning Resolution, maintain records, and forward materials to the Board of Zoning Appeals (BZA) and the planning commission (RPC). The zoning official shall routinely attend meetings of the BZA and the RPC. Current zoning maps and map amendments shall be maintained by the zoning official and the zoning official shall conduct inspections of properties in furtherance of the zoning official’s duties and powers as prescribed by the provisions of the Zoning Resolution. The zoning official is authorized to interpret the Zoning resolution and determine the applicability of the provisions of the Zoning Resolution and the determination of whether particular uses are not permitted in the various zoning districts.

**Section 2.** §10.2 is deleted and replaced with the following section:

**10.2. Building Permits.** It shall be unlawful to start construction of a principal building or accessory building unless a building permit is obtained. It shall be unlawful to construct additions to any existing building unless a building permit is obtained. Building Permits shall be obtained from the Jefferson County Building Department. The approval, granting or denial of a building permit is within the jurisdiction and authority of the Jefferson County Building Department.

**Section 3.** §10.3 is deleted and replaced with the following section:

**10.3. Notice of Violation, Stop Work Orders, and Sanctions.** If the zoning official finds that any of the provisions of this Zoning Resolution are being violated or believes that a use is not permitted in a particular zoning district, the person responsible for such violations shall be notified in writing. The zoning official shall indicate the nature of the violation, and order the action necessary to correct it. The zoning official shall take any other action authorized by law to ensure compliance with or to prevent violation of the provisions of this Zoning Resolution, including, but not limited to the issuance of Stop Work Orders. Stop Work Orders may be issued by the zoning official, regarding construction or land usage when the zoning official notices a violation of this Zoning Resolution. All work must cease and desist until the violation is corrected.

**Section 4.** §10.4 is deleted.

**Section 5.** §10.5 is deleted.

**Section 6.** §10.6 is deleted and replaced with the following section:

**10.4. Penalties for Violations.** Violations of the Zoning Resolution are punishable under the state statutes governing misdemeanors authorized in Title 13, Tennessee Code Annotated and violations of the Zoning Resolution are also subject to the other remedies and actions described in *Tennessee Code Annotated*, §§13-7-101 *et seq.*, including but not limited to those described in §13-7-111. Violations of the Zoning Resolution may also be punishable by a \$50.00 fine per day. Each day a violation of the Zoning Resolution persists shall be considered a separate offence or violation. The zoning office shall have primary enforcement authority.

**Section 7.** §10.7 is deleted.

**Section 8.** §11.1: Add the following provision:

The BZA shall:

- (i) Maintain a record of the BZA's proceedings, including resolutions, transactions, motions, and actions, which are public records;
- (ii) Elect from its membership a chair and other officers as the board deems necessary; and
- (iii) Require parties to proceedings before it to present relevant proof, regarding the particular matter which is being heard or considered.

**Section 9.** §11.2 is deleted and replaced with the following:

(a) Appeals to the BZA may be taken by any person aggrieved, or by any officer, department or board of the county affected, by any action, inaction, decision or determination of the zoning official or other administrative official, based in whole or in part upon any provision of this Zoning Resolution. Such appeals must be in writing and signed by the person making the appeal or contest. The writing does not have to be extensive or in any particular form but should describe what action, inaction, decision or determination of the zoning official is being appealed or contested.

(b) The zoning official or other administrative officials who make decisions or determinations pursuant to the Zoning Resolution shall inform, in writing, the person receiving the decision or determination and the person or entity who owns the property about which the decision or determination was made of the person's right to appeal to the BZA.

**Section 10.** §11.3 is deleted and replaced with the following:

The Board of Zoning Appeals shall have the following powers, jurisdiction, authority and duties:

(a) To hear and decide appeals where an aggrieved person is contesting an action or inaction of the zoning official in the carrying out or enforcement of Zoning Resolution.

(b) To hear and decide appeals or contests of an appellant or aggrieved person that there is an error in any order, requirement, permit, decision, determination, or refusal made by the zoning official or other administrative official in the carrying out or enforcement of Zoning Resolution.

(c) To hear and decide, in accordance with the provisions of the Zoning Resolution, requests for special exceptions or for interpretations of the zoning map and/or provisions of the Zoning Resolution or for decisions upon other special questions authorized by this resolution.

(d) To grant variances from the terms of the zoning regulations in specific cases where there exists a lot (parcel or tract) recorded prior to the enactment of zoning regulations, and such lot is exceptionally narrow, shallow, or shaped, or such piece of property has exceptional topographic conditions or other extraordinary and exceptional situation or condition that the strict application of certain zoning requirements would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner. (Hardship does not include conditions and/or situations resulting in financial problems resulting from an act or acts by past and/or present owner). Variances may be granted to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and regulations.

(e) In exercising the powers in the Zoning Resolution, the Board of Zoning Appeals may in conformity with the provisions of this Zoning Resolution, reverse or affirm, wholly or in part, or may modify an order, requirement, decision, action, inaction, or determination of the zoning official and to that end shall have all powers and authority of the zoning official.

(f) The BZA shall further have all other powers and authority as described in the provisions of the Zoning Resolution.

(g) The official actions of Board of Zoning Appeals shall be the final decision and may be appealed only to a Court of Competent Jurisdiction.

**Section 11.** §11.4 is deleted and replaced with the following:

**11.4 BZA Hearings- Time**

If the request for a hearing, appeal or contest, is received by the zoning official at least 14 calendar days before the next regular meeting of the BZA, the hearing shall be heard at this next regular meeting of the BZA. However, the BZA has the discretion and authority to continue or reschedule the hearing to a future meeting of the BZA. Upon receipt of any request for hearing, appeal or contest, the zoning official shall notify, in writing, the person or entity making said request and any property owner about which the request is being made of the hearing date, the right of said persons to attend the hearing, and the right to present evidence pursuant to the provisions of the Zoning Resolution.

**BE IT FURTHER RESOLVED** that these regulations shall take effect immediately upon passage, the public welfare requiring it.

**BE IT FURTHER RESOLVED**, if any provision of this resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this resolution which can be given effect without the invalid provision or application and to that end the provisions of this resolution are declared to be severable.

**Date Considered by Jefferson County Regional Planning Commission: 10/28/2025**

**Approve X Denied**

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Chairman Jefferson County Regional Planning Commission

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Secretary Jefferson County Regional Planning Commission

**Date Considered by Jefferson City Regional Planning Commission:**

**Approved        Denied**

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Chairman Jefferson City Regional Planning Commission

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Secretary Jefferson City Regional Planning Commission

**Date Considered by Town of Dandridge Regional Planning Commission:**

**Approved        Denied**

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Chairman Dandridge Regional Planning Commission

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Secretary Dandridge Regional Planning Commission

**Date Considered by Town of White Pine Regional Planning Commission:**

**Approved        Denied**

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Chairman White Pine Regional Planning Commission

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Secretary White Pine Regional Planning Commission

**Date of Public Hearing- Jefferson County Board of Commissioners:**

**Date of Voting Meeting Jefferson County Board of Commissioners:**

**Ayes:        Nays:        - Passed:        Failed:**

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Chairman Jefferson County Board of Commissioners

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Jefferson County Clerk