FAYETTE COUNTY

ZONING RESOLUTION

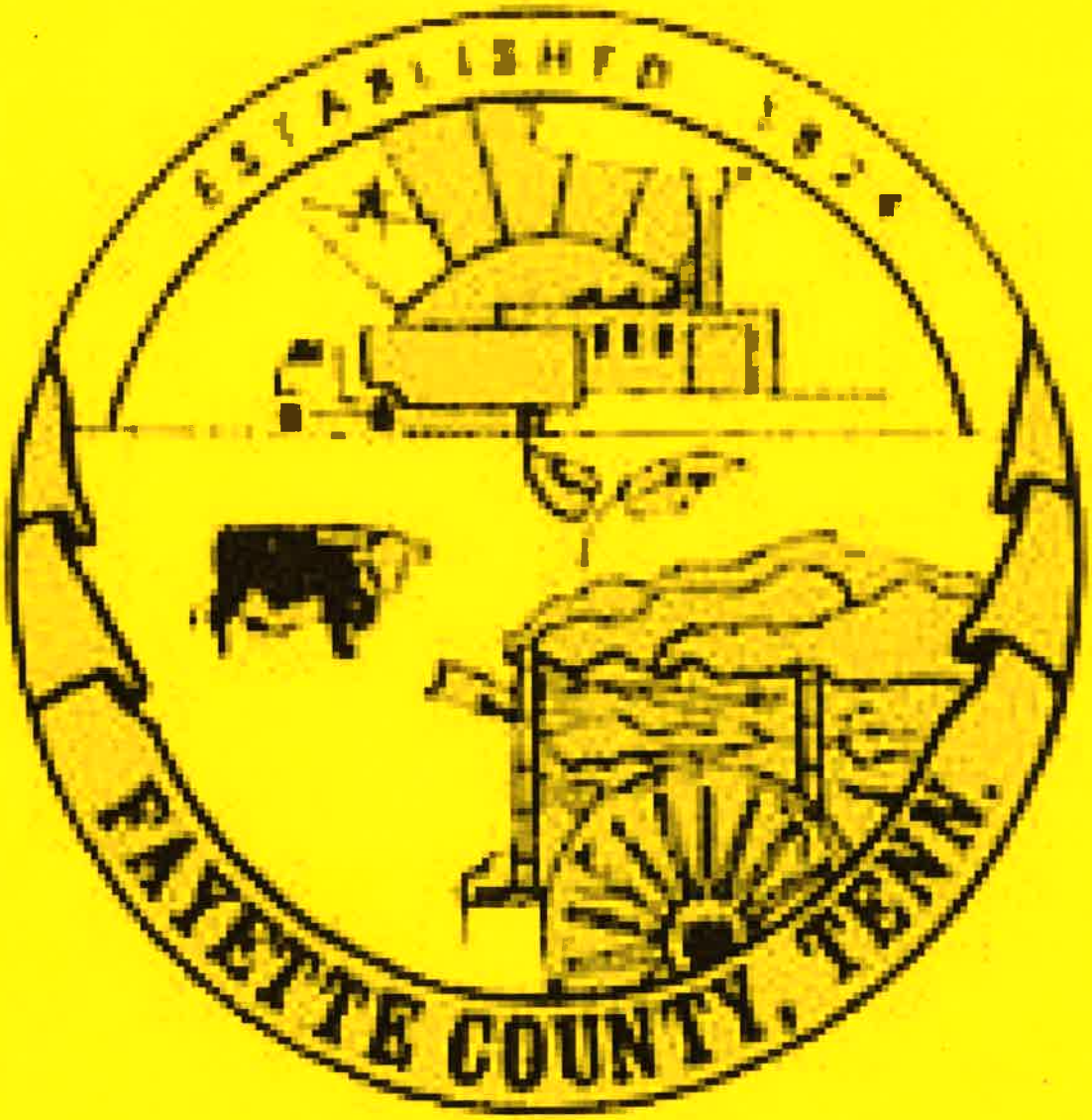

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TABLE OF CONTENTS

ARTICLE I	AUTHORITY/TITLE/PURPOSE	1
ARTICLE II	ADMINISTRATION	2
ARTICLE III	BOARD OF APPEALS	4
ARTICLE IV	AMENDMENT	6
ARTICLE V	GENERAL PROVISIONS	7
ARTICLE VI	ESTABLISHMENT OF LAND USE DISTRICTS	15
ARTICLE VII	PROVISIONS FOR LAND USE DISTRICTS	16
	Section 1	
	Uses Permitted in all Zoning Districts	16
	Section 2	
	R-1, Rural Residential	16
	Section 3	
	R-2, Fringe Residential	18
	R-3, Restrictive Residential	19
	R-4, Multifamily Residential	21
	R-5, Manufactured Home Park Residential	23
	R-6, Urban Services Residential	25
	RPED, Rural Preservation and Enhancement District	27
	Section 4	
	B-1, Neighborhood Business	31
	B-2, Limited Community Business	31
	B-3, Community Business	32
	Section 5	
	SA, Special Activity	33
	Section 6	
	All Industrial District Uses	35
	I-L, Light Industrial	37
	I-H, Heavy Industrial	42
	Chart of Permitted Uses	43
ARTICLE VIII	DEFINITIONS	48
ARTICLE IX	OVERLAY DISTRICTS	51
	Section A	
	F, Flood Damage Prevention District	51
	Section B	
	AHR, Airport Height Regulation District	63

TABLE OF CONTENTS (cont.)

	Section C APO, Airport Protection Overlay District	68
	Section D IHS, Interstate Highway Sign Regulation District	69
ARTICLE X	EXCEPTIONS AND MODIFICATIONS	70
ARTICLE XI	LEGAL STATUS PROVISIONS	71
APPENDIX A	SCHEDULE OF FEES	72

ARTICLE I – AUTHORITY/TITLE/PURPOSE

AUTHORITY: A Resolution pursuant to the authority granted by Sections 13-7-101 through 13-7-115 of the Tennessee Code Annotated and for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare by providing for the establishment of land use districts in the unincorporated regions of the County of Fayette and regulating within such districts the location, height and density of buildings, the sizes of yards and other open spaces, the density of population and the uses of land and buildings for trade, industry, residence, recreation, public activities, and other purposes; and providing methods of administration of this Resolution and prescribing penalties for the violation thereof.

BE IT RESOLVED THEREFORE BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, TENNESSEE, AS FOLLOWS:

Section 1 TITLE. This Resolution shall be known and cited as the "Zoning Resolution of Fayette County Tennessee"; and the map herein referred to, which is identified by the title "Official Zoning Map of Fayette County, Tennessee," and all explanatory matters thereon hereby is adopted by reference and declared to be a part of this Resolution. The Official Zoning Map shall be located in the Office of the Fayette County Register in the Fayette County Courthouse and shall be identified by the signature of the County Executive attested by the County Court Clerk. The Official Zoning Map shall be amended only under the procedures set forth in Article IV of this Resolution; and the secretary of the Fayette County Regional Planning Commission promptly shall cause any such amendment to be delineated on the Official Zoning Map.

Section 2 PURPOSE. The land use districts and regulations herein established have been formulated in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and general welfare of the county. They have been designed to lessen congestion on the roads, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the over-crowding of land, to avoid excessive concentration or scattering of population, and to facilitate the adequate and efficient provision of transportation, water, sewerage, schools, fire and police protection, and other public requirements; and they have been formulated with reasonable consideration as to the character of each district and its peculiar suitability for particular uses and with a view to conserving the value of land and buildings and encouraging the most appropriate use of land throughout the county.

ARTICLE II – ADMINISTRATION

Administrating Officer. The provisions of this Resolution shall be administered and enforced by a building commissioner appointed by the Fayette County Board of Commissioners, and he shall have the power to make such inspection of buildings or land as necessary to perform his duties in the enforcement of this Resolution.

Section 1 Building Permits and Certificates of Occupancy.

1.1 Building Permit Required. It shall be unlawful to commence excavation for the erection of any building, including accessory buildings, or to commence the alteration or moving of any building, including accessory buildings, until the building commissioner has issued a building permit for such building.

1.2 Issuance of Building Permit. In applying to the building commissioner for a building permit, the applicant shall submit a dimensional sketchplan indicating the shape, size, height, and location on the lot of all buildings to be erected, altered or moved and of any building already on the lot. He also shall state the existing and intended use of all such buildings and provide such other information as may be required by the building commissioner for determining whether the provisions of this Resolution are being observed. If the erection, alteration or moving proposed in the application conforms to the provisions of this Resolution and other Resolutions of Fayette County, Tennessee, as well as comports with conformity to the Fayette County Subdivision Regulations, the building commissioner shall issue a building permit for such building. If a building permit is denied, the building commissioner shall state such denial in writing with the cause.

1.2.1 In no instance shall the issuance of a building permit be construed as waiving any provision of this Resolution, and no building permit shall be issued to any lot that has been created or divided in nonconformity with any provision of this Resolution.

1.2.2 A building permit shall expire as specified in Section 105.5 of the Fayette County Building Code and may be renewed as provided in "Appendix A – Schedule of Fees" of this Resolution.

1.3 Certificate of Occupancy. Upon adoption of a Certificate of Occupancy by the Fayette County Board of Commissioners, no building shall be used until the building commissioner shall have issued a certificate of occupancy stating that such building or part thereof and the proposed use thereof conform to the provisions of this Resolution and to the provisions of the Fayette County Building Code. Within three (3) working days after notification that a building or part thereof is ready for use, it shall be the duty of the building commissioner to make a final inspection thereof and to issue a certificate of occupancy if the building or part thereof and the proposed use thereof conform to the provisions of this Resolution and other Resolutions of Fayette County, Tennessee; or if such certificate is denied, to state such denial in writing with the cause.

1.4 Records. A complete record of all such applications, permits, denials, sketches, and plans shall be maintained in the Office of the Building Commissioner, provided this shall not apply to architectural plans.

Section 2 Penalties and Enforcement.

2.1 Penalties. It shall be unlawful to erect, construct, reconstruct, alter, move, maintain, or use any building or to use any land in violation of any provision of this Resolution. Any person, firm or corporation violating any provision of this Resolution shall be deemed guilty of a misdemeanor, punishable as other misdemeanors as provided by law. Each and every day

during which such unlawful erection, construction, reconstruction, alteration, maintenance, or use continues shall be deemed a separate offense.

2.2 Enforcement. If the building commissioner shall find that any of the provisions of this Resolution are being violated, he shall notify in writing the person responsible for such violation, specifying the violation and ordering the action necessary to correct it. He shall order discontinuance of unlawful use of land or buildings, removal of unlawful buildings or of unlawful additions, alterations or structural changes, or discontinuance of unlawful construction; and he shall take such other action as necessary and authorized by law to ensure conformity with or to prevent violation of this Resolution. Further, any adjacent or neighboring property owner who is or would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other legal action or proceeding to prevent, enjoin, abate, or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

Section 3 Schedule of Fees. The Fayette County Board of Commissioners shall establish a schedule of fees for building permits, site plans, rezonings, appeals, and other matters pertaining to the administration of this Resolution. The schedule shall be posted in the office of the Building Commissioner and shall be amended only by the Board of Commissioners, provided that the schedule shall be reviewed by the Fayette County Regional Planning Commission in September of each year and recommended for adjustment as the commission may deem appropriate. No final action shall be taken on any application until all applicable fees have been paid in full.

Section 4 Codification. Not more than once a year, and subject to approval by the Fayette County Regional Planning Commission at its regular September meeting only, the Building Commissioner may renumber the provisions of this Resolution as necessary to achieve logical organization and simplicity, provided that he shall preserve as a permanent record at least two (2) copies of all previous editions of this Resolution – one to be maintained in the Building Department and the other in the vault of the Fayette County Clerk – with there clearly indicated on each previous edition the date(s) of its currency.

ARTICLE III – BOARD OF APPEALS

Section 1 Creation and Membership. A Board of Appeals hereby is established in accordance with Tennessee Code Annotated Section 13-7-106. The Board of Appeals shall consist of five (5) regular members and one (1) associate member, who shall have the duty to attend meetings as though a regular member but shall not participate in any discussion, make or second any motion, or cast any vote with regard to any matter before the board except in a case with at least one regular member absent or in recusal; and the associate member whenever present shall be paid the same per diem as a regular member. The term of regular membership shall be five (5) years except that the initial individual appointments shall be for terms of one, two, three, four, and five years, respectively, and the associate member shall serve at the pleasure of the Board of Commissioners. Vacancies on the Board of Appeals shall be filled for any unexpired term in accordance with Tennessee Code.

Section 2 Procedure. The Board of Appeals shall establish a regular meeting date and its hearings and deliberations shall be open to the public. The Board of Appeals shall adopt rules of procedure and shall keep records of all applications and its actions thereon.

Section 3 Appeals. An application to the Board of Appeals may be submitted by any person, firm or corporation aggrieved, or by any governmental officer, department, board, or bureau affected, by any decision of the building commissioner based in whole or in part upon the provisions of this Resolution. Such application shall be submitted by filing with the building commissioner a notice of appeal, specifying the grounds thereof. The building commissioner shall transmit to the Board of Appeals all papers constituting the record upon which the appealed action was taken. The Board of Appeals shall hear the case within 150 days after the date the application is filed, give public notice thereof as well as personal notice to the parties in interest, and decide the same within thirty-five (35) days after the date of the hearing. At the hearing any person may appear and be heard in person or by an agent. Appeal of any decision of the Board of Appeals shall be to a court of competent jurisdiction.

Section 4 Powers. The Board of Appeals shall have the following powers:

4.1 Administrative Review: To hear and decide allegations that there is error in any order, requirement, permit, decision, determination, or refusal by the building commissioner in the administration or enforcement of any provision of this Resolution; and in exercising this power, the Board of Appeals, provided such action conforms to the intents and purposes of this Resolution, may reverse or affirm, wholly or partly, or may modify the order, requirement, permit, decision, determination, or refusal appealed and may substitute such order, requirement, permit, decision, determination, or refusal as ought to be made, and to that end shall have the powers of the building commissioner.

4.2 Special Exception: To hear and decide applications for special exceptions expressly authorized by this Resolution.

4.3 Variance: To hear and decide applications for variance from the provisions of this Resolution where, by reason of exceptional topographic conditions or other exceptional situation or condition of a lot, the normal application of this Resolution would result in exceptional and undue hardship upon the owner of the lot, provided that in no circumstance shall a variance result in approval of a use that is not permitted in the district classification of the lot. Financial disadvantage to the landowner shall not be proof of hardship; and neither shall any nonconforming use of land nor any nonconforming building in the same or another district be considered grounds for issuance of a variance.

4.3.1 No variance shall be issued unless it is demonstrated:
(a) that special conditions and circumstances exist which are peculiar to the land or building

involved and which are not common to other lands or buildings in the same district; and

(b) that the special conditions and circumstances do not result from any action of the applicant; and

(c) that literal interpretation of the provisions of this Resolution would deprive the applicant of rights commonly enjoyed by other landowners in the same district under the provisions of this Resolution; and

(d) that the variance would not confer on the applicant any special privilege that is denied by this Resolution to other landowners in the same district under the provisions of this Resolution; and

(e) that the variance would be the minimum relief necessary to make possible a reasonable use of the land or building under the provisions of this Resolution.

4.3.2 In issuing a variance, the Board of Appeals may impose such conditions regarding the siting, character and other features of the proposed lot or building as it may deem necessary in furtherance of the intents and purposes of this Resolution.

ARTICLE IV – AMENDMENT

Section 1 Zoning Amendment Petition. The Fayette County Board of Commissioners may amend the number, shape, boundary, area, or any regulation of or within any district or any other provision of this Resolution upon petition by any person or official board.

Section 2 Planning Commission Review. No amendment shall be adopted unless it has been submitted for approval, disapproval or suggestions to the Fayette County Regional Planning Commission, and the absence of formal action by the planning commission within thirty-five (35) days after it holds a public hearing on the proposed amendment shall be considered as approval by the planning commission.

Section 3 Public Hearings on Proposed Amendment. No amendment shall be adopted unless the Fayette County Regional Planning Commission and the Board of Commissioners each shall have held a public hearing thereon. The time and place of such public hearings and the amendment's content shall be advertised by at least one (1) publication in a newspaper of general circulation in Fayette County at least five (5) days in advance of the planning commission hearing and at least fifteen (15) days in advance of the Board of Commissioners hearing.

Section 4 Amendment Disapproval. No amendment disapproved by the Board of Commissioners shall be resubmitted for at least one (1) year.

ARTICLE V – GENERAL PROVISIONS

For the purpose of this Resolution the following General Provisions shall apply:

Section 1 Zoning Affects Every Building and Use. No building or land hereafter shall be used and no building or part thereof hereafter shall be sited except for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, whether operated for or without compensation.

Section 2 Nonconforming Buildings and Uses.

2.1 No nonconforming building shall be enlarged in a manner that makes it more nonconforming.

2.2 No nonconforming use shall be reestablished after discontinuance for longer than one (1) year or changed or expanded in a manner that makes it more nonconforming.

Section 3 Road Frontage. No building shall be sited on a lot of record that does not abut at least one (1) public road for at least fifty (50) feet, provided that this section shall not apply to a lot of record abutting a private road for at least fifty (50) feet; and whether along a public or a private road, such road frontage shall not narrow to less than fifty (50) feet as measured parallel to the bearing or chord of the frontage.

Section 4 More Than One Principal Building on a Lot. In any district more than one (1) principal building may be sited on a lot, provided that more than one (1) principal building shall not be sited on a lot of record.

Section 5 Nonconforming Divisions and Reclassifications. No lot or portion thereof shall be divided or reclassified in nonconformity with any provision of this Resolution.

Section 6 Yards. No part of a yard or other open space required around any building shall be included as a part of a yard or other open space required around another building.

Section 7 Vision at Road Intersections. On a corner lot within the area formed by the centerlines of the intersecting roads and a line joining each centerline at a distance of one hundred (100) feet from their intersection, there shall be no obstruction to vision between a height of two and one-half (2.5) feet and a height often (10) feet above each road at the centerline thereof.

Section 8 Off-Street Parking.

8.1 At the time any building is sited or enlarged or converted wholly or partly to another use there shall be provided a permanent off-street parking area as specified below, and the total parking and maneuvering area shall not have less than three hundred (300) square feet for each required parking space. Off-street parking areas and access drives shall be deemed to be a yard and shall be constructed as specified by the building commissioner with the concurrence of the Fayette County Regional Planning Commission unless otherwise specified in this Resolution.

8.1.1 Dwellings – Not less than two (2) parking spaces for each dwelling unit plus one (I) parking space for each roomer and/or boarder.

8.1.2 Tourist Accommodations – Not less than one (I) parking space for each unit.

8.1.3 Office or Industrial Uses – Not less than one (1) parking space for each two (2) employees computed on the basis of the total number of employees on the two (2) largest consecutive shifts.

8.1.4 Retail Uses – Not less than one (1) parking space for each two hundred (200) square feet of sales area.

8.1.5 Theaters, Auditoriums, Stadiums, Churches, and Similar Uses Designed to Draw an Assembly of Persons – Not less than one (1) parking space for each three (3) seats.

8.1.6 Public Buildings – Not less than one (1) parking space for each two hundred (200) square feet of total floor area excluding any basement.

8.1.7 Medical Offices – Not less than six (6) parking spaces for each staff physician plus two (2) parking spaces for each three (3) other employees.

8.2 A parking area maintained in association with a building existing on the effective date of this Resolution shall be continued and shall not be counted as serving a new building or addition; and neither shall any parking area be substituted for a loading/unloading area nor any loading/unloading area be substituted for a parking area.

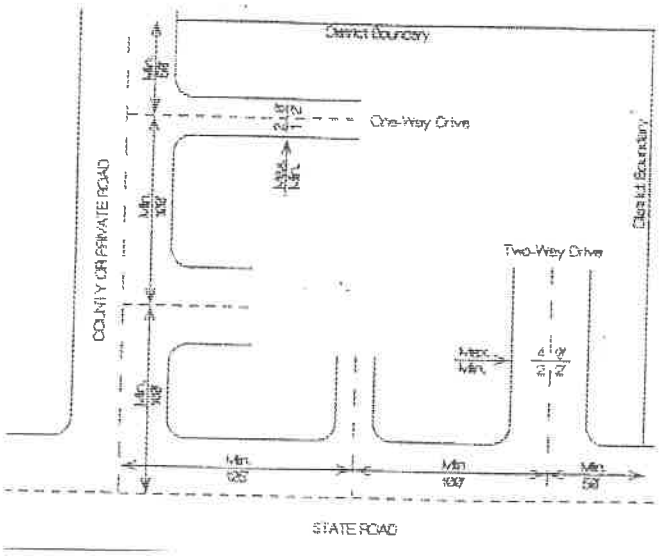
8.3 If the off-street parking area required above cannot reasonably be provided on the same lot with its associated building, the building commissioner may permit such area to be provided on another lot within four hundred (400) feet of the main entrance to the lot on which the associated building is sited.

8.4 No arrangement for off-street parking shall necessitate that vehicles back onto a road.

8.5 Motor vehicles of any kind that are not in operable condition shall not be parked outdoors on any nonindustrially zoned lot, provided that this section shall not apply to up to five (5) such vehicles if they are screened as specified by the building commissioner.

Section 9 Access Control. To promote the safety of both motorists and pedestrians and to minimize traffic congestion and conflict by reducing the points of contact, the following provisions shall apply:

9.1 Multifamily Residential, Manufactured Home Park Residential, Business, Industrial, and Special Activity districts with less than four hundred (400) feet of frontage on any road shall not have more than two (2) access drives intersecting that road; and all access drives in these districts shall conform to the following diagram:



9.2 Any lot zoned R-1, R-2 or R-3 with less than four hundred (400) feet of frontage on any road shall not have more than two (2) access drives intersecting that road, and the centerlines of the access drives shall be separated by a distance of at least one hundred 100) feet where they intersect the road; and no access drive shall exceed forty (40) feet of width where it intersects the road nor be located nearer than twenty (20) feet to the right-of-way of any road intersection.

9.3 Where site screening is required, such screen shall be terminated at a distance of twenty-five (25) feet from any intersection of an access drive with a road right-of-way to provide adequate sight distance for vehicles entering and leaving the site.

9.4 Where paved sidewalks exist, the area between the road and an interior parking space or access drive parallel to the road shall have a curb at least six (6) inches in height and six (6) inches in width separating the parking area or access drive from the sidewalk to prevent encroachment of vehicles onto the sidewalk area.

9.5 No curb on a county road shall be cut or altered without the written consent of both the building commissioner and the public works director.

9.6 Access control of land abutting state or federal highways shall be governed by the regulations of the Tennessee Department of Transportation, Division of Highways, or the provisions of this Resolution, whichever is more restrictive.

9.7 No access drive shall be installed or used in nonconformity with any access control provision of the Fayette County Regional Planning Commission as specified on a recorded subdivision plat; and notwithstanding any setback provision of this Resolution no building shall be erected or placed within any road construction or slope easement specified on a recorded plat, nor shall any building encroach nearer than the setback specified on a recorded plat to a side lot line adjoining a frontage strip to neighboring property.

Section 10 Off-Street Loading and Unloading. Every commercial enterprise shall provide adequate on-site area for the loading, unloading, storage, standing, and maneuvering of company vehicles off any road; and such area shall be deemed to be a yard and shall be constructed as specified by the building commissioner with the concurrence of the Fayette County Regional Planning Commission unless otherwise specified in this Resolution.

Section 11 Signs.

11.1 No sign shall be sited in any residential district except as provided in Section 2.1.1.1, 3.1.1.1 or 3.2.1.1 of Article VII, provided that this section shall not apply to any on-site construction sign or to any locational real estate sale or yard sale sign or to any sign referring solely to a use permitted in all districts or to any sign provided for by Section 1.5 of Article VIII.

11.2 No sign shall be of an obscene or indecent shape or content offensive to local public morals.

11.3 No sign shall be of such size, shape, content, color, location, or illumination as to be confused with or construed as a traffic control device or block from view any traffic control or road name device.

11.4 No sign shall have any moving parts, reflective materials, or flashing, rotating or otherwise animated lighting of any kind.

11.5 The top of a sign shall not be higher than twenty (20) feet above the ground unless it is attached to a building below its roofline or unless it is an off-premise sign regulated by Section III of Article IX.

11.6 No sign shall have a surface area larger than three hundred (300) square feet unless it is an off-premise sign regulated by Section III of Article IX.

11.7 Required Setbacks – At the nearest face or edge of any sign there shall be minimum setbacks as follows:

11.7.1 From the edge of any road right-of-way – Ten (10) feet.

11.7.2 From any district boundary not common to a road right-of-way – Ten (10) feet plus the height of the sign.

11.8 Off Premises Signs:

11.8.1 Off premise signs shall be sited only in B-3 Zoning Districts.

11.8.2 Off premise signs shall only be allowed on lots fronting designated state roads as shown on the Fayette County Major Road Plan, except those state roads designated as scenic or State Parkway System Highways by Tennessee Code Annotated. (Recorded in Book 8, Page 4 in the Office of the Fayette County Register)

11.8.3 Off premise signs shall have no more than two (2) sides, and shall not be stacked.

11.8.4 Off premise signs shall be located at least twenty-five hundred (2500) feet from any other off premise sign.

11.8.5 Off premise signs shall be located at least one thousand (1000) feet from any residential zoning district.

11.8.6 Off premise signs shall be setback a distance equal to the height of the sign plus ten (10) feet from any road right-of-way or property line. If road right-of-way cannot be determined, the setback shall be the height of the sign plus fifteen (15) feet from the edge of the pavement.

11.8.7 No variance shall be granted from the sign size (area) provisions of this section.

Section 12 Wireless Communication Facilities.

12.1 Applications – An application for a special exception for a proposed WCF use shall include at least the following, and additional information may be required by the Board of Zoning Appeals to clarify the proposal:

(a) For a Tower:

(1) a site plan showing the property boundaries, the proposed tower and its related structures, existing structures, access, parking, fences, a landscaping plan, and existing land uses abutting the site; and

(2) a letter from a registered structural engineer certifying that the proposed tower's height and design comply with these regulations and applicable structural standards. It shall also describe the tower's capacity, certifying the number and type of antennas which it can accommodate; and

(3) letters from the tower owner stating that the proposed tower will comply with regulations administered by the Federal Aviation Administration, the Federal Communications Commission, and all other applicable governmental bodies or stating that the proposed tower is exempt from those regulations; and

(4) a letter of intent committing the tower owner and any successors to provide shared use of the proposed tower, if capacity exists based on existing and planned use, with any future applicant who agrees in writing to pay any reasonable rate for the shared use, whose proposed use is technically capable, and who is in good standing; and

(5) certifications of inability to co-locate explaining that the equipment planned for the

proposed tower cannot be accommodated on an existing or approved tower or attached WCF due to one or more of the following reasons:

(a) the planned equipment would exceed the capacity of existing and approved towers and attached WCF's, based on their existing and planned use; or

(b) the planned equipment would result in technical or physical interference with or from other existing or planned equipment; or

(c) there are no appropriate existing or pending towers or attached WCF's to accommodate the applicant's planned equipment.

(b) For an Antenna Array on a Tower:

(1) if the proposed antenna array will not change the external appearance of the tower, a letter from the tower owner attesting to such; or

(2) if the proposed antenna array will be visible on the tower or change the external appearance of the tower, scaled drawings, photographs and other visual aids clearly depicting the size, color, and appearance of the antenna array itself and the overall appearance of the tower with the antenna array attached.

(c) For an Attached WCF on an Attachment Structure:

(1) scaled drawings, photographs and other visual aids sufficient to clearly allow the size, color, materials, and appearance of the proposed attached WCF and the overall appearance of the WCF with the proposed attached WCF on the attachment structure; and

(2) a letter from the lot owner certifying that the proposed attached WCF is of the minimum height necessary to accomplish its intended function and that it will not extend more than fifteen (15) feet above the height of its attachment structure.

12.2 WCF's Exempt from Special Exception Review:

12.2.1 The following types of WCF's may not require special exception approval by the Board of Zoning Appeals:

(a) a Stealth Flagpole Tower or Stealth Tree Tower one-hundred and fifty (150) feet or less in height; and

(b) co-locating an Antenna Array on an existing Tower.

12.2.2 If the building permit application for a WCF listed under (a) or (b) of Article V, Section 12.2.1, supra, meets the following conditions a building permit shall be issued for the proposed WCF:

(a) the building permit application includes the applicable required information in Article V, Section 12.1, supra; and

(b) upon administrative review by the Building Commissioner, it is determined that the proposed WCF meets all requirements of the Zoning Resolution.

12.2.3 If the Building Commissioner determines the application does not meet the requirements of Article V, Section 12.2.2, supra, then the application shall be reviewed by the Board of Zoning Appeals for a special exception.

12.3 Obligation to Allow Co-location – Nothing in these rules and regulations shall obligate the owner at an existing tower or attachment structure to co-locate additional antenna arrays on such tower or attachment structure or be construed to interfere with or limit the rights of parties to set rent or establish other terms and conditions of the shared use of a tower or attachment structure; however, the owner shall not charge rent above the fair market value nor set other unreasonable terms and conditions as a means to limit the feasibility (or co-locating opportunities) on the tower or attachment structure.

12.4 Towers Permitted – All types of towers defined under Article V, Section 12.14, infra.

12.5 Tower Design for Antenna Arrays – A proposed tower shall be structurally designed to accommodate at least six (6) antenna arrays; co-located antenna arrays shall be located on a tower so as to avoid interference with or impairment of operations of existing antennas or

other uses; a proposed attached WCF is required to be finished in colors and materials matching or complementing as closely as reasonably possible those colors and materials of its attachment structure so as to make the proposed attached WCF as visually unobtrusive as reasonably possible.

12.6 Tower Height (Maximum) – The maximum tower height in any Zoning District, except an R-2 or R-3 Zoning District, shall be two hundred (200) feet, unless the applicant can demonstrate that a greater height is needed for its intended purposes.

12.7 Tower Setback:

(a) in any residential zoning district, the tower base shall be set back a minimum of 500 feet from any property line, unless it is a stealth flagpole tower, a stealth tree tower or a flush mount monopole tower, then its minimum setback shall be the height of the tower plus ten (10) feet. At the discretion of the Board of Zoning Appeals, a greater setback for the tower may be required.

(b) in any business or industrial zoning district, the minimum setback requirements of the zoning district in which the tower will be located shall apply, except that a tower shall not be located any closer to a public road than a distance equal to twice the height of the tower.

(c) the minimum setback requirements of the zoning district in which the tower will be located shall apply to the equipment facility and other buildings auxiliary to the functions of the tower. At the discretion of the Board of Zoning Appeals, a greater setback for the equipment facility and other buildings may be required.

12.8 Tower Spacing – A new tower must be spaced a minimum distance of one (1) mile from any other existing or approved tower as measured from the center of their bases.

12.9 Landscaping:

Existing on-site vegetation shall be preserved to the maximum extent practicable and shall be supplemented in accord with the landscaping provisions of this ordinance. At a minimum, where the site abuts residentially developed land or residential zoning districts, the site perimeter, the security fencing surrounding the equipment facility, shall be landscaped with at least one row of deciduous trees, not less than two inches in diameter measured three feet above the grade, spaced not more than 20 feet apart within 25 feet of the site perimeter, as well as at least one row of evergreen trees and shrubs, at least 5 feet high when planted and spaced not more than 5 feet apart to form a solid shrub screen and within 40 feet of the site perimeter. Alternatives such as walls or fences may be permitted based on security or other reasons. The Board of Zoning Appeals or Planning Director, as applicable, may require additional landscaping, as necessary, to promote the esthetic quality of the site or for buffering purposes.

12.10 Security – A WCF shall be secured by the installation of security fencing or a wall system.

12.11 Lighting:

(a) A tower or attached WCF shall not be artificially lighted unless:
   (1) required by the Federal Aviation Administration or other governmental authority; or
   (2) circumstances make lighting appropriate for safety or other reasons unique to a specific application that are set forth in that application, but in no case shall any lighting shine into adjacent residential structures.

(b) If lighting is required, then a dual mode lighting system providing a flashing white beacon during daylight hours and a flashing red beacon during non-daylight hours shall required.

12.12 Removal of an obsolete WCF – Any tower or attachment WCF that has ceased operation shall be removed at its owner's expense, and the owner shall provide the Planning Director with a copy of the notice of intent to the FCC to cease operations and shall be given 90 days from the date of ceasing operations to remove the WCF.

12.13 Additional Requirements of Board of Zoning Appeals – The Board of Zoning Appeals may invoke additional requirement that it deems necessary to protect the public health, safety and welfare interests.

12.14 Definitions:

– "Attachment Device" is any device which attaches the antenna array to an attachment structure, transmission cables, or an equipment facility, any of which may be located either inside or outside the attachment structure.

– "Attached Wireless Communication Facility (Attached WCF)" is an antennae array that is attached to an attachment structure by an attachment device.

– "Wireless Communication Attachment Structure (Attachment Structure)" is an existing building that is not a tower. Attachment structures include, but are not limited to utility poles, steeples, signs, water towers, power line support structures, and electrical substations and power generation plants.

– "Co-location" means the use of a common WCF or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology and/or placement at a WCF on a structure owned or operated by a utility or other public entity.

– "Equipment Facility" is any building containing ancillary equipment for a WCF which includes cabinets, shelters, a build-out of an existing structure, pedestals, and other similar structures, but shall not include offices, long-term vehicle storage, other outdoor storage, or broadcast studios (except for emergency purposes), or other uses that are not needed to send or receive transmissions.

– "Height of a WCF" is the distance from ground level to the highest point of the tower (including any antennae array) or attached WCF.

– "Wireless Communications" means any personal wireless service as defined in the Federal Communications Act of 1996 which Includes FCC licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that exist or may be developed.

– "Wireless Communication Antenna Array (Antenna Array)" is one or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency (RF) signals, which may include omni-directional antennas (whip), directional antennas (panel), and parabolic antennas (dish); the antenna array does not include the Tower.

– "Wireless Communication Facility (WCF)" is any unstaffed building for the transmission and/or reception of wireless communication services, usually consisting of an antenna array transmission cables, and equipment facility, and a support structure or an attachment structure with attachment device to achieve the necessary elevation.

– "Wireless Communication Support Structure (Tower)" is a structure designed and constructed to support an antenna array, including monopole towers, self-supporting (lattice) towers, guy-wire-supported towers, stealth tree towers, stealth flagpole towers, and other similar structures; an attachment device shall be excluded from the definition of and the regulations applicable to a tower.

– "Flush-Mount Monopole Tower" is a monopole tower with antenna arrays that are designed to be mounted on a flush to its outside surface and to extend no more than 4 feet from the tower's surface.

– "Guy Wire Supported Tower" is a tower requiring guy wires and/or ground anchors to support it.

– "Lattice Tower" is a self-supporting tower constructed of a lattice of structural members not connected to guy wires and ground anchors.

– "Monopole Tower" is a self-supporting tower consisting of a single pole not connected to guy wires and ground anchors.

– "Stealth Flagpole Tower" is a monopole tower with the proportions of a flagpole and an antenna array(s) hidden inside the tower.

– "Stealth Tree Tower" is a monopole tower with the appearance of a large tree and antenna array(s) hidden by the artificial tree limbs.

Section 13 Flags Lots Of Record. No permissible building area of a flag lot of record created after April 24, 2007, shall be located behind the rear lot of record line of another flag lot of record having frontage on the same road, provided further that a flag lot of record created after August 25, 2015, shall have no permissible building area behind any rear lot of record line of another flag lot of record having frontage on the same road.

Section 14 Location of Buildings. No building location shall be established on any lot served or to be served by an individual sewage disposal system except in conformity with the requirements of the Tennessee Department of Environment and Conservation Division of Groundwater Protection or this Resolution, whichever is more restrictive.

Section 15 Provisions Governing On-Site Subsurface Sewage Disposal Systems.

15.1 All buildings, if necessary, shall have on the same lot on which they are situated an adequate site for the installation of an on-site subsurface sewage disposal system and reserve area as required and designed by the Tennessee Department of Environment and Conservation, Division of Groundwater Protection. Prior to the issuance of any building permit, all building plans shall be reviewed for conformance with the restrictions issued by the Division of Groundwater Protection as noted either on the recorded plat of the subdivision or on the application for septic system approval and subsequent permit.

15.2 For the purposes of this section, a "bedroom" shall be defined according to the definition found in "Article VIII – Definitions" of this Resolution.

15.3 A certificate of occupancy may be denied to any building if upon final inspection it is determined that the provisions of this section have not been met.

Section 16 Drainage Detention Basins. No drainage detention basin required by the Fayette County Regional Planning Commission to be installed in a subdivision and depicted as an easement or similar encumbrance on a recorded plat shall be breached or filled or obstructed or otherwise disrupted in its normal functioning in any way without the prior consent of both the Fayette County Public Works Board and the Fayette County Regional Planning Commission, as documented in the minutes of each board, and any violation of this provision shall be prosecutable against any and/or all person(s) on whose land the drainage detention basin is located as well against any other responsible party. No variance shall be granted from the provisions of this section.

ARTICLE VI – ESTABLISHMENT OF LAND USE DISTRICTS

Section 1 Classification of Districts. For the purpose of this Resolution, Fayette County, Tennessee, hereby is divided into thirteen (13) land use districts, designated as follows:

R-1	Rural Residential
R-2	Fringe Residential
R-3	Restrictive Residential
R-4	Multifamily Residential
R-5	Manufactured Home Park Residential
R-6	Urban Services Residential
RPED	Rural Preservation and Enhancement District
B-1	Neighborhood Business
B-2	Limited Community Business
B-3	Community Business
SA	Special Activity
I-L	Light Industrial
I-H	Heavy Industrial

Section 2 Boundaries of Districts.

2.1 The boundaries of land use districts hereby are established as delineated on the Official Zoning Map of Fayette County, Tennessee.

2.2 Unless otherwise indicated on the Official Zoning Map, the boundaries of land use districts are lot lines, the centerlines of roads, railroad rights-of-way, water courses, and municipal corporate limit lines.

2.3 Where a land use district boundary divides a lot, the building commissioner may apply the regulations governing the district classification of the larger portion of the lot across the district boundary by not more than thirty (30) feet.

ARTICLE VII – PROVISIONS FOR LAND USE DISTRICTS

Section 1 It is the intent and purpose of this section to permit certain land uses in all districts, provided that those uses shall conform to the applicable general provisions of Article V and to the applicable district regulations of Article VII.

1.1 Permitted Uses: Forestry and agriculture; Churches, excluding cemeteries; Private nonprofit schools; Public and semipublic uses; Wireless communication facilities (WCF) as permitted under Section 12 of Article V.

1.2 Minimum Lot Sizes:

1.2.1 For forestry and agriculture – None.

1.2.2 For churches – One (1) acre.

1.2.3 For private nonprofit schools – Five (5) acres, plus one (1) acre for each one hundred (100), or fraction of one hundred (100), of design enrollment.

1.2.4 For public and semipublic uses – None.

Section 2 It is the intent and purpose of this section to protect and conserve open space and agricultural production; to promote the public safety, convenience, order, prosperity, and welfare by reducing the wastes of financial and human resources that result from an excessive number of roads and from an excessive scattering of population; and to facilitate an orderly and affordable expansion of public services. To accomplish this intent and purpose, there shall be one (1) rural residential district in Fayette County, Tennessee.

2.1 R-1, Rural Residential. Within the areas designated R-1 on the Official Zoning Map of Fayette County, Tennessee, the following provisions shall apply:

2.1.1 Permitted Uses: Single-family dwellings, duplexes, manufactured homes, and accessory buildings; Provided that no road shall be constructed by any nongovernmental entity except a combined access drive where required or authorized by the regional planning commission under Article IV of the Fayette County Subdivision Regulations, which drive shall not result in the creation of more lots of record than could be obtained without the combined access drive; Seasonal sale of farm produce from temporary roadside shelters.

2.1.1.1 Use Permitted as a Special Exception: A service or production enterprise conducted principally on the lot where the proprietor resides, provided that:
(a) the enterprise shall not violate any restrictive covenant; and
(b) the lot shall be at least one (1) acre in size, or larger if required by the state health department; and
(c) the lot shall not be in violation of any provision of this Resolution; and
(d) not more than one (1) enterprise shall be established on the lot; and
(e) the enterprise shall conform to the applicable parking and loading/unloading space specifications of Article V; and
(f) no merchandise of any kind shall be sold on the lot except as incidental to a professional service nor shall a junkyard be established on the lot; and
(g) the enterprise shall not employ more than three (3) persons who do not live on the lot; and
(h) the enterprise shall not display more than one (1) sign on the lot where the enterprise is located and the sign shall not be larger than four (4) square feet, or not larger than eight (8) square feet where the adjoining road right-of-way width is at least one hundred (100) feet; and
(i) no offensive noise, odor, smoke, dust, dirt, runoff, rubbish, heat, glare, or vibration shall be

discernible at any lot line; and

(j) the enterprise shall be limited to the specific activity approved by the Board of Zoning Appeals and shall not be changed in any manner without the consent of said Board; and

(k) the Board of Appeals may impose such additional conditions or restrictions on the enterprise as may be necessary to assure conformity with the intents and purposes of this Resolution; and

(l) the Board of Appeals shall withdraw any special exception issued under this section if the enterprise is discontinued for longer than one (1) year or if, after a hearing to determine the facts, it is established that there no longer exist the facts, conditions or conformity upon which the special exception was issued.

2.1.1.2 Use Permitted as a Special Exception: Personal airstrips upon approval by the Board of Appeals of a site plan drawn by a licensed professional engineer or register land surveyor demonstrating that the following conditions will be met:

(a) airstrip shall serve one private residence; and

(b) a minimum parcel size of 20 acres is required for an airstrip and clear zones; and

(c) airstrip shall be situated so that landings and takeoffs do not occur over a residence or residential area or place of public gathering; and

(d) no more than two operable personal planes permitted at any one time, occasional guests excepted; and

(e) airstrip shall be no closer than 1,000 feet in any direction to a place of public gathering; and

(f) airstrip shall be no closer than 500 feet in any direction to a residence, owner/occupant excepted; and

(g) each end of the landing strip shall be at least 600 feet from any exterior property line of the parcel of land on which the airstrip is located; and

(h) a minimum unobstructed runway area of 200 feet in width and 1,500 feet in length is provided for a single engine aircraft; and

(i) a minimum unobstructed runway area of 200 feet in width by 2,000 feet in length is provided for a multiengine aircraft; and

(j) runway length can be no more than 3,000 feet; and

(k) airstrip shall be limited to non-commercial and non-crop dusting purposes; and

(l) the Board of Appeals may require other information be presented or impose conditions that would protect the living standards of citizens and property in the area of the request, including but not limited to sound barriers, hours of operation, size and type of aircraft, etc., depending on the circumstances of each individual case; and

(m) all airstrips (both existing and future) shall be required to register and subsequently purchase an annual license/registration from the Fayette County Planning Office.

2.1.2 Area and Height Standards:

2.1.2.1 Minimum Lot of Record Size – One (1) acre, or more if required by the State Department of Environment and Conservation.

2.1.2.2 Minimum Lot of Record Width at the Site of the Principal Building – One hundred twenty-five (125) feet.

2.1.2.3 Minimum Lot of Record Depth at the Site of the Principal Building – One hundred twenty-five (125) feet.

2.1.2.4 Required Setbacks – For all buildings except signs there shall be minimum setbacks as follows:

2.1.2.4.1 From any county or private road centerline – Eighty (80) feet, provided that temporary roadside shelters used for the seasonal sale of farm produce shall not be nearer than fifty (50) feet to said centerline.

2.1.2.4.2 From any state road centerline – One hundred (100) feet, provided that temporary roadside shelters used for the seasonal sale of farm produce shall not be nearer than fifty (50) feet to said centerline.

2.1.2.4.3 Deleted.

2.1.2.4.4 From any lot of record line not common to a road right-of-way – Fifteen (15) feet for an accessory building and thirty (30) feet for a principal building.

2.1.2.4.5 Minimum distance between principal and accessory buildings or between accessory buildings – Five (5) feet.

2.1.2.5 Maximum Buildable Area – On any lot of record the total ground coverage of all buildings shall not exceed fourteen (14) percent of the total lot of record area.

2.1.2.6 Maximum Height – No building intended for human occupancy or use shall be more than forty (40) feet in height; towers, water tanks, spires, belfries, antennas, etc., shall not be higher than ten (10) feet less than the distance from the nearest lot line to the base of such structure, except as provided in Section 12 of Article V.

Section 3 It is the intent and purpose of this section to secure the harmonious residential development of the county through provisions designed to assure compatibility of residential land uses both within residential districts and between residential districts and neighboring nonresidential districts. These provisions are designed further to promote adequate open spaces for traffic, light, air, and recreation; to lessen congestion on the roads; to prevent both excessive concentrations and excessive scattering of population and settlement; to protect the value of land and buildings; and to promote such distribution of population and residential land development as will tend to facilitate and conserve adequate provisions for transportation, drainage, water supply, sanitation, educational opportunity, recreation, soil fertility, and the protection of both urban and rural development. It is further the intent of this section to comply with the provisions of Tennessee Code Annotated 6-58-107 and ensure consistency with the adopted Fayette County Growth Plan (as adopted in August 2003 or subsequently amended). As such, the residential districts described in this section are intended to be utilized only within Urban Growth Boundaries or Planned Growth Areas. To accomplish this intent and purpose, there shall be five (5) residential development districts in Fayette County, Tennessee.

3.1 R-2, Fringe Residential. Within the areas designated R-2 on the Official Zoning Map of Fayette County, Tennessee, the following provisions shall apply:

3.1.1 Permitted Uses: Single-family dwellings, duplexes, manufactured homes, and accessory buildings; Seasonal sale of farm produce from temporary roadside shelters.

3.1.1.1 Use Permitted as a Special Exception: A service or production enterprise conducted principally on the lot where the proprietor resides, provided that:
(a) the enterprise shall not violate any restrictive covenant; and
(b) the lot shall be at least one (1) acre in size, or larger if required by the State Department of Environment and Conservation; and
(c) the lot shall not be in violation of any provision of this Resolution; and
(d) not more than one (1) enterprise shall be established on the lot; and
(e) the enterprise shall conform to the applicable parking and loading/unloading space specifications of Article V; and
(f) no merchandise of any kind shall be sold on the lot except as incidental to a professional service nor shall a junkyard be established on the lot; and
(g) the enterprise shall not employ more than three (3) persons who do not live on the lot; and
(h) the enterprise shall not display more than one (1) sign on the lot where the enterprise is

located and the sign shall not be larger than four (4) square feet, or not larger than eight (8) square feet where the adjoining road right-of-way width is at least one hundred (100) feet; and

(i) no offensive noise, odor, smoke, dust, dirt, runoff rubbish, heat, glare, or vibration shall be discernible at any lot line; and

(j) the enterprise shall be limited to the specific activity approved by the Board of Appeals and shall not be changed in any manner without the consent of said Board; and

(k) the Board of Appeals may impose such additional conditions or restrictions on the enterprise as may be necessary to assure conformity with the intents and purposes of this Resolution; and

(l) the Board of Appeals shall withdraw any special exception issued under this section if the enterprise is discontinued for longer than one (1) year or if, after a hearing to determine the facts, it is established that there no longer exist the facts, conditions or conformity upon which the special exception was issued.

3.1.2 Area and Height Standards:

3.1.2.1 Minimum Lot of Record Size – One (1) acre, or more if required by the State Department of Environment and Conservation.

3.1.2.2 Minimum Lot of Record Width at the Site of the Principal Building – One hundred twenty-five (125) feet, provided that the Fayette County Regional Planning Commission may require a minimum lot of record width of not more than two hundred fifty (250) feet for each manufactured home in a nonpreviously-existing subdivision (i.e, approved after May 1993).

3.1.2.3 Minimum Lot of Record Depth at the Site of the Principal Building – One hundred twenty-five (125) feet.

3.1.2.4 Required Setbacks – For all buildings except signs there shall be minimum setbacks as follows:

3.1.2.4.1 From any county or private road centerline – Eighty (80) feet, provided that temporary roadside shelters used for the seasonal sale of farm produce shall not be nearer than fifty (50) feet to said centerline.

3.1.2.4.2 From any state road centerline – One hundred (100) feet, provided that temporary roadside shelters used for the seasonal sale of farm produce shall not be nearer than fifty (50) feet to said centerline.

3.1.2.4.3 Deleted.

3.1.2.4.4 From any lot of record line not common to a road right-of-way – Fifteen (15) feet for an accessory building and thirty (30) feet for a principal building.

3.1.2.4.5 Minimum distance between principal and accessory buildings or between accessory buildings – Five (5) feet.

3.1.2.5 Maximum Buildable Area – On any lot of record the total ground coverage of all buildings shall not exceed fourteen (14) percent of the total lot of record area.

3.1.2.6 Maximum Height – No building intended for human occupancy or use shall be more than forty (40) feet in height; towers, water tanks, spires, belfries, antennas, etc., shall not be higher than ten (10) feet less than the distance from the nearest lot line to the base of such structure, except as provided in Section 12 of Article V.

3.2 <u>R-3, Restrictive Residential</u>. Within the areas designated R-3 on the Official Zoning Map of

Fayette County, Tennessee, the following provisions shall apply:

3.2.1 Permitted Uses: Single-family dwellings and accessory buildings; Seasonal sale of farm produce from temporary roadside shelters.

3.2.1.1 Use Permitted as a Special Exception: A service or production enterprise conducted principally on the lot where the proprietor resides, provided that:
(a) the enterprise shall not violate any restrictive covenant; and
(b) the lot shall be at least one (1) acre in size, or larger if required by the State Department of Environment and Conservation; and
(c) the lot shall not be in violation of any provision of this Resolution; and
(d) not more than one (1) enterprise shall be established on the lot; and
(e) the enterprise shall conform to the applicable parking and loading/unloading space specifications of Article V; and
(f) no merchandise of any kind shall be sold on the lot except as incidental to a professional service nor shall a junkyard be established on the lot; and
(g) the enterprise shall not employ more than three (3) persons who do not live on the lot; and
(h) the enterprise shall not display more than one (1) sign on the lot where the enterprise is located and the sign shall not be larger than four (4) square feet, or not larger than eight (8) square feet where the adjoining road right-of-way width is at least one hundred (100) feet; and
(i) no offensive noise, odor, smoke, dust, dirt, runoff rubbish, heat, glare, or vibration shall be discernible at any lot line; and
(j) the enterprise shall be limited to the specific activity approved by the Board of Appeals and shall not be changed in any manner without the consent of said Board; and
(l) the Board of Appeals may impose such additional conditions or restrictions on the enterprise as may be necessary to assure conformity with the intents and purposes of this Resolution; and
(k) the Board of Appeals shall withdraw any special exception issued under this section if the enterprise is discontinued for longer than one (1) year or if, after a hearing to determine the facts, it is established that there no longer exist the facts, conditions or conformity upon which the special exception was issued.

3.2.2 Area and Height Standards:

3.2.2.1 Minimum Lot of Record Size – One (1) acre, or more if required by the State Department of Environment and Conservation.

3.2.2.2 Minimum Lot of Record Width at the Site of the Principal Building – One hundred twenty-five (125) feet.

3.2.2.3 Minimum Lot of Record Depth at the Site of the Principal Building – One hundred twenty-five (125) feet.

3.2.2.4 Required Setbacks – For all buildings except signs there shall be minimum setbacks as follows:

3.2.2.4.1 From any county or private road centerline – Eighty (80) feet, provided that temporary roadside shelters used for the seasonal sale of farm produce shall not be nearer than fifty (50) feet to said centerline.

3.2.2.4.2 From any state road centerline – One hundred (100) feet, provided that temporary roadside shelters used for the seasonal sale of farm produce shall not be nearer than fifty (50) feet to said centerline.

3.2.2.4.3 Deleted.

3.2.2.4.4 From any lot of record line not common to a road right-of-way – Fifteen (15) feet.

3.2.2.4.5 Minimum distance between principal and accessory buildings or between accessory buildings – Five (5) feet.

3.2.2.5 Maximum Buildable Area – On any lot of record the total ground coverage of all buildings shall not exceed fourteen (14) percent of the total lot of record area.

3.2.2.6 Maximum Height – No building intended for human occupancy or use shall be more than forty (40) feet in height; towers, water tanks, spires, belfries, antennas, etc., shall not be higher than ten (10) feet less than the distance from the nearest lot line to the base of such structure, except as provided in Section 12 of Article V.

3.3 R-4, Multifamily Residential. Within the areas designated R-4 on the Official Zoning Map of Fayette County, Tennessee, the following provisions shall apply:

3.3.1 Permitted Uses: Multifamily dwellings and accessory buildings, provided that a site plan shall be approved by the Fayette County Regional Planning Commission prior to the issuance of any building permit; Home occupations.

3.3.2 Site Suitability Standards:

3.3.2.1 R-4 districts shall be established only on sites:
(a) which can conform to the access control regulations of Article V; and
(b) which feasibly can connect with existing public sanitary sewer and public water supply systems.

3.3.2.2 Minimum Site Size – Two (2) acres.

3.3.2.3 Minimum Public Road Frontage – Two hundred (200) feet.

3.3.2.4 Minimum Site Width – Two hundred (200) feet.

3.3.2.3 Drainage – R-4 districts shall be established only outside the one hundred (100) year floodplain on well-drained sites where the development will neither endanger any water supply nor generate off-site flooding.

3.3.3 Site Plan Requirements:

3.3.3.1 The public sanitary sewer system, public water supply system (including fire hydrants), solid waste disposal system, and power system shall be detailed in the site plan.

3.3.3.2 Required or proposed access drives, parking and loading/unloading areas, pedestrian walkways, drainage improvements, and erosion control measures shall be detailed in the site plan.

3.3.3.3 Required or proposed amenities (e.g., recreation areas, illumination, screening, etc.) shall be detailed in the site plan.

3.3.3.4 The site plan shall detail the location, size, height, and purpose of all required or proposed principal buildings and the number of dwelling units in each.

3.3.4 Site Development Standards: No site plan shall be recorded nor any building permit issued without either full and proper installation of all required site improvements or the provision of a satisfactory surety; and the installation and inspection of site improvements shall be conducted as required by the building commissioner with the concurrence of the Fayette

County Regional Planning Commission.

3.3.4.1 Public Sanitary Sewer and Public Water Supply Systems – Specifications for the public sanitary sewer and public water supply systems (including fire hydrants) shall correspond to those of the relevant incorporated city or town and the state health department.

3.3.4.2 Access Drives – The wearing surface of access drives shall be at least twelve (12) feet wide for one-way traffic and at least twenty-two (22) feet wide for two-way traffic, provided that the Fayette County Regional Planning Commission may require a greater minimum where necessary. The template shall be eight (8) feet wider in the subgrade that the width of the wearing surface and otherwise constructed to the specifications of the Fayette County Subdivision Regulations. The base course shall consist of six (6) inches of grade D limestone, four (4) feet wider than the width of the wearing surface, installed in two (2) to three (3) inch compacted lifts per TDOT Section 303; and the wearing surface shall consist of a tack coat installed per TDOT Section 403 and two (2) inches of a 3O7CW or a 4IIE hot mix course installed per TDOT Section 307 or 411, as applicable. (Wherever it appears in the preceding specifications, the term "TDOT refers to the Tennessee Department of Transportation Standard Specifications For Road and Bridge Construction of March 1, 1981, with all amendments and updates). Where access drives are installed under or adjacent to existing electric transmission lines or over gas transmission lines, the nearest edge of the pavement shall be a minimum of fifteen (15) feet from any transmission line structure, and all grading shall be done in a manner that will not disturb the structure or result in erosion endangering it. In the case of electric transmission lines, the clearance from the pavement to the nearest conductor shall conform to the specifications of the National Electrical Safety Code.

3.3.4.3 Parking and Loading/Unloading Areas – All vehicle parking and loading/unloading areas shall be accessed only from the interior of the R-4 district.

3.3.4.4 Drainage System – Adequate drainage improvements, whether on the site or on an affected public right-of-way, shall be installed for the proper drainage of all surface water. Where necessary, the Fayette County Regional Planning Commission shall require the installation of permanent six (6) inch high and six (6) inch wide concrete curbs with eight (8) inch high and twenty-four (24) inch wide integral concrete gutters and authorize a corresponding and appropriate deviation from the access drive specifications governing template width and slope and base course width. All access drive culverts shall be of a length sufficient to extend to the toe of the slopes and shall have either flared end sections or concrete headwalls that approximately conform to the slopes and shall be installed at a depth of at least one (1) foot below the subgrade from the top of the culvert; and all drainage structures shall consist of concrete or of corrugated metal that is either ten (10) gauge or asphalt-coated and/or otherwise shall conform to the materials specifications of the building commissioner.

3.3.4.5 Erosion Control – Erosion control measures, such as seeding, sodding, special grading, terracing, and retaining walls, shall be implemented as necessary to prevent any continuing sedimentation, flooding, pollution, or soil loss.

3.3.4.6 Illumination – Automatically regulated outdoor lighting shall be installed as necessary to assure the safety and security of persons and property.

3.3.4.7 Screening – Site screening, such as walls, fences, shrubs, hedges, and trees, shall be provided as necessary to promote compatibility with neighboring land uses.

3.3.4.8 Maximum Gross Density – Twenty (20) dwelling units per acre, or less if required by the Fayette County Regional Planning Commission.

3.3.4.9 Required Setbacks – For all buildings except signs there shall be minimum setbacks as

follows:

3.3.4.9.1 From any county or private road centerline – Eighty (80) feet.

3.3.4.9.2 From any state road centerline – One hundred (100) feet.

3.3.4.9.3 From the pavement edge of any access drive – Twenty (20) feet.

3.3.4.9.4 From any district boundary not common to a road right-of-way – Thirty (30) feet.

3.3.4.9.5 Minimum distance between principal buildings – Thirty (30) feet.

3.3.4.10 Maximum Buildable Area – Not more than forty (40) percent of an R-4 district shall be covered with buildings.

3.3.4.11 Maximum Height – No building intended for human occupancy or use shall be more than forty (40) feet in height; towers, water tanks, spires, belfries, antennas, etc., shall not be higher than ten (10) feet less than the distance from the nearest district boundary to the base of such structure, except as provided in Section 12 of Article V.

3.4 R-5, Manufactured Home Park Residential. Within the areas designated R-5 on the Official Zoning Map of Fayette County, Tennessee, the following provisions shall apply:

3.4.1 Permitted Uses: Manufactured home park spaces and accessory buildings, provided that a site plan shall be approved by the Fayette County Regional Planning Commission prior to the issuance of any building permit; Home occupations.

3.4.2 Site Suitability Standards:

3.4.2.1 R-5 districts shall be established only on sites:
(a) which can conform to the access control regulations of Article V; and
(b) which feasibly can connect with existing public sanitary sewer and public water supply systems.

3.4.2.2 Minimum Site Size – Two (2) acres, but in no event less than an area adequate for the installation of the sewage disposal system required by the state health department.

3.4.2.3 Minimum Public Road Frontage – Two hundred (200) feet.

3.4.2.4 Minimum Site Width – Two hundred (200) feet.

3.4.2.5 Drainage – R-5 districts shall be established only outside the one hundred (100) year floodplain on well-drained sites where the development will neither endanger any water supply nor generate off-site flooding.

3.4.3 Site Plan Requirements:

3.4.3.1 The sewage disposal system, water supply system, solid waste disposal system, and power system shall be detailed in the site plan.

3.4.3.2 Required or proposed access drives, parking and loading/unloading areas, pedestrian walkways, drainage improvements, and erosion control measures shall be detailed in the site plan.

3.4.3.3 Required or proposed amenities (e.g., recreation areas, illumination, screening, etc.) shall be detailed in the site plan.

3.4.3.4 The site plan shall detail the location, size, height, and purpose of all required or proposed site management and service buildings.

3.4.3.5 The site plan shall detail the precise bearings, dimensions and size of each manufactured home space.

3.4.4 Site Development Standards – No site plan shall be recorded nor any building permit issued without either full and proper installation of all required site improvements or the provision of a satisfactory surety; and the installation and inspection of site improvements shall be conducted as required by the building commissioner with the concurrence of the Fayette County Regional Planning Commission.

3.4.4.1 Sewage Disposal System – The Fayette County Regional Planning Commission shall require the installation of sanitary sewers properly connected to an existing public sanitary sewer system to adequately serve all buildings in the manufactured home park; and the specifications for such sewers shall correspond to those of the relevant incorporated city or town and the state Department of Environment and Conservation.

3.4.4.2 Water Supply System – The Fayette County Regional Planning Commission shall require the installation of water mains and fire hydrants properly connected to an existing public water supply system to adequately serve all buildings in the manufactured home park for domestic use and fire protection; and the specifications for such water mains and fire hydrants shall correspond to those of the relevant incorporated city or town and the state Department of Environment and Conservation.

3.4.4.3 Access Drives – The wearing surface of access drives shall be at least twelve (12) feet wide for one-way traffic and at least twenty-two (22) feet wide for two-way traffic, provided that the Fayette County Regional Planning Commission may require a greater minimum where necessary. The template shall be eight (8) feet wider in the subgrade that the width of the wearing surface and otherwise constructed to the specifications of the Fayette County Subdivision Regulations. The base course shall consist of six (6) inches of grade D limestone, four (4) feet wider than the width of the wearing surface, installed in two (2) to three (3) inch compacted lifts per TDOT Section 303; and the wearing surface shall consist of a tack coat installed per TDOT Section 403 and two (2) inches of a 3O7CW or a 4IIE hot mix course installed per TDOT Section 307 or 411, as applicable. (Wherever it appears in the preceding specifications, the term "TDOT refers to the Tennessee Department of Transportation Standard Specifications For Road and Bridge Construction of March 1, 1981, with all amendments and updates). Where access drives are installed under or adjacent to existing electric transmission lines or over gas transmission lines, the nearest edge of the pavement shall be a minimum of fifteen (15) feet from any transmission line structure, and all grading shall be done in a manner that will not disturb the structure or result in erosion endangering it. In the case of electric transmission lines, the clearance from the pavement to the nearest conductor shall conform to the specifications of the National Electrical Safety Code.

3.4.4.4 Parking and Loading/Unloading Areas – All vehicle parking and loading/unloading areas shall be accessed only from the interior of the R-5 district.

3.4.4.5 Drainage System – Adequate drainage improvements, whether on the site or on an affected public right-of-way, shall be installed for the proper drainage of all surface water. Where necessary, the Fayette County Regional Planning Commission shall require the installation of permanent six (6) inch high and six (6) inch wide concrete curbs with eight (8) inch high and twenty-four (24) inch wide integral concrete gutters and authorize a corresponding and appropriate deviation from the access drive specifications governing template width and slope and base course width. All access drive culverts shall be of a length sufficient to extend to the toe of the slopes and shall have either flared end sections or concrete headwalls that

approximately conform to the slopes and shall be installed at a depth of at least one (1) foot below the subgrade from the top of the culvert; and all drainage structures shall consist of concrete or of corrugated metal that is either ten (10) gauge or asphalt-coated and/or otherwise shall conform to the materials specifications of the building commissioner.

3.4.4.6 Erosion Control – Erosion control measures, such as seeding, sodding, special grading, terracing, and retaining walls shall be implemented as necessary to prevent any continuing sedimentation, flooding, pollution, or soil loss.

3.4.4.7 Illumination – Automatically regulated outdoor lighting shall be installed as necessary to assure the safety and security of persons and property.

3.4.4.8 Screening – Site screening, such as walls, fences, shrubs, hedges, and trees, shall be provided as necessary to promote compatibility with neighboring land uses.

3.4.4.9 Minimum Size of Each Manufactured Home Space – Four thousand five hundred (4500) square feet, or more if required by the Fayette County Regional Planning Commission.

3.4.4.10 Minimum Width of Each Manufactured Home Space – Forty-five (45) feet, or more if required by the Fayette County Regional Planning Commission.

3.4.4.11 Minimum Depth of Each Manufactured Home Space – One hundred (100) feet, or more if required by the Fayette County Regional Planning Commission.

3.4.4.12 Required Setbacks – For all buildings except signs there shall be minimum setbacks as follows:

3.4.4.12.1 From any country or private road centerline – Eighty (80) feet.

3.4.4.12.2 From any state road centerline – One hundred (100) feet.

3.4.4.12.3 From the pavement edge of any access drive – Twenty (20) feet.

3.4.4.12.4 From the side or rear line of any manufactured home space – Ten (10) feet.

3.4.4.12.5 From any district boundary not common to a road right-of-way – Thirty (30) feet.

3.4.4.12.6 Minimum distance between principal and accessory buildings or between accessory buildings on any manufactured home space – Five (5) feet.

3.4.4.12.7 Minimum distance between site management and service buildings – Thirty (30) feet.

3.4.4.13 Maximum Buildable Area – Not more than forty (40) percent of an R-5 district shall be covered with buildings.

3.4.4.14 Maximum Height – No building intended for human occupancy or use shall be more than forty (40) feet in height; towers, water tanks, spires, belfries, antennas, etc., shall not be higher than ten (10) feet less than the distance from the nearest district boundary to the base of such structure, except as required in Section 12 of Article V.

3.5 R-6, Urban Services Residential. Within the areas designated R-6 on the Official Zoning Map of Fayette County, Tennessee, the following provisions shall apply:

3.5.1 Permitted Uses: Single-family dwellings and accessory buildings; Seasonal sale of farm produce from temporary roadside shelters.

3.5.1.1 Use Permitted as a Special Exception: A service or production enterprise conducted principally on the lot where the proprietor resides, provided that:

(a) the enterprise shall not violate any restrictive covenant; and
(b) the enterprise shall be conducted entirely within the proprietor's dwelling unit; and
(c) the lot shall not be in violation of any provisions of this Resolution; and
(d) not more than one (1) enterprise shall be established on the lot; and
(e) the enterprise shall conform to the applicable parking and loading/unloading space specifications of Article V; and
(f) no merchandise of any kind shall be sold on the lot except as incidental to a professional service nor shall a junkyard be established on the lot; and
(g) the enterprise shall not employ more than three (3) persons who do not live on the lot; and
(h) the enterprise shall not display more than one (1) sign on the lot where the enterprise is located and the sign shall not be larger than four (4) square feet, or larger than eight (8) square feet where the adjoining road right-of-way width is at least one hundred (100) feet; and
(i) no offensive noise, odor, smoke, dust, dirt, runoff, rubbish, heat, glare, or vibration shall be discernible at any lot line; and
(j) the enterprise shall be limited to the specific activity approved by the Board of Appeals and shall not be changed in any manner without the consent of said Board; and
(k) the Board of Appeals may impose such additional conditions or restrictions on the enterprise as may be necessary to assure conformity with the intents and purposes of this Resolution; and
(l) the Board of Appeals shall withdraw any special exception issued under this section if the enterprise is discontinued for longer than one (1) year or if, after a hearing to determine the facts, it is established that there no longer exists the facts, conditions or conformity upon which the special exception was issued.

3.5.2 Area and Height Standards:

3.5.2.1 Minimum Lot of Record Size – Required minimum lot of record sizes shall depend on the availability of public sewer and public water supply systems.

3.5.2.1.1 For single-family dwellings with public sanitary sewer and water – Ten Thousand (10,000) square feet.

3.5.2.1.2 For single-family dwellings with on-site sewage disposal and all other uses – One (1) acre, or more if required by the state Department of Environment and Conservation.

3.5.2.2 Minimum Lot of Record Width at the Site of the Principal Building – Ninety (90) feet where the minimum lot of record size is ten thousand (10,000) square feet and one hundred twenty-five (125) feet where the minimum lot of record size is one (1) acre.

3.5.2.3 Minimum Lot of Record Depth at the Site of the Principal Building – Ninety (90) feet where the minimum lot of record size is ten thousand (10,000) square feet and one hundred twenty-five (125) feet where the minimum lot of record size is one (1) acre.

3.5.2.4 Required Setbacks – For all buildings except signs there shall be minimum setbacks as follows:

3.5.2.4.1 From any county or private road centerline – Sixty (60) feet where the minimum lot of record size is ten thousand (10,000) square feet and eighty (80) feet where the minimum lot of record size is one (1) acre, provided that temporary roadside shelters used for seasonal sale of farm produce shall not be nearer than fifty (50) feet to said centerline.

3.5.2.4.2 From any state road centerline – Eighty (80) feet where the minimum lot of record size is ten thousand (10,000) square feet and one hundred (100) feet where the minimum lot of record

size is one (1) acre, provided that temporary roadside shelters used for seasonal sale of farm produce shall not be nearer than fifty (50) feet to said centerline.

3.5.2.4.3 From any district boundary not common to a road-right-of-way – Thirty (30) feet.

3.5.2.4.4 From any lot of record line not common to a road right-of-way – Fifteen (15) feet.

3.5.2.4.5 Minimum distance between principal and accessory buildings or between accessory buildings – Five (5) feet.

3.5.2.5 Maximum Buildable Area – On any lot of record the total ground coverage of all buildings shall not exceed twelve (12) percent of the total lot of record area, provided that the maximum buildable area shall be thirty (30) percent for a lot of record served by public sanitary sewer and public water supply.

3.5.2.6 Maximum Height – No building intended for human occupancy or use shall be more than forty (40) feet in height; towers, water tanks, spires, belfries, antennas, etc., shall not be higher than ten (10) feet less than the distance from the nearest lot line to the base of the structure.

3.6 RPED, Rural Preservation and Enhancement District. It is the intent and purpose of this section to provide an alternative to strip residential development across Fayette County's rural hinterlands while preserving such sensitive areas as blue line drainage channels, aquifer recharge areas, erodible topography, floodways and floodplains, and prime farmlands and other agricultural or natural resources, as well as to support and maintain the Fayette County Growth Plan, by allowing the construction of new roads for interior tract development on lands designated "Rural" by the Fayette County Growth Plan where appropriate to site features and community preferences as well as existing road networks, in return for the establishment of acceptable permanent undeveloped green space on-site. It is intended that RPED developments shall conform to the site and alter as little as possible the rural landscape, particularly along existing roads, and that the site shall not be extensively graded or cleared to fit the development. More, site design and construction shall accommodate and protect sensitive lands whether on-site or off, shall not foster the future development of sensitive lands, and shall facilitate a continuity of undeveloped green space across the landscape. Areas designated as within an "Urban Growth Boundary" or a "Planned Growth Area" by the Fayette County Growth Plan also shall be eligible for RPED development, which shall be permitted only by rezoning.

In furtherance of these purposes it is mandated that the RPED shall be established only on application for a rezoning and:

(a) where vehicular access to any tract designated "Rural" by the Fayette County Growth Plan need not occur along any road designated "unsuitable" by the Rural Preservation and Enhancement District Road Access Map recorded in Plat Book 9, Page 118, in the Office of the Fayette County Register; and
(b) where for at least two (2) years prior to regional plannng commission review there has not occurred any road frontage reduction of the lot(s) proposed for RPED zoning; and
(c) where soils have been comprehensively mapped on a one hundred (100) foot grid over the entirety of the intended development area and evaluated for on-site wastewater disposal suitability by the Tennessee Department of Environment and Conservation, provided that this requirement shall not apply to any site designated as within an "Urban Growth Boundary" or a "Planned Growth Area" by the Fayette County Growth Plan or which will connect to a public sanitary sewer system having existing adjacency to the site.

Also in furtherance of these purposes it is mandated that the application for rezoning specify the intended number of building lots and their approximate size(s) along with a precise delineation of the minimum required permanent undeveloped green space, identified by

written legal description and including a buffer strip having sufficient depth relative to elevations and vegetative cover to substantially obstruct view of the development from any existing road or as necessary to accommodate a constructed greenscape to accomplish the same, provided that in no instance shall depth of the buffer strip be less than thirty (30) feet between any existing road right-of-way and intended lots. Gross density shall not exceed one (1) lot per three (3) acres in areas designated "Rural" by the Fayette County Growth Plan, and in areas designated as within an "Urban Growth Boundary" or a "Planned Growth Area" by the Fayette County Growth Plan gross density shall not exceed one (1) lot per one (1) acre.

3.6.1 Permitted Uses: Single-family dwellings and accessory buildings excluding any sort of manufactured home; Seasonal sale of farm produce from temporary roadside shelters; Noncommercial recreational activities.

3.6.1.1 Use Permitted as a Special Exception: A service or production enterprise conducted principally on the lot where the proprietor resides, provided that:

(a) the enterprise shall not violate any restrictive covenant; and
(b) the enterprise shall not violate any restriction of the Tennessee Department of Environment and Conservation in its conduct or location; and
(c) the lot shall not be in violation of any provision of this Resolution; and
(d) not more than one (1) enterprise shall be established on the lot, and
(e) the enterprise shall conform to the applicable parking and loading/unloading space specifications of Article V; and
(f) no merchandise of any kind shall be sold on the lot except as incidental to a professional service nor shall a junkyard be established on the lot; and
(g) the enterprise shall not employ more than three (3) persons who do not live on the lot; and
(h) the enterprise shall not display more than one (1) sign on the lot where the enterprise is located and the sign shall not be larger than four (4) square feet; and
(i) no offensive noise, odor, smoke, dust, dirt, runoff rubbish, heat, glare, or vibration shall be discernible at any lot line; and
(j) the enterprise shall be limited to the specific activity approved by the Board of Appeals and shall not be changed in any manner without the consent of said Board; and
(k) the Board of Appeals may impose such additional conditions or restrictions on the enterprise as may be necessary to assure conformity with the intents and purposes of this Resolution; and
(l) the Board of Appeals shall withdraw any special exception issued under this section if the enterprise is discontinued for longer than one (1) year or if, after a hearing to determine the facts, it is established that there no longer exist the facts, conditions or conformity upon which the special exception was issued.

3.6.2 Site Suitability Standards:

3.6.2.1 RPEDs shall be established only on sites which can conform to the access control regulations of Article V.

3.6.2.2 Minimum Site Size – Five (5) acres.

3.6.2.3 Minimum Public Road Frontage – One hundred (100) feet.

3.6.2.4 Minimum Site Width – None.

3.6.3 Lot Area and Height Standards:

3.6.3.1 Minimum Lot Size – One (1) acre, or no minimum if the lots will be serviced by a collective wastewater treatment system operated and managed under terms acceptable to the Fayette County Regional Panning Commission, provided that in no case shall the number of lots exceed the number specified in the rezoning application.

3.6.3.2 Maximum Lot Size – Two and one-half (2½) acres, or more as necessary to accommodate both a dwelling and its subsurface sewage disposal system and reserve area on the same lot.

3.6.3.3 Minimum Lot Width at the Site of the Principal Building – One hundred twenty-five (125) feet, or no minimum if the lots will be serviced by a collective wastewater treatment system operated and managed under terms acceptable to the Fayette County Regional Planning Commission.

3.6.3.4 Minimum Lot Depth at the Site of the Principal Building – One hundred twenty-five (125) feet, or no minimum if the lots will be serviced by a collective wastewater treatment system operated and managed under terms acceptable to the Fayette County Regional Planning Commission.

3.6.3.5 Required Setbacks – For all buildings except signs there shall be minimum setbacks as follows:

3.6.3.5.1 From any county or private road centerline – Eighty (80) feet where the minimum lot size is one (1) acre, and otherwise as approved by the Fayette County Regional Planning Commission on sketch plan review.

3.6.3.5.2 From any state road centerline – One hundred (100) feet.

3.6.3.5.3 From any district boundary not common to a road right-of-way – Thirty (30) feet.

3.6.3.5.4 From any lot line not common to a road right-of-way or district boundary – Thirty (30) feet where the minimum lot size is one (1) acre, and otherwise as approved by the Fayette County Regional Planning Commission on sketch plan review.

3.6.3.5.5 Minimum distance between principal and accessory buildings or between accessory buildings – Five (5) feet.

3.6.3.6 Minimum Road Frontage – Twenty (20) feet.

3.6.3.7 Maximum Buildable Area – On any lot the total ground coverage of all buildings shall not exceed twelve (12) percent of the total lot area where wastewater is eliminated by means of an individual septic tank and field lines; on any lot serviced by a collective system of wastewater disposal the maximum total ground coverage of all buildings shall not exceed forty (40) percent of the total lot area.

3.6.3.8 Maximum Height – No building intended for human occupancy or use shall be more than forty (40) feet in height; towers, water tanks, spires, belfries, antennas, etc., shall not be higher than ten (10) feet less than the distance from the nearest lot line to the base of such structure, except as required in Section 12 of Article V.

3.6.4 Development Procedure and Construction Standards: The review and approval process as well as infrastructure design and construction within an RPED shall proceed in accordance with the Fayette County Subdivision Regulations and all policies and practices incident thereto.

3.6.5 Green Space Requirements: Not less than fifty (50) percent of the total district shall be established as permanent undeveloped green space in areas designated "Rural" by the Fayette County Growth Plan, and not less than thirty (30) percent of the total district shall be established as permanent undeveloped green space in areas designated as within an "Urban Growth Boundary" or a "Planned Growth Area" by the Fayette County Growth Plan.

3.6.6 Design Standards – RPED design shall incorporate the following elements:

(a) no lot within the district shall front or directly access an existing road; and
(b) walls and elaborate entrance structures shall not be permitted in proximity to an existing road, though traditional rural fencing is acceptable; and
(c) a permanent green space buffer shall be established adjacent to any existing road right-of-way to substantially obstruct view of the development from any existing road or as necessary to accommodate a constructed greenscape to accomplish the same, provided that in no instance shall depth of the buffer strip be less than thirty (30) feet; and
(d) there shall be at least a one hundred (100) foot permanent undeveloped green space buffer between any lot line in the district and an adjoining row crop or livestock use outside the district, provided that this buffer may be fifty (50) feet if the land is wooded, and provided further that the Fayette County Regional Planning Commission may require the installation of berms and/or year-round visually impenetrable landscaping where sufficient natural screening does not exist; and
(e) all sensitive areas as described hereinabove, as well as all slopes exceeding twenty (20) percent over a horizontal distance of two hundred (200) feet or greater, shall be included within permanent undeveloped green space under a conservation easement as specified herein; and
(f) utilities may be installed within the permanent undeveloped green space under such conditions as elaborated by the building commissioner to prevent or repair damage to drainage, soils and vegetation and to preserve the character of the green space, and existing large utility easements (e.g., TVA) may be used for required green space if the terms of such easement permanently prevent development of the subject area or if a conservation easement as specified herein may be imposed; and
(g) sites of historical, archeological or cultural value shall be preserved as specified by the Fayette County Regional Planning Commission, and such areas may count as permanent undeveloped green space if a conservation easement as specified herein may be imposed; and
(h) recreational or other common-use areas and facilities for the private use and enjoyment of the subdivision's residents shall not count for more than ten (10) percent of required permanent undeveloped green space and shall not be included within any required conservation easement; and
(i) a site for collective wastewater treatment may count as permanent undeveloped green space, regardless of its ownership and without a conservation easement; and
(j) no building shall be erected or placed in the permanent undeveloped green space except with the explicit approval of the Fayette County Regional Planning Commission of its location, access, appearance, and purpose; and
(k) all lots shall have either adjacent access or improved (i.e., sidewalk or boardwalk) access to the permanent undeveloped green space satisfactory to the Fayette County Regional Planning Commission; and
(l) the Fayette County Regional Planning Commission may allow a deviation from the rezoning of not more than fifteen (15) percent in the location (not amount) of the minimum required permanent undeveloped green space.

3.6.7 Green Space Preservation: Except as provided in Sections 3.6.6(h) and (i), supra, the required permanent undeveloped green space shall be in the collective fee simple unencumbered ownership of all landowners in the development under terms approved by the Fayette County Regional Planning Commission as adequate to prevent a developer's enduring control of the area, among other purposes related to costs and use; and the green space shall be preserved by an unencumbered conservation easement held by Fayette County and governed by terms approved prior to final plat approval by both the Fayette County Regional Planning Commission and the Fayette County Board of Commissioners as adequate to assure the easement's permanency, which terms thereafter shall not be amended without the approval of both boards; and all land within the conservation easement shall be contiguous and shall facilitate a continuity of undeveloped green space across neighboring lands should they develop; provided, however, that nothing in this section shall be interpreted to empower Fayette County or its agents or assigns to acquire involuntary

ownership of the green space except by an exercise of eminent domain in full conformity with the requirements of the Fifth Amendment to the U.S. Constitution.

Section 4 It is the intent and purpose of this section to establish districts in which the goods and services ordinarily supplied through retail sales are made available to residents in relation to the frequency of purchases and need; with relation to the existing and projected development around the proposed site; the probability and potential need for future expansion of the area; and the physical characteristics of the proposed location, e.g., accessibility, topography, soil suitability, etc. To accomplish this intent and purpose there will be three (3) business districts in Fayette County, Tennessee.

4.1 B-1, Limited Business. Within the areas designated B-1 on the Official Zoning Map of Fayette County, Tennessee, the following regulations shall apply:

4.1.1 Locational Criteria: B-1 Districts shall be located no closer than one (1) mile to any other zone district which permits convenience type retail stores.

4.1.2 Permitted Uses: Convenience type retail stores, provided no foods are prepared and no food or alcoholic beverages are consumed in the building; provided, further, there may be no more than two (2) pumps for dispensing motor fuel.

4.1.3 Maximum Site Size – One (1) acre.

4.1.4 Minimum Site Size – Twenty thousand (20,000) square feet.

4.1.5 Minimum Required Frontage Along One Public Road – One hundred (100) feet.

4.1.6 Minimum Building Setback From Any Public Road – Seventy-five (75) feet, except as required in Section 11 of Article V.

4.1.7 Minimum Building Setback From Any Property Line Not Adjoining a Public Road Right-of Way – Twenty (20) feet.

4.1.8 Maximum Buildable Area – Not more than thirty (30) percent of the total lot area shall be covered with buildings(s).

4.1.9 Access Control – Prior to the adoption of an amendment creating a B-1 District, a design of the proposed vehicular access to the district meeting the requirements of Article V of this Resolution shall be reviewed and approved in writing by the Director of Public Works and the appropriate official when the access is to a state or federal highway.

4.2 B-2, Neighborhood Business. Within the areas designated B-2 on the Official Zoning Map of Fayette County, Tennessee, the following regulations shall apply:

4.2.1 Locational Criteria: B-2 Districts shall be established only on property having one or more of the following characteristics: with frontage on a major road, or at an intersection where the major frontage is on a collector or major road.

4.2.2 Permitted Uses: Convenience type retail stores; restaurants, provided, however, no alcoholic beverages shall be consumed on premises; automobile service stations; accessory structures and uses incidental to any of the permitted uses; provided, further, a commercial structure may include living quarters for the owner or an employee but not for rent or lease; and provided further that structures not having common walls shall be no less than twelve (12) feet apart.

4.2.3 Maximum Site Size – None.

4.2.4 Minimum Site Size – Two (2) acres.

4.2.5 Minimum Required Frontage Along a Collector or Major Road – Two hundred (200) feet along one public road.

4.2.6 Minimum Building Setback From Any Public Road – Eighty (80) feet from the centerline of the road, provided, however, no building shall be closer than forty (40) feet to any public road right-of-way line, except as required in Section 11 of Article V.

4.2.7 Minimum Building Setback From Any Property Line on the Periphery of the District But Not Adjoining a Public Road Easement – Thirty (30) feet.

4.2.8 Maximum Buildable Area – Not more than thirty (30) percent of the total lot area shall be covered with buildings(s).

4.2.9 Access Control – Prior to the adoption of an amendment creating a B-2 District, a design of the proposed vehicular access to the district meeting the requirements of Article V of this Resolution shall be reviewed and approved in writing by the Director of Public Works and the appropriate official when the access is to a state or federal highway.

4.3 B-3, Community Business. Within the areas designated B-3 on the Official Zoning Map of Fayette County, Tennessee, the following regulations shall apply:

4.3.1 Locational Criteria: B-3 Districts shall be located so that they serve the community as a source of a broad range of goods and services. (Note: The "Rural Commercial Centers" identified on the Land Use Plan would be appropriate locations for B-3 Districts).

4.3.2 Permitted Uses: Retail stores and service establishments; general stores; commercial recreational establishments; automobile sales and service establishments; and similar commercial activities, provided, however, that all uses shall be conducted in such a manner that there will be no noise, dirt, odor, heat, glare, or vibration which is offensive to adjoining uses.

4.3.3 Maximum Site Size – None.

4.3.4 Minimum Site Size – One (1) acre.

4.3.5 Minimum Required Public Road Frontage – One hundred (100) feet for each acre, or fraction of an acre, to a maximum of four hundred (400) feet.

4.3.6 Minimum Building Setback From Any Public Road – No principal or accessory building shall be located closer than forty (40) feet to any public road right-of-way or easement line, except as required in Section 11 of Article V, provided, however, that pumps for dispensing motor fuels may be located within twenty (20) feet of said line.

4.3.7 Minimum Building Setback From Any Property Line Not Adjoining a Public Road – Thirty (30) feet.

4.3.8 Maximum Buildable Area – Not more than thirty-three (33) percent of the area within a B-3 District shall be covered with buildings(s); provided, however, if the area so classified contains parcels, or parts of parcels, under different ownership, the one-third (1/3) maximum building coverage applies to the individual parcels, or parts of parcels, individually as well as collectively.

4.3.9 Access Control – Prior to the adoption of an amendment creating a B-3 District, a design of the proposed vehicular access to the district meeting the requirements of Article V of this

Resolution shall be reviewed and approved in writing by the Director of Public Works and the appropriate official when the access is to a state or federal highway.

4.4 No use requiring the issuance of a building permit shall be established in any business district until the Fayette County Regional Planning Commission shall have reviewed and approved a site plan submitted by the lot owner. Such site plan shall detail: lot geometry and elevations along with existing vegetation by type and general location; the use, size, location, profiles, height, and exterior appearance of intended building(s); fire protection and solid waste disposal; parking and loading/unloading areas; access and signage; buffering and landscaping; grading and drainage and erosion control; amenities such as recreation areas and illumination and pedestrian walkways; and all existing and planned utilities including water supply and wastewater disposal, electricity, natural gas, and telephone.

In reviewing the site plan the regional planning commission shall evaluate not only site engineering for proper integration and coordination of site facilities with existing and anticipated neighboring development to promote public health, safety, convenience, order, and efficiency, but also shall consider appropriate and reasonable measures to promote the general prosperity by preventing blight from any cause arising from the development, including materials of construction.

Any site plan depicting more than one (1) lot shall be recorded in the Office of the Fayette County Register following its approval; and any unauthorized deviation from an approved site plan shall constitute a violation of this Resolution.

Section 5 It is the intent and purpose of this section to provide a district for profit and nonprofit enterprises and facilities more appropriately located elsewhere than in a business, industrial, or residential district. To accomplish this intent and purpose, there shall be one (1) special activity district in Fayette County, Tennessee.

5.1 SA, Special Activity. Within the areas designated SA on the Official Zoning Map of Fayette County, Tennessee, the following provisions shall apply:

5.1.1 Permitted Uses: Cemeteries; Institutional establishments and mixed use developments; Nontoxic solid waste landfills not owned by Fayette County or its designate, provided that any such landfill shall be established and operated in conformity with the requirements of the state health department; Commercial outdoor recreational enterprises such as saddle club rings, race courses, shooting ranges, golf courses, campgrounds, and similar facilities; Agribusiness enterprises such as commercial plant nurseries and greenhouses, permanent livestock and produce markets, animal slaughterhouses and rendering plants, and similar facilities; Accessory buildings; Provided that any special activity district shall be limited to the specific use for which the district is established and provided that no offensive noise, odor, smoke, dirt, dust, runoff, heat, glare, or vibration shall be discernible at any district boundary.

5.1.1.1 Use Permitted as a Special Exception: A single dwelling unit, provided that:
(a) the residential use shall not violate any restrictive covenant; and
(b) the residential use shall be incidental to the special activity use (i.e., the dwelling unit shall be occupied by the owner of an enterprise or facility in the Special Activity district or by an employee, but shall not be for rent or lease); and
(c) the Special Activity district shall be at least one (1) acre in size, or larger if required by the state health department; and
(d) the lot shall not be in violation of any provision of this Resolution; and
(e) the Board of Appeals may impose such additional conditions or restrictions on the residential use as may be necessary to assure conformity with the interests and purposes of this Resolution; and
(f) the Board of Appeals shall withdraw any special exception issued under this section if the residential use is discontinued for a period longer than one (1) year or if, after a hearing to

determine the facts, it is established that there no longer exists that facts, conditions, or conformity upon which the special exception was issued.

5.1.2 Site Suitability Standards:

5.1.2.1 Special Activity districts shall be established only on sites which can conform to the access control regulations of Article V.

5.1.2.2 Minimum Site Size – Required minimum site size shall depend upon the type enterprise or facility to be established in the Special Activity district:

5.1.2.2.1 For institutional establishments and mixed use developments – Two (2) acres, but in no event less than an area adequate for the installation of the sewage disposal system required by the state health department.

5.1.2.2.2 For landfills – Five (5) acres, or more if required by the state health department.

5.1.2.2.3 For commercial outdoor recreational enterprises – Twenty thousand (20,000) square feet, but in no event less than an area adequate for the installation of the sewage disposal system required by the state health department.

5.1.2.2.4 For agribusiness enterprises – None, but in no event less than an area adequate for the installation of the sewage disposal system required by the state health department.

5.1.2.2.5 For cemeteries – One (1) acre, provided that the expansion of an existing cemetery property shall have no minimum.

5.1.2.3 Minimum Public Road Frontage – Required minimum public road frontage shall depend upon the type enterprise or facility to be established in the Special Activity district:

5.1.2.3.1 For institutional establishments and mixed use developments – Fifty (50) feet for each acre, or fraction of an acre, to a minimum of two hundred (200) feet.

5.1.2.3.2 For landfills – None.

5.1.2.3.3 For commercial outdoor recreational enterprises – Fifty (50) feet.

5.1.2.3.4 For agribusiness enterprises – None.

5.1.2.3.5 For cemeteries – Fifty (50) feet, provided that no public road frontage shall be required for a cemetery abutting an affiliated church or cemetery property that already has fifty (50) feet of public road frontage.

5.1.2.4 Drainage – Special Activity districts shall be established only on well-drained sites where the development will neither endanger any water supply nor generate off-site flooding.

5.1.3 Site Development Standards – No site plan shall be recorded nor any building permit issued without either full and proper installation of all required site improvements or the provision of a satisfactory surety; and the installation and inspection of site improvements shall be conducted as required by the building commissioner with the concurrence of the Fayette County Regional Planning Commission.

5.1.3.1 Drainage System and Erosion Control – Adequate drainage improvements and erosion control measures, whether on the site or on an affected public right-of-way, shall be implemented as specified by the building commissioner with the concurrence of the Fayette County Regional Planning Commission.

5.1.3.2 Required Setbacks – For all buildings except signs there shall be minimum setbacks as follows:

5.1.3.2.1 From any road right-of-way – Forty (40) feet, provided that pumps for dispensing motor fuels shall not be nearer than twenty (20) feet to said right-of-way.

5.1.3.2.2 From any district boundary not common to a road right-of-way – Thirty (30) feet, provided also that the Fayette County Regional Planning Commission may require the erection of a solid wall or fence of a specified height and appearance along or parallel to any boundary of the Special Activity district.

5.1.3.2.3 Minimum distance between principal buildings – Twenty (20) feet.

5.1.3.3 Maximum Buildable Area – Not more than thirty (30) percent of a Special Activity district shall be covered with buildings.

5.1.3.4 Maximum Height – No building intended for human occupancy or use shall be more than forty (40) feet in height; towers, water tanks, spires, belfries, antennas, etc., shall not be higher than ten (10) feet less than the distance from the nearest district boundary to the base of such structure, except as required in Section 11 of Article V.

5.1.4 No building shall be erected or placed nor any use initiated in any special activity district until the Fayette County Regional Planning Commission shall have reviewed and approved a site plan submitted by the lot owner or his agent or assign. Such site plan shall detail: lot geometry and elevations along with existing vegetation by type and general location; the use, size, location, profiles, height, and exterior appearance of intended building(s) along with the number of dwelling units in each building, if any; fire protection and solid waste disposal; parking and loading/unloading areas; access and signage; buffering and landscaping; grading and drainage and erosion control; amenities such as recreation areas and illumination and pedestrian walkways; and all existing and planned utilities including water supply and wastewater disposal, electricity, natural gas, and telephone.

In reviewing the site plan the regional planning commission shall evaluate not only site engineering for proper integration and coordination of site facilities with existing and anticipated neighboring development to promote public health, safety, convenience, order, and efficiency, but also shall consider appropriate and reasonable measures to promote the general prosperity by preventing blight from any cause arising from the development, including materials of construction, and no site plan shall be approved except for the specific use and scale for which the special activity district was established.

Any site plan depicting more than one (1) lot shall be recorded in the Office of the Fayette County Register following its approval; and any unauthorized deviation from an approved site plan shall constitute a violation of this Resolution.

Section 6 Intent and Purpose. It is the intent and purpose of this section to provide districts permitting a range of light and heavy industrial uses more appropriately located elsewhere than in a residential, business or special activity district. To accomplish this intent and purpose, there shall be two (2) industrial districts (I-L and I-H) in Fayette County, Tennessee.

6.1 General Provisions for Industrial Districts. Within industrial districts as shown on the Official Zoning Map of Fayette County, Tennessee, the following provisions shall apply:

6.1.1 Construction & Performance Standards. It is the intent and purpose of this section to:
(a) establish standards protecting industry from other neighboring uses, whether these uses are residential, commercial, special activity, or industrial zoning districts; and
(b) provide assurances of the continued legal operation of industrial uses; and

(c) state conditions of construction and operation with which industrial uses begun after the adoption of this Resolution will be expected to comply as continuing obligations.

6.1.1.1 Building Construction. All buildings constructed within industrial districts shall be in compliance with the Building Codes of Fayette County, Tennessee.

6.1.1.2 Dust, Dirt, Odors, Gases, Smoke, and Radiation. There shall be no emission by any use of dust, dirt, odors, gases, smoke, or radiation which is in an obnoxious or dangerous amount or degree beyond any boundary of the building site.

6.1.1.3 Hazard. There shall not be created or maintained by any use any unusual fire, explosion, or safety hazard beyond the boundary of the building site.

6.1.1.4 Heat, Glare & Vibration. There shall be no emission by any use of objectionable heat, glare, or vibration which is perceptible beyond any boundary of the building site.

6.1.1.5 Noise. There shall be no production by any use of noise which at any boundary of the building site is in excess of the average intensity of street and traffic noise at that boundary.

6.1.1.6 Wastes. No materials or wastes shall be stored in such a manner that they may be transferred off the building site by natural forces or causes.

6.1.1.7 Water Pollution. No industrial use shall be operated in such manner that there results any pollution of water resources (surface or ground) by sedimentation, direct flow of pollutants into streams, or leakage from storage areas.

6.1.2 Site Plan Approval.

6.1.2.1 Where site plan approval is required in the Chart of Permitted Uses (Subsection 6.4), no application for a building permit shall be considered until a site plan submitted for review to the appropriate authority as designated in the Chart of Permitted Uses has been approved. The site plan shall be drawn at a scale of not less than 1" = 100', but preferably at a larger scale, and shall show at a minimum:

(a) The proposed development's name and location, the name(s) and address(es) of the owner(s), and a certificate by a licensed civil engineer certifying that the plan as shown is true and correct.
(b) Date, vicinity map, north arrow, and scale.
(c) The location of existing and platted property lines and existing streets, buildings, easements, etc.
(d) The locations and dimensions of proposed streets, easements and lot lines.
(e) The proposed location, size, height, design and purposes of all of buildings, arrangement, lot coverages, and yards and open spaces.
(f) The proposed sewage disposal system, water supply system, solid waste disposal system, and power system.
(g) A drainage plan (existing & proposed).
(h) Proposed off-street parking with landscaped islands and parking tiers shown.
(i) Landscaping and screening plan.
(j) Location and elevations of all signs
(k) Lighting plan.
(l) Other information as required by the Building Commissioner or the Fayette County Regional Planning Commission, as appropriate.

6.1.2.2 Approval may be granted to the entire development for construction proposed or approval may be granted by stages.

6.1.2.3 Any site plan depicting more than one (1) lot shall be recorded in the Office of the Fayette

County Register following its approval; and any unauthorized deviation from an approved site plan shall constitute a violation of this Resolution.

6.1.2.4 Costs for any tests, engineering reports, etc., required to assure compliance with the standards shall be borne by the applicant for the building permit.

6.1.2.5 No site plan approved by the Regional Planning Commission shall be recorded nor any building permit issued without full and proper installation of all required site improvements or the provision of a satisfactory surety; and the installation of site improvements shall be conducted as required by the Building Commissioner with the concurrence of the Fayette County Regional Planning Commission.

6.1.3 Buffer Planting Strips.

6.1.3.1 Whenever the side or rear boundary of a building site in an industrial district adjoins or is across a road from a residential district, there shall be provided on the industrial building site a buffer planting strip not less than thirty (30) feet wide. Any required yard shall be counted as part of the buffer planting strip. Buffer planting strips shall comply with the following regulations:

(a) Landscaping - Screen planting shall be provided in sufficient density and of sufficient height (but at least eight (8) feet high) to afford protection to the residential district from the glare of lights, from blowing paper, dust and debris, from visual encroachment and to reduce the transmission of noise; and such screen planting shall be maintained in a clean and neat condition.

(b) Use of Land - No part of a buffer planting strip shall be used for any purpose other than screen planting unless the Building Commissioner shall find and certify that such screen planting has been provided in sufficient depth and density to accomplish the purpose of protection, in which case as much as fifteen (15) feet of the required thirty (30) feet may be used for parking or other open space use not in conflict with the purpose of protection of the adjacent residence district nor in violation of any other provision of this ordinance.

(c) Screen Wall - In cases where a lot's width, or the utility easements on the lot, preclude reasonable use of the property for the uses permitted in the district, upon approval of the Fayette County Regional Planning Commission, and subject to any conditions it may prescribe as necessary to achieve the purpose of screen planting, a screen wall of permanent material eight (8) feet high may be substituted for the screen planting; and in such case, the width of the buffer planting strip may be reduced as much as twenty (20) feet of the required thirty (30) feet.

6.1.3.2 The requirement for a buffer planting strip may be waived by the County Commission in amending this Resolution to create or expand an industrial district upon a report by the Fayette County Regional Planning Commission stating that future extension of the industrial district is anticipated and that the wall of the proposed building, or other site treatment, will provide privacy and will present an acceptable appearance to the adjacent residential district. Waiver of the requirement for a buffer planting strip shall not constitute waiver of any side or rear yard requirement.

6.1.4 Signs.

(a) All signs shall conform to the standards of Article V of this Resolution; and

(b) No more than two signs are allowed per lot, only one of which can be attached to the principal building and then only below the roof line.

6.2 <u>I-L, Light Industrial</u>. These districts are composed of land and structures occupied by or suitable for light manufacturing, storage, wholesaling, warehousing, and similar uses. Located for convenient access from existing and future major roads, highways or other transportation facilities, these districts are usually separated from residential areas by business districts or by natural barriers and may be located to provide a buffer between

other districts and heavy industrial districts. These regulations are intended to permit a range of light industrial uses subject to limitations intended to protect nearby residential and business districts.

6.2.1 Permitted Uses: See Chart of Permitted Uses (Section 6.4).

6.2.2 Site Suitability Standards – I-L Districts shall be established only on sites which can:
(a) conform to the access control regulations of Article V; and
(b) feasibly connect with existing public sanitary sewer and public water supply systems; and
(c) have at least fifty (50) feet of frontage on a public road.

6.2.3 Bulk Regulations:

6.2.3.2 Minimum Lot Area – One (1) acre.

6.2.3.3 Minimum Lot Width – One hundred (100) feet at the building setback line.

6.2.3.4 Maximum Lot Coverage For All Structures (including accessory buildings) – Seventy-five (75) percent.

6.2.3.5 Maximum Building Height – Twenty-five (25) feet, unless the building meets the additional setback requirements of Section 6.2.4.d.

6.2.4 Building Setback Requirements:
(a) From any road right-of-way – Fifty (50) feet, except as required in Section 11 of Article V.
(b) From a district boundary not common to a road right-of-way – Twenty-five (25) feet, except where the building site adjoins a residential district, then fifty (50) feet is required.
(c) From a lot line not common to a road right-of-way – Twenty-five (25) feet, except where the building site adjoins a residential district, then fifty (50) feet is required.
(d) Any building that exceeds twenty-five (25) feet in height shall be set back one additional foot in excess of the required building setback for each foot the building exceeds twenty-five (25) feet in height.

6.2.5 Use of Required Building Setback Areas:
(a) Driveways and off-street parking – No driveways or parking areas shall occupy more than one-half (1/2) of the area within any required building setback.
(b) Sidewalks.

6.2.6 Special Provisions for Adult Oriented Business:

6.2.6.1 Location of Sexually Oriented Businesses:
(a) A person commits a violation of this resolution and any other applicable laws of the State of Tennessee if the person operates or causes to be operated a sexually-oriented business within 1,000 feet of:
(1) a church, synagogue, mosque, temple, or building which is used primarily for religious worship and related religious activities;
(2) a public or private educational facility, including but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities (the word "school" includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school);
(3) a boundary of any residential district as defined in, but not limited to, the following residential zoning classifications in Article VII, Zoning Resolution of Fayette County, Tennessee: R-1, R-2, R-3, R-4, R-5, and R-6;

(4) a "dwelling" as defined in Article VIII, Section 1.4 and including Sections 1.4.1 through 1.4.3, Zoning Resolution of Fayette County, Tennessee;
(5) a public park or recreational area which has been designated for park or recreational activities, including but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the county which is under the control, operation or management of county or city authorities;
(6) the property line of a lot devoted to use as a "dwelling" as defined in Article VIII, Section 1.4 and including Sections 1.4.1 through 1.4.3, Zoning Resolution of Fayette County, Tennessee;
(7) an entertainment business which is oriented primarily towards children or family entertainment.
(8) for the purposes of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in Items 1 through 7. The presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

(b) A person commits a violation of this resolution and any other applicable laws of the State of Tennessee if that person causes or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business; and for purposes of this Section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

(c) A person commits a violation of this resolution and any other applicable laws of the State of Tennessee if that person causes or permits the operation, establishment or maintenance of more than one (1) sexually oriented business in the same building, structure or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.

(d) Any sexually oriented business lawfully operating on March 26, 2003, that is in violation of Section A through C, supra, shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed one (1) year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is/are nonconforming.

(e) A sexually oriented business lawfully in operation as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of a the sexually oriented business license, of a use listed in Section B, supra, within 1,000 feet of the sexually oriented business. This provision applies only to the renewal of a valid license and does not apply when an application for a license is submitted after a license has expired or been revoked.

(f) A sexually oriented business must meet all applicable federal, state and local requirements.

6.2.6.2 Definitions:

– "Adult Arcade" means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer

persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

– "Adult Bookstore, Adult Novelty Store or Adult Video Store" means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following: a) books, magazines, periodicals, or other printed matters, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which regularly depicts material which is distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas"; or, b) instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities"; provided that a commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an "adult bookstore, adult novelty store, or adult video store," since such other business purposes will not serve to exempt such commercial establishments from being categorized as an "adult bookstore, adult novelty store, or adult video store" so long as one of its principal business purposes is the offering for sale or rental for any form of consideration the specified materials which are distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas."

– "Adult Cabaret" means a nightclub, bar, restaurant, or similar commercial establishment which regularly features: a) persons who appear in a state of nudity or semi-nude; or, b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or, c) films, motion pictures, video cassettes, slides, or other photographic reproductions which regularly depicts material which is distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas."

– "Adult Motel" means a hotel, motel or similar commercial establishment which: a) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which regularly depicts material which is distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or, b) offers a sleeping room for rent for a period of time that is less than ten (10) hours; or, c) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

– "Adult Motion Picture Theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which depicts material that is distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas."

– "Adult Theater" means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by an emphasis on the exposure of "specified anatomical area" or by "specified sexual activities."

– "Employee" means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business; provided that "employee" does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

– "Escort" means a person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

– "Escort Agency" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
– "Establishment" means and includes any of the following: a) the opening or commencement of any sexually oriented business as a new business; b) the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; c) the addition(s) of any sexually oriented business to any other existing sexually oriented business; or, d) the relocation of any sexually oriented business.
– "Licensee" means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.
– "Nude Model Studio" means any place where a person regularly appears semi-nude or in a state of nudity, or regularly displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration; provided that "Nude Model Studio" shall not include a proprietary school licensed by the State of Tennessee or a college, junior college or university supported entirely or in part by public taxation, or a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation, or in a structure: a) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and b) where in order to participate in a class a student must enroll at least three days in advance of the class; and c) where no more than one nude or semi-nude model is on the premises at any one time.
– "Nudity or a State of Nudity" means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.
– "Person" means an individual, proprietorship, partnership, corporation, association, or other legal entity.
– "Semi-Nude or Semi-Nude Condition" means the showing of the bare female breast below a horizontal line across the top of the areola at its highest point or the showing of the bare male or female buttocks; this definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.
– "Sexual Encounter Center" means a business or commercial enterprise that, as one of principal business purposes, regularly offers for any form of consideration: (a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or (b) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
– "Sexually Oriented Business" means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center, provided that the definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed physician, surgeon, chiropractor, osteopath, or a licensed massage therapist, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor, or osteopath, nor by trainers for any amateur, semi-professional or professional athlete or athletic team or school athletic program.
– "Specified Anatomical Areas" means, but is not limited to, the following: (a) the male genitals in a discernibly turgid state, even if completely and opaquely covered; or (b) less than completely and opaquely covered human genitals, pubic region, buttocks, or a female breast below a point immediately above the top of the areola.
– "Specified Criminal Activity" means any of the following offenses: prostitution; patronizing prostitution; promoting prostitution; sexual performance by a child; aggravated sexual

exploitation of a minor; sexual exploitation of a minor; possession or distribution of child pornography; public indecency; indecent exposure; engaging in organized criminal activity; aggravated sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries for which (1) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense, or (2) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, which ever is the later date, if the conviction is of a felony offense, or (3) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period; and the fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.
– "Specified Sexual Activities" means any of the following: (a) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or (b) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or c) excretory functions as part of or in connection with any of the activities set forth in (a) or (b) above.
– "Substantial Enlargement of a Sexually Oriented Business" means the increase in floor areas occupied by the business by more than twenty-five (25) percent, as the floor areas exist on the date this amendment takes effect.
– "Transfer of Ownership or Control of a Sexually Oriented Business" means and includes any of the following: (a) the sale, lease or sublease of the business; or (b) the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or (c) the establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

6.3 I-H, Heavy Industrial. These districts are composed of land and structures occupied by or or suitable for heavy manufacturing and related activities, which by reasons of volume of raw materials or freight, scale of operation, type of structures required, or other similar characteristics require locations relatively well segregated from non-industrial uses. Located for convenient access from existing and future major roads, highways, railroad lines, waterways, and other transportation facilities, these districts are usually separated from residential areas by business or light industrial districts or by natural barriers. The regulations are intended to permit a range of heavy industrial uses except that those potentially hazardous would be permitted only after approval of a site plan by the Planning Commission and assurance of the protection of public interest and surrounding persons and property.

6.3.1 Permitted Uses: See Chart of Permitted Uses (Section 6.4).

6.3.2 Site Suitability Standards – I-H Districts shall be established only on sites which can:
a. conform to the access control regulations of Article V; and
b. feasibly connect with existing public sanitary sewer and water supply systems; and
c. have at least fifty (50) feet of frontage on a public road.

6.3.3 Bulk Regulations:

6.3.3.1 Minimum Lot Area - One (1) acre.

6.3.3.2 Minimum Lot Width - One hundred (100) feet at the building setback line.

6.3.3.3 Maximum Lot Coverage for all structures, including accessory buildings - Seventy-five (75) percent.

6.3.3.4 Maximum Building Height - Twenty-five (25) feet, unless the building meets the additional setback requirements of Section 6.3.4.d.

6.3.4 Building Setback Requirements:

a. From any road right-of-way - Fifty (50) feet, except as required in Section 11 of Article V.
b. From a district boundary not common to a road right-of-way - Twenty-five (25) feet, except where the building site adjoins a residential district, then fifty (50) feet is required.
c. From a lot line not common to a mad right-of-way - Twenty-five (25) feet, except where the building site adjoins a residential district, then fifty (50) feet is required.
d. Any building that exceeds twenty-five (2.5) feet in height shall be set back one additional foot in excess of the required building setback for each foot the building exceeds twenty-five (25) feet in height.

6.3.5 Use of Required Building Setback Areas:

a. Driveways and off-street parking - No driveways or parking areas shall occupy more than one-half (1/2) of the area within any required building setback.
b. Sidewalks.

6.4 Chart of Permitted Uses.

A. Categories of Uses:

1. Uses by Right. These uses, designated in the Chart by the letter "R," are permitted subject only to the conditions specified in the Chart or elsewhere in the resolution.

2. Site Plan Administrative Review Use. These uses, designated in the Chart by the letter "A," are subject to the review and approval of the Fayette County Building Commissioner (after receiving comments from other governmental departments, as appropriate) of a site plan conforming to the provisions of Section 6.1.2. or other pertinent regulations. Either the applicant or the Building Commissioner may request the site plan be reviewed by the Fayette County Regional Planning Commission under the provisions of Section 6.4.A.3.

3. Site Plan Approval Use. These uses, designated in the Chart by the letter "S," are declared to possess such unique or other special characteristics as to be subject to review and approval only by the Fayette County Regional Planning Commission (after receiving comments from the Building Commissioner and other governmental departments, as appropriate) of a site plan described in Section 6.1.2.

4. Special Exception Approval Uses. These uses, designated in the Chart by the letter "E," require special exception approval as provided in Section 4.2 of Article III.

B. Conditions and Interpretation:

1. Enclosure of Uses. Unless expressly exempted as indicated in the Chart of Permitted Uses by an asterisk (*), every use shall be conducted entirely within a completely enclosed building; except, however, the Building Commissioner may by written permission allow certain activities customarily conducted outside a completely enclosed building to be so conducted. In granting such permission, the Building Commissioner shall prescribe such conditions and safeguards as he deems necessary and appropriate.

2. Listing Comprehensive. The listing of uses in the Chart is intended to be comprehensive. For any use not specifically named, the Building Commissioner shall make a determination of the district in which the use may be permitted on the basis of its similarity in nature and character to one or more uses that are named in the Chart, which decision may be appealed in the same manner as any other decision of the Building Commissioner acting under the provisions of this Resolution.

	ZONING DISTRICT	
	I-L	I-H
Residential		
Dwelling for Resident Caretaker or Watchman Employed On-Site	A	A
Cultural, Entertainment & Recreational		
Auditorium, Lecture Hall and Recreational Facilities (primarily for employees)	A	A
*Carnival or Circus (as a temporary use, not to continue for more than one week, with renewal for not more than three such periods)	A	
*Church, Revival (as a temporary use, not to continue for more than one week, with renewal for not more than three such periods)	A	
*Fairgrounds, Baseball Park, Stadium, or Armory	A	
*Theatre, Outdoor	A	
Transportation, Communications & Utilities		
*Automobile Storage, Commercial (garages and parking lots, but not truck or wrecked vehicle storage)	A	A
Electric Power Generating Station (non-solar)		S
Electric Power Generating Station (solar)	S	
Freight Depot (Railway or Truck)	A	A
Airport/Heliport	S	S
*Landfill (Sanitary, Public)	A	A
*Pipeline or Electric Transmission Line (rights-of-way for pipelines or electric transmission lines of 44 KV or more potential across private land)	A	A
*Port Facilities	A	A
*Antennas, Earth Stations, Radio/TV Towers, WCF's, etc.	A	A
Radio or Television Broadcasting Studio	A	A
Telephone Exchange (including shops and garages)	A	A
*Transportation Terminal (for Air, Rail, Truck, or Water Transport)	A	A
*Water Storage	A	A
*Utility Substations (shall be enclosed within a wall or chain link or other fence adequate to obstruct passage of persons)	A	A
Retail & Wholesale Trade		
Air Conditioning Sales and Service	A	
Bakery, Wholesale	A	
*Boat Sales, Accessories and Service	A	
Building Specialties Store	A	
Butane and Other LP Gas Products	S	S
Communications Tower	S	S
Contractor's Business and Storage Yard	A	A
Dairy Equipment	A	
Dry Goods, Wholesale	A	
*Farm Equipment and Supplies Sales	A	
Feed Store	A	
Fixture Sales	A	
Food Products, Wholesale	A	
Food, Frozen (Plant and Storage)	A	
Glazier, Supplies and Sales	A	
Garden Supplies Store	A	

	ZONING DISTRICT	
	I-L	I-H
Hardware, Wholesale	A	
Laboratory	A	A
*Landscape Garden Sales	A	
*Lumberyard and Building Materials	A	
*Machinery, Tools and Construction Equipment Sales and Service	A	A
Mail Order House	A	
*Mobile Home and Trailer Sales	A	
Motorcycle Sales and Service	A	
Produce and Fruit, Wholesale	A	
Radio or TV Studio	A	
Restaurant Supplies and Sales	A	
Salvage, Wrecking and Junk Yards (Shall be enclosed by solid wall or fence of uniform construction and appearance at least eight (8) feet high and adequate to obstruct view, noise and passage of persons not visible from roadway or adjacent property)	S	
Sheet Metal Shop	A	
Stone Monument Sales	A	
Telephone Service Center	A	
Veterinary Clinic	A	
Warehouse	A	A
Warehouse, Mini Storage	A	A
Wholesale, Display	A	A
Industrial (Manufacturing, Storage or Distribution of)		
Abrasives	A	
Acids and Derivatives	S	
Air products (Air reduction)		
Alcohol Distillation and Storage	A	
Aluminum Can Processing and Recycling Center	A	A
Aluminum Powder and Paint	S	
Ammonia, Bleaching Powder, and Chlorine	S	
Animal Black, Bone Black and Lamp Black	S	
Animal Reduction	S	
Art Supplies	A	A
Asphalt, Coal, Tar and Wood (incl. Distillation and Refining)	S	
Baskets and Similar Products	A	A
Beverages, Blending or Bottling	A	A
Beverages, Distilling or Brewing	S	
Blast Furnace, Cupolas	S	
Blooming Mill	S	
Boats, Boat Trailers, and Related Products	A	A
Boiler or Tank Works	A	
Bones, Distillation	S	
Boxes, Crates, Pallets, and Similar Products	A	A
Brick, Clay, Firebrick, Refractories, and Vitreous Enameled Products (coal fired)	S	
Brooms and Brushes	A	A
Cabinet or Carpentry Shop	A	A
Canvas Products	A	A
Carbide		S
Caustic Soda		S

	ZONING DISTRICT	
	I-L	I-H
Cellulose		S
Cement, Lime, Gypsum, and Plaster	S	
Chemicals (Heavy and Industrial)		S
*Clay and Clay Products		S
Clocks and Watches	A	A
Clothing, Hosiery, Millinery	A	A
Coffee Roasting	A	A
Coke Oven Products (including Fuel Gas)		S
*Concrete and Concrete Products		A
Cosmetics and Toiletries	A	A
Creosote	A	
Dairy Products (including Ice Cream)	A	A
Detergents, Soap and By-Products (from Animal Fat)		S
Disinfectant, Insecticide or Poison		S
Drafting Equipment	A	A
Drugs and Pharmaceutical Products	A	A
Dyestuff Manufacture		A
Electrical or Electronic Equipment, Appliances and Instruments	A	A
Electroplating	A	A
Explosives, Ammunition, Fireworks, or Gunpowder		S
Fasteners (bolts, nuts, rivets, screws, etc.)	A	A
Feed (from refuse, mash or grain)		S
Felt	S	
Fertilizer		S
Fish Curing and Packing		S
Fish Oils and Meal		S
Food Products (Bakery/Candy Products, Fruit/ Vegetable Processing and Canning)	A	A
Food Products (Packing/Processing of Meat and Poultry Products, but not including slaughter)	A	A
Foundry	S	
Fungicides		S
Furniture	A	A
Fur Dyeing (excluding tanning)	A	A
Gases (Acetylene, Hydrogen, Oxygen, Pyroxyline)		S
Glass		A
Glass Products (from glass stock)	A	A
Glue, Size or Gelatin		S
Graphite	A	
Hair Products		A
Hardware Products	A	A
Ice	A	A
Insulation	S	
Jewelry	A	A
Machinery	A	A
Matches	S	
Mattresses (including rebuilding)	A	A
Medical and Dental Equipment	A	A
Metal Ingots, Pigs, Castings, Sheets or Bars	S	
Metal Ores, Reduction, Refining, Smelting and Alloying	S	
Metal Products, Fabricated	A	A
Metal Products, Vitreous Enameled	A	A

	ZONING DISTRICT	
	I-L	I-H
Millwork, Veneers & Similar Wood Products	A	A
Mobile Homes or Trailers		A
Minerals and Earths (quarrying, extracting, grinding, crushing and processing)		S
Musical Instruments	A	A
Nitrates of Explosive Nature		S
Nitrating of Cotton (or other material)		S
Office Equipment and Supplies	A	A
Oils and Fats (Animal/Vegetable)		S
Optical instruments, Cameras, and Related Products	A	A
Ornamental Iron Products	A	A
Packing and Gaskets	A	A
Paper and Wood Products	A	A
Paper, Pulp, Cellulose, or Rayon		S
Paints, Pigments, Enamels, Lacquers, Putty, Varnishes, Whiting and Wood Fillers		S
Petroleum and Petroleum Products		S
Photographic Processing or Blueprinting	A	A
Plastics and Synthetic Resins		S
Plastic Products Fabrication	A	A
Potash	S	
Printing, Publishing and Allied Trades	A	A
Rendering of Dead Animals, Offal, Garbage or Waste Products, except for hazardous or radioactive materials		S
Rubber, Processing and Reclaiming		A
Rugs, Quilts and Pillows	A	A
*Sawmill or Planing Mill		A
*Scrap Metal (reduction or smelting)		S
Sheet Metal Products	A	A
Shoes	A	A
Shoe and Stove Polish		A
Silverware	A	A
Soda and Washing Powder		A
Sporting Goods	A	A
Steel Works and Rolling Mill		S
Stone, Clay and Concrete Products	A	A
Sugar and Starch		S
Syrup		S
Textile Mill		A
Textiles and Fibers, Printing/Finishing Into Fabric Goods	A	A
Tires		A
Tools and Dies	A	A
Toys and Games	A	A
Turpentine and Resin		S
Water Distillation	A	A
Wells, Gas and Oil		S
Welding Shop	A	A
Wood Preserving Treatment by Impregnation		S
Other Uses		
Accessory Use, customarily accessory to a permitted use	A	A
Commercial Satellite TV Dish	R	R
Sexually Oriented Businesses	S	

ARTICLE VIII – DEFINITIONS

Section 1 Except as specifically defined herein all words used in this Resolution shall have their customary dictionary definition where not inconsistent with the context of their use. Words used in the present tense shall include the future. The singular number shall include the plural and plural the singular. The word 'shall" is mandatory in every instance.

1.1 "Access Drive" – A public or private way of vehicular transit that provides access to the interior of a lot.

1.2 "Personal Airstrip" – Any private area of land or water, used solely by the landowner or occupant, designated, set aside, used or intended for use, for the landing and takeoff of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

1.3 "Building" – A structure constructed or used for residence, business, industry, or other public or private purposes and includes swimming pools, dining cars, manufactured homes, travel trailers if connected to utilities, signs, and other structures whether stationary or movable.

1.3.1 "Principal Building" – A building in which is conducted the principal use of the lot or lot of record on which it is sited.

1.3.2 "Accessory Building" – A building the use of which is incidental to the principal use of the lot on which it is sited.

1.3.3 "Bedroom" – Any space serviced by the HVAC system of a dwelling unit which is 100 square feet or greater in size, which is located along an exterior wall, and meets fire exit minimums, but not including the following: hall; bathroom; kitchen; living room - max of one per dwelling unit; dining room, in proximity to the kitchen - max one per dwelling unit; family room/den – max one per dwelling unit, laundry room, closet/dressing room opening off of a bedroom or bath. The Building Commissioner or his/her designee may grant exceptions if a room, by its design, cannot function as a bedroom. Sewing rooms, studios, lofts, game rooms, and any other room serviced by HVAC along an exterior wall which is 100 square feet or greater in size will be considered to be bedrooms unless the room is specifically exempted. If a home office, library or similar room is proposed, it may be exempted from being considered a bedroom if there is no closet except as noted below and at least one of the following is present: a) permanently built in features that encumber a room in such a way that it cannot be used as a bedroom; b) a minimum four foot opening, without doors, into another room or hall; c) a half wall (four foot maximum height) between the room and another room or staircase; d) no reasonable access to a bath/shower without going through another room or flight of stairs; e) a closet with interior dimensions less than three feet wide and one and three-quarter feet deep; f) does not meet fire code exit minimums. The provisions of Chapter 12-1-06, Section .07, Septic Tank Capacity of the "Rules of the Department of Environment and Conservation Division of Groundwater Protection" of the State of Tennessee are incorporated into this definition by reference

1.4 "Dwelling Unit" – One (1) or more rooms connected together for residential use by one (1) household and containing one (1) kitchen.

1.4.1 "Single-Family Dwelling" – A residential building, other than a manufactured home, containing one (1) dwelling unit, and the term "single-family dwelling" shall include the term "rooming house/boarding house."

1.4.1.1 "Rooming House/Boarding House" – An owner-occupied residential building where lodging or lodging and meals only are provided for compensation to not more than five (5) persons who are not transients.

1.4.2 "Multifamily Dwelling" – A residential building, other than a manufactured home, containing two (2) or more dwelling units, and the term "multifamily dwelling" shall include the terms "duplex," "triplex," "quadriplex," and "apartments."

1.4.2.1 "Duplex" – A multifamily dwelling containing two (2) dwelling units.

1.3.2.2 "Triplex" – A multifamily dwelling containing three (3) dwelling units.

1.4.2.3 "Quadriplex" – A multifamily dwelling containing four (4) dwelling units.

1.4.2.4 "Apartments" – A multifamily dwelling containing five (5) or more dwelling units.

1.4.3 "Manufactured Home" – 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.

1.5 "Household" – A person residing alone or a group of persons residing together whose relationship is of a distinctly domestic character.

1.6 "Home Occupation" – A low intensity enterprise customarily conducted at home, such as custom dressmaking, millinery, tailoring, and fabric sewing; beauty salons and barber shops; offices in which no goods, wares or merchandise are sold; and daycare of not more than four (4) children; provided that the following limitations shall apply to all home occupations:

a. the enterprise shall be conducted entirely within the dwelling unit (except daycare); and
b. the enterprise shall be conducted only by a person residing in the dwelling unit; and
c. the enterprise shall not utilize more than thirty percent (30%) of the total floor area of the dwelling unit; and
d. the enterprise shall not display more than one (1) sign on the lot where the enterprise is located and the sign shall not be larger than one (1) square foot.

1.7 "Junkyard" – Outdoor storage on a single lot of more than five (5) nonagricultural manufactured or processed items or materials that are not in operable condition.

1.8 "Lot" – All of a tract of land in one (1) ownership, which will include one (1) or more lots of record if zoned R-l, R-2 or R-3.

1.9 "Lot Line" – The boundary dividing a particular lot from an adjacent lot.

1.10 "Lot of Record" – All or part of a tract of land in one (1) ownership, zoned R-l, R-2 or R-3, on which more than one (1) principal building shall not be sited. All lots of record shall be delineated on the Official Zoning Map.

1.10.1 "Flag Lot of Record" – A lot of record having road frontage via a corridor of land less than one hundred twenty-five (125) feet wide as measured parallel to the bearing or chord of the road frontage.

1.11 "Lot of Record Line" – The boundary dividing a particular lot of record from an adjacent lot of record.

1.12 "Nonconforming Building" – A building lawfully sited prior to enactment or amendment of this Resolution that does not conform to the provisions of this Resolution for the district in which it is located.

1.13 "Nonconforming Use" – A use of a building or of land lawfully established prior to enactment or amendment of this Resolution that does not conform to the provisions of this Resolution for the district in which it is located.

1.14 "Public Sanitary Sewer" – A system of underground pipes designed to collect liquid wastes and convey them to a treatment facility and which is constructed to the specifications of the state health department and local authorities and operated by an incorporated city or town.

1.15 "Public Water Supply" – A system of underground pipes designed to distribute a supply of potable water and which is constructed to the specifications of the state health department and local authorities and operated by an incorporated city or town.

1.16 "Restrictive Covenant" – A valid contract between private landowners or between a seller and buyer of land restricting the use of land and/or buildings on one (1) or more specific lots or parts of lots.

1.17 "Road" – A public or private right-of-way other than an interstate highway or similar restricted access arterial that is constructed either to the specifications of the Fayette County Subdivision Regulations or by a unit of government with the approval of the Fayette County Regional Planning Commission.

1.17.1 "Public Road" – A road accepted for public maintenance by either the Fayette County Department of Public Works or the Tennessee Department of Transportation.

1.17.2 "Private Road" – A dead-end road not accepted for public maintenance by either the Fayette County Department of Public Works or the Tennessee Department of Transportation.

1.18 "Sign" – A device or structure advertising or identifying the goods, services or location of any enterprise, facility or merchandise and designed to inform or attract the attention of persons not on the lot on which the device or structure is sited, provided that the term "sign" shall not include any government-owned device or structure.

1.18.1 "Off Premise Sign" – A sign not located on the lot on which the goods, services or location of any enterprise, facility or merchandise the sign is advertising or identifying are located, provided that an off-premise sign shall not be attached to any building.

1.19 "Subdivision" – A division of a lot requiring new road or utility construction or that creates a lot of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and when appropriate to the context, relates to the process of subdividing or to the land or area subdivided.

1.20 "Total floor Area" – The square footage of all floors of a building, including finished attics, basements and covered porches.

1.21 "Toxic Waste" – A waste substance with the capacity to cause personal injury to man through ingestion, inhalation or absorption through any body surface.

1.22 "Use" – The purpose for which water or land or a building thereon is arranged, designed, erected, placed, occupied, or maintained.

1.22.1 "Public Use" – A use that is under the direct control of a unit of general purpose government.

1.22.2 "Semi Public Use" – A public service use that is not under the direct control of either a private organization or a governmental agency.

1.23 "Yard" – An open space unoccupied by any building, other than a sign, from thirty (30) inches above the ground upward.

ARTICLE IX – OVERLAY DISTRICTS

SECTION A: F - FLOOD DAMAGE PREVENTION DISTRICT

Section A.1 Intent and Purpose. It is the intent and purpose of this Section A to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Section A is designed to:

(a) restrict or prohibit uses which are vulnerable to water or erosion hazards, or which result in damaging increases in erosion, flood heights or velocities;
(b) require that uses vulnerable to floods, including county facilities, be protected against flood damage at the time of initial construction;
(c) control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters;
(d) control filling, grading, dredging, and other development which may increase flood damage or erosion; and
(e) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section A.2 Objectives. The objectives of this Section A are:

(a) to protect human life, health and property;
(b) to minimize expenditure of public funds for costly flood control projects;
(c) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
(d) to minimize prolonged business interruptions;
(e) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;
(f) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;
(g) to ensure that potential homebuyers are notified that property is in a floodable area; and
(h) to maintain eligibility for participation in the National Flood Insurance Program.

Section A.3 Definitions. Unless specifically defined below, words or phrases used in this Section A shall be interpreted as to give them the meaning they have in common usage and to give this Section A its most reasonable application given its stated intent and purpose and objectives.

– "Accessory Structure" shall represent a subordinate structure to the principal structure and, for the purpose of this Section A, shall conform to the following: a) accessory structures shall not be used for human habitation, and b) accessory structures shall be designed to have low flood damage potential, and c) accessory structures shall be constructed and placed on the building site so far as to offer the minimum resistance to the flow of floodwaters, and d) accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures, and e) service facilities such as electrical and heating equipment shall be elevated or floodproofed.

– "Act" means the statues authorizing the National Flood Insurance Program that are incorporated in the 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 firewall; any walled roofed addition which is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered "New Construction".

– "Appeal" means a request for a review of the local enforcement officer's interpretation of any provision of this Section A 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 (1) percent or greater annual chance of flooding to an

average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding in unpredictable and indeterminate, 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); and 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 (1) percent or greater chance of flooding in any given year; the area may be designated as Zone A on the FHBM; and after detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, or A99.
– "Base Flood" means the flood having a one (1) 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 or supporting foundation system.
– "Building" 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, excavating, drilling operations, or permanent storage of equipment or materials.
– "Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as to not impair the structural integrity of the building during a base flood event.
– "Emergency Flood Insurance Program" or "Emergency Program" means the program as implemented on an emergency basis in accordance 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 landmasses, which peril is not per se covered under the Program.
– "Exception" means a waiver from the provisions of this Section A which relieves the applicant from the requirements of a rule, regulation, order, or other determination made or issued pursuant to this Section A.
– "Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or resolution adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).
– "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 the first floodplain management code or resolution adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).
– "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 the pouring of concrete pads).

– "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from: a) the overflow of inland or tidal waters, or b) the unusual and rapid accumulation or runoff of surface waters from any source.
– "Flood Elevation Determination" means a determination by the building commissioner of the water surface elevations of the base flood; that is, the flood level that has a one (1) 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) or flood-related 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 areas of special flood hazard have been designated as Zone A.
– "Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, delineating the areas of special flood hazard or the risk premium zones applicable to the community.
– "Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency that evaluates flood hazards and contains flood profiles and 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 structure 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, and 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/or 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 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 preventative measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain 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 a designated height.
– "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 feet above a flood level for purposes of floodplain management, which tends to compensate for the many unknown factors that could contribute to flood heights greater then the height calculated for a selected

size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.
– "Functionally Dependent Use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, which 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, adjacent to the proposed walls of a structure.
– "Historic Structure" means any structure that is: a) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register, or b) 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, or c) individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior, or d) individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that has been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior.
– "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 consist 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 a basement; an unfinished or flood resistant enclosure used solely for the parking of vehicles or for building access or for storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Section A.
– "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," unless such transportable structures are placed on a site for 180 consecutive days or longer.
– "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 Federal Emergency Management Agency.
– "Mean Sea Level" means the average height of the sea for all stages of the tide, and it is used as a reference for establishing various elevations within the floodplain; for the purpose of this Section A, 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" means any structure for which the "start of construction" commenced after the effective date of the first floodplain management code or resolution adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP) and 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 after the effective date of the first floodplain management code or resolution adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP) and includes any subsequent improvements to such facilities.
– "North American Vertical Datum (NAVD)" as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.
– "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: a) built on a single chassis, and b) four hundred (400) square feet or less when measured at the largest horizontal projection, and c) designed to be self-propelled or permanently towable by a light duty truck, and d) and 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, A1-30, 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, and includes the placement of a manufactured home on a foundation (permanent construction does not include initial land preparation, such 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); and 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" is the Tennessee Department of Economic and Community Development's Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the building commissioner to assist in the implementation of the National Flood Insurance Program for the state.
– "Structure" 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 fifty (50) percent of the market value of the structure before the damage occurred.
– "Substantial Improvement" means any repairs, reconstructions, rehabilitations, additions, alterations, or other improvements to a structure, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement; the market value of the structure should be either the appraised value of the structure prior to the start of the initial repair or improvement or, in the case of damage, the value of the structure prior to the damage occurring; and the term "substantial improvement" includes structures which have incurred "substantial damage," regardless of the actual repair work performed (for the purpose of this definition, "substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences,

whether or not that alteration affects the external dimensions of the building; the term does not, however, include either any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project, or any alteration of a "historic structure" if the alteration will not preclude the structure's continued designation as a "historic structure").

– "Substantially Improved Existing Manufactured Home Park or Subdivision" is where the repair, reconstruction, rehabilitation, or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvements commenced.

– "Variance" is a grant of relief from the requirements of this Section A which permits construction in a manner otherwise prohibited by this Section A 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 Section A 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 floodplains of riverine areas.

Section A.4 General Provisions:

A.4.1 Application – This Section A shall apply to all areas within the unincorporated regions of Fayette County, Tennessee.

A.4.2 Basis for Establishing Areas of Special Flood Hazard – The areas of Special Flood Hazard identified on the Fayette County, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS 47047CV00A) and Flood Insurance Rate Maps (FIRM), Community Panel Numbers 47047C0020C - 47047C0605C, dated November 5, 2008, along with all supporting technical data, are adopted by reference and declared to be a part of this Section A.

A.4.3 Requirement for Development Permit – A development permit shall be required in conformity with this Section A prior to the commencement of any development activities.

A.4.4 Compliance – No land, structure or use shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this Section A and other applicable regulations.

A.4.5 Abrogation and Greater Restrictions – This Section A is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Section A conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

A.4.6 Interpretation – In the interpretation and application of this Section A, all provisions shall be: a) considered as minimum requirements, and b) liberally construed in favor of the governing body, and c) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

A.4.7 Warning and Disclaimer of Liability – The degree of flood protection required by this Section A 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 Section A does not imply

that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Section A shall not create liability on the part of Fayette County, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Section A or any administrative decision lawfully made hereunder.

A.4.8 Penalties for Violation – Violation of the provisions of this Section A or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with a grant of variance, 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 shall prevent Fayette County, Tennessee, from taking such other lawful actions to prevent or remedy any violation.

Section A.5 Administration:

A.5.1 Permit Procedures – Application for a development permit shall be made to the building commissioner on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; earthen fill placement; storage of materials or equipment; and drainage facilities. Specifically, the following information is required:

A.5.1.1 Application stage:

(a) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where BFE's are available, or to the highest adjacent grade when applicable under Section A.5.1.2.

(b) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where BFE's are available, or to the highest adjacent grade when applicable under this Section A.5.1.2.

(c) Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria of Section A.5.1.1(b)

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

A.5.1.2 Construction Stage:

(a) Within unnumbered A zones, where flood elevation data are not available, the building commissioner shall record the elevation of the lowest floor on the development permit, which shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

(b) For all new construction and substantial improvements, the permit holder shall provide to the building commissioner an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing; and within unnumbered A zones, where flood elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

(c) Any lowest floor certification made relative to mean sea level shall be prepared by, or under the direct supervision of, a registered land surveyor and certified by same; and when floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same.

(d) Any work undertaken prior to submission of the certification shall be at the permit holder's risk; the building commissioner shall review the above-referenced certification data, and deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed; and failure to submit the certification or failure to make any required corrections shall be cause to issue a stop-

work order for the project.

A.5.2 Duties and Responsibilities of the Building Commissioner – Duties of the building commissioner under this Section A shall include, but not be limited to:

(a) Review all development permits to assure that the permit requirements of this Section A have been satisfied and that proposed building sites will be reasonably safe from flooding.

(b) Advise 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, which shall include Section 404 of the federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(c) Notify adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process, and assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(e) Record the elevation, in relation to mean sea level or the highest adjacent grade (whichever applies), of the lowest floor including basement of all new or substantially improved buildings in accordance with Section A.5.1.2.

(f) Record the actual elevation, in relation to mean sea level or the highest adjacent grade (whichever applies), to which the new or substantially improved buildings have been floodproofed, in accordance with Section A.5.1.2.

(g) When floodproofing is utilized for a structure, the building commissioner shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Section A.5.1.2.

(h) Where interpretation is needed as to the exact location of a boundary of an area of special flood hazard (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions), the building commissioner shall make the necessary interpretation, subject to administrative review by the Board of Appeals.

(i) In any circumstance where base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the building commissioner 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 FIRM meet the requirements of this Section A; and within unnumbered A zones where alternative data is not available the building commissioner shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade, with all relevant elevation data and/or floodproofing certifications to be recorded in accordance with Section A.51.2.

(j) All records pertaining to the provisions of this Section A shall be maintained in the office of the building commissioner and shall be open for public inspection; and permits issued under the provisions of this Section A shall be maintained in a separate file or marked for expedited retrieval within combined files.

Section A.6 Provisions For Flood Hazard Reduction:

A.6.1 General Standards – In all flood prone areas the following provisions are required:

A.6.1.1 New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure.

A.6.1.2 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.

A.6.1.3 New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage.

A.6.1.4 New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage.

A.6.1.5 All 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.

A.6.1.6 New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

A.6.1.7 Any new or replacement sanitary sewage system shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into flood waters.

A.6.1.8 On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

A.6.1.9 Any alteration, repair, reconstruction, or improvement to a building that is in compliance with the provisions of this Section A shall meet the requirements of "new construction" as contained in this Section A.

A.6.1.10 Any alteration, repair, reconstruction, or improvement to a building that is not in conformity with the provisions of this Section A shall be undertaken only if the non-conformity is not further extended or replaced.

A.6.2 Specific Standards – These provisions shall apply to all Areas of Special Flood Hazard as provided herein:

A.6.2.1 Residential Construction:

(a) Where base flood elevation data is available, 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; and should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of Section A.6.2.3.

(b) Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the building commissioner shall require the lowest floor of a building to be elevated or floodproofed to a level at least three (3) feet above the highest adjacent grade; and all applicable data, including elevations or floodproofing certifications, shall be recorded in accordance with Section A.5.1.2.

A.6.2.2 Non-Residential Construction:

(a) New construction or substantial improvement of any commercial, industrial or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the base flood elevation.

(b) Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the building commissioner shall require the lowest

floor of a building to be elevated or floodproofed to a level at least three (3) feet above the highest adjacent grade; and all applicable data including elevations or flood-proofing certifications shall be recorded in accordance with Section A.5.1.2.

(c) Buildings located in all A-zones may be floodproofed in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and a registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the foregoing provisions and shall provide such certification to the building commissioner in accordance with Section A.5.1.2.

A.6.2.3 Elevated Building – All new construction or substantial improvements to existing buildings that include any fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls:

(a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria: 1) provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding, and 2) the bottom of all openings shall be no higher than one (1) foot above the finished grade, and 3) 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 elevated living area (stairway or elevator).

(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 otherwise shall comply with all provisions of this Section A.

A.6.2.4 Manufactured Homes and Recreational Vehicles:

(a) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, or in new or substantially improved manufactured home parks or subdivisions must meet all of the requirements for 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 either 1) when base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation, or 2) absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.

(c) Any manufactured home which has incurred "substantial damage" as the result of a flood or that is to be substantially improved must meet the standards of this Section A.

(d) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(e) All recreational vehicles placed on identified flood hazard sites must either 1) be on the site for fewer than 180 consecutive days, or 2) be fully licensed and ready for highway use (i.e., licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and without permanently attached structures or additions), or 3) meet all the requirements for new construction, including the anchoring and elevation requirements of this Section A if on the site for longer than 180 consecutive days.

A.6.2.5 Subdivisions – Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding; and if a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

(a) All subdivision proposals shall be consistent with the need to minimize or eliminate flood damage.

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty lots and/or five acres in area.

A.6.3 Standards for Areas of Special Flood Hazard with Established Base Flood Elevations and With Floodways Designated – Located within the Areas of Special Flood Hazard established in Section A.4.2 are areas designated as floodways, which may be an extremely hazardous area due to the velocity of floodwaters, debris, or erosion potential; these areas must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities; and therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements, or other developments within the regulatory floodway, provided that development may be permitted if it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase in the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community; and a registered professional engineer must provide supporting technical data and certification thereof.

(b) New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of Section A.6.

A.6.4 Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated – Located within the Areas of Special Flood Hazard established in Section A.4.2, where streams exist with base flood data provided but no floodways have been designated (Zones AE), the following provisions shall apply:

(a) 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; and the engineering certification shall be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section A.6.2.

A.6.5 Standards for Streams without Established Base Flood Elevations or Floodways (A Zones) – Located within the Areas of Special Flood Hazard established in Section A.4.2, where streams exist but no base flood data has been provided (A Zones), or where a Floodway has not been delineated, the following provisions shall apply:

(a) When base flood elevation data or floodway data have not been provided under Section A.4.2, then the building commissioner shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of Section A.6; and only if data is not

available from these sources shall there apply the provisions A.6.5(b) and A.6.5(c), infra.

(b) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, 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; and the engineering certification shall be supported by technical data that conforms to standard hydraulic engineering principles.

(c) In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing construction shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site; and openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section A.6.2.3(a).

A.6.6 Standards For Areas of Shallow Flooding (AO and AH Zones) – Located within the Areas of Special Flood Hazard established in Section A.4.2 are areas designated as shallow flooding areas, which have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; and within these areas the following provisions shall apply:

(a) All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet; if no flood depth number is specified, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade; and openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section A.6.2.3(a).

(b) All new construction and substantial improvements of nonresidential buildings may be flood-proofed in lieu of elevation; the structure together with attendant utility and sanitary facilities must be flood-proofed and designed watertight to at least one (1) foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; if no depth number is specified, the lowest floor, including basement, shall be flood-proofed to at least three (3) feet above the highest adjacent grade; and a registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Section A and shall provide such certification to the building commissioner in accordance with Sections A.5.1.1 and A.5.1.2.

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(d) The building commissioner shall certify the elevation or the highest adjacent grade, as applicable, and the record shall become a permanent part of the permit file.

A.6.7 Standards For Areas Protected by Flood Protection System (A-99 Zones) – Located within the areas of special flood hazard established in Section A.4.2 are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined, and within these areas (A-99 Zones) all provisions of Section A.5 and Section A.6.1 shall apply.

A.6.8 Standards For Unmapped Streams – Located within Fayette County, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified, and adjacent to such streams the following provisions shall apply:

(a) In areas adjacent to such unmapped streams no encroachments, including fill material or

structures, shall be located within an area at least equal to twice the width of the stream, measured from the top of each stream bank, 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 locality.

(b) When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section A.5.

SECTION B: AHR - AIRPORT HEIGHT REGULATION DISTRICT

Section B.1 Intent and Purpose. It is the intent and purpose of this Section B to establish regulations which will reduce hazards to air navigation so as to minimize or prevent the loss of life, property damage, health and safety hazards, and government expenditures caused by air traffic accidents.

Section B.2 General Requirements. Within the Airport Height Regulation (AHR) District, the following requirements shall apply:

(a) This district shall overlay land included within the airport hazard zones as shown on the Official Zoning Map of Fayette County, Tennessee; and the regulations contained in this Section B shall apply to such land in addition to the regulations contained in the underlying zoning district for such land, provided that where there is a conflict with the underlying zoning district the zone containing the more restrictive height regulations shall apply.

(b) Except as provided by Section B.5.10, infra, the provisions of this Section B shall apply to any new use and any substantial improvement to an existing structure when such uses or structures are located in the airport hazard zones established by Section B.4, infra.

(c) If a structure or a tree is located in more that one of the zones established by Section , infra, the zone containing the more restrictive regulations shall apply to such structure or tree.

Section B.3 Definitions. Unless specifically defined below, words or phrases used in this Section B shall be interpreted as to give them the meaning they have in common usage and to give this Section B its most reasonable application given its stated intent and purpose.

– "Airport" means the Fayette County Airport in Fayette County, Tennessee.

– "Airport Elevation" means the highest point of the airport's usable landing area measured in feet from mean sea level, which for the Fayette County Airport is 436 feet.

– "Approach Surface" means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section B.5, infra; in plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

– "Approach, Transitional, Horizontal, and Conical Zones" are defined in Section B.4, infra.

– "Board of Appeals" means the board established by Article III of this Resolution.

– "Conical Surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

– "Hazard to Navigation" means an obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

– "Height" means sea level elevation for the purpose of determining the height limits in all zones set forth in this Section B, unless otherwise specified.

– "Horizontal Surface" means a horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

– "Larger than Utility Runway" means a runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.

– "Nonprecision Instrument Runway" means a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
– "Obstruction" means any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in Section B.4, infra.
– "Person" means as individual, firm, partnership, corporation, company, association, joint stock association, or government entity and includes a trustee, a receiver, an assignee, or a similar representative of any of them.
– "Precision Instrument Runway" means a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), a Precision Approach Radar (PAR) or a Global Positioning System (GPS); it also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or other planning document.
– "Primary Surface" means a surface longitudinally centered on a runway; when the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway; the width of the primary surface is set forth in Section B.4, infra, and the elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
– "Runway" means a defined area on an airport prepared for landing and takeoff of aircraft along its length.
– "Structure" means an object, including a mobile object, constructed or installed by man, including but not limited to buildings, cranes, towers, smokestacks, earth formation, and overhead transmission lines.
– "Transitional Surfaces" means a plane extending outward at a 90 degree angle to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each 1 foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.
– "Tree" means any object of natural growth.
– "Utility Runway" means a runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.
– "Visual Runway" means a runway intended solely for the operation of aircraft using visual approach procedures.

Section B.4 Airport Zones. To carry out the provisions of this Resolution, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Fayette County Airport. Such zones are as shown on the Official Zoning Map of Fayette County, Tennessee. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

(a) Utility Runway Visual Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(b) Utility Runway Nonprecision Instrument Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(c) Runway Larger Than Utility Visual Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the

runway.

(d) Runway Larger Than Utility With a Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(e) Runway Larger Than Utility With a Visibility Minimum as Low as 3/4 Mile Nonprecision Instrument Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(f) Precision Instrument Runway Approach Zone – The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

(g) Transitional Zones – The transitional zones are the areas beneath the transitional surfaces.

(h) Horizontal Zone – The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

(i) Conical Zone – The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward from there for a horizontal distance of 4,000 feet.

Section B.5 Airport Zone Height Limitations. Except as otherwise provided in this Resolution, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow, in any zone created by this Resolution, to a height in excess of the applicable height herein established for such zone. Such applicable height limitations are hereby established for each of the zones as follows:

B.5.1 Utility Runway Visual Approach Zone – Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

B.5.2 Utility Runway Nonprecision Instrument Approach Zone – Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

B.5.3 Runway Larger than Utility Visual Approach Zone – Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

B.5.4 Runway Larger Than Utility With a Visibility Minimum Greater Than 3/4 Mile Nonprecision Instrument Approach Zone – Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

B.5.5 Runway Larger Than Utility With a Visibility Minimum as Low as 3/4 Mile Nonprecision Instrument Approach Zone – Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

B.5.6 Precision Instrument Runway Approach Zone – Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline, thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

B.5.7 Transitional Zones – Slopes 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 436 feet above mean sea level. In addition to the foregoing, there are established height limits sloping 7 feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping 7 feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.

B.5.8 Horizontal Zone – Established at ISO feet above the airport elevation or at a height of 586 feet above mean sea level.

B.5.9 Conical Zone – Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

B.5.10 Excepted Height Limitations – Nothing herein shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree, to a height of up to 50 feet above the surface of the land.

Section B.6 Restriction Of Certain Uses. Notwithstanding any other provisions of this Section B, no existing or new use may be made of land within any airport hazard zone in such manner as to create electrical interference with radio communication between airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of aircraft operators using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking off, or maneuvering of aircraft.

Any use otherwise permitted in the underlying zoning district is permitted in this district except the following uses, which are prohibited in any of the approach zones defined in Section B.4(a) through B.4(f), supra, in order to limit population and building density in the critical airport areas in case of accident:

- Multifamily Dwellings
- Hospitals
- Hotels or Motels
- Institutions (religious, educational, philanthropic, penal or correctional)
- Landfills (prohibited to prevent bird strikes)
- Mobile Home Parks
- Nursing homes
- Places of public assembly (auditoriums, churches, theaters, etc.)
- Schools, public or private
- Towers (radio, television, and other communication)

Section B.7 Nonconforming Uses.

B.7.1 Regulations Not Retroactive – The regulations prescribed in this Section B shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations on the effective date of this section, or otherwise to interfere with the continuance of a non-conforming use. Nothing contained herein shall

require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Section B and is diligently prosecuted.

B.7.2 Marking and Lighting of Obstructions – Any permit or variance granted under the regulations of this Section B may be conditioned upon the installation, operation and maintenance on the subject tract of such markers and lights as may be necessary to indicate to fliers the presence of an airport hazard:

(a) If the hazard existed before the adoption of this Section B, any markers and lights that are required to be installed on objects, structures or trees deemed to be a hazard to flying shall be installed, maintained and operated by governmental authorities of Fayette County, Tennessee.

(b) If said hazard came into existence after the adoption of this Section B, any markers and lights that are required to be installed on objects, structures or trees deemed to be a hazard to flying shall be installed, maintained and operated by the owner(s) of the land on which the obstructing hazard is located.

Section B.8 Permits.

B.8.1 Future Uses – No material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone created by Section B.4, supra, unless an "airport vicinity use permit" shall have been granted, in addition to any other permits required by this Resolution. Each application for an "airport vicinity use permit" shall contain sufficient information to clearly determine whether the resulting use, structure or tree would conform to the regulations of this Section B; and if such determination is affirmative the permit shall be granted. No permit for a use inconsistent with the provisions of this Section B shall be granted unless a variance has been approved in accordance with Section B.8.4, infra. The following (a), (b) and (c) shall apply as exceptions to this Section B.8.1, provided that nothing therein shall be construed to permit any construction, or alteration of any structure, or growth of any tree, in excess of the height limits established by this Section B except as set forth in Section B.5.10:

(a) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any structure or tree less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such structure or tree would extend above the height limits prescribed for such zones.

(b) In the area lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any structure or tree less than 75 feet of vertical height above the ground, except when such structure or tree would extend above the height limit prescribed for such approach zones.

(c) In the areas lying where the limits of the transition zones extend beyond the perimeter of the horizontal zone, no permit shall be required for any structure or tree less than 75 feet of vertical height above the ground, except when such structure or tree, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transition zones.

B.8.2 Existing Uses – No "airport vicinity use permit" shall be granted that would allow the creation of an obstruction or that would permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this Section B or any amendments thereto, or than it is when the application for a permit is made. Otherwise, all applications for such permit shall be granted.

B.8.3 Nonconforming Uses Abandoned or Destroyed – Whenever the building commissioner determines that a nonconforming structure or tree has been abandoned or is more than eighty (80) percent demolished, deteriorated or decayed, no "airport vicinity use permit" shall be granted that would allow such structure or tree to exceed the applicable height limit or other regulations of this Section B.

B.8.4 Variances – Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property in a manner not in accordance with the provisions of this Section B may apply to the board of appeals for a variance from such provisions. An application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where, in addition to meeting the requirements of Section 4.3.1 of Article III of this Resolution, the board of appeals determines that the proposal will not create a hazard to air navigation. Additionally, no application for a variance to the provisions of this Section B shall be considered by the board of appeals until the Fayette County Airport Manager shall have received a copy of the application with at least seven (7) days to reply as to the aeronautical effects of the variance, if granted.

Section B.9 Amendments. No proposed amendment of the overlay Airport Height Regulation District shall be considered unless it first be submitted to and reviewed by the Tennessee Office of Aeronautics or subsequent state agency charged with fostering civil aeronautics; and the response of the Tennessee Office of Aeronautics or its successor agency shall be included among the documents submitted for consideration by the regional planning commission and the board of commissioners prior to any amendment of the boundaries or other provisions of the overlay Airport Height Regulation District.

SECTION C: APO - AIRPORT PROTECTION OVERLAY DISTRICT

Section C.1 Intent and Purpose. It is the intent and purpose of this district to establish regulations that will enhance and protect the investment that Fayette County has made in the Fayette County Airport by limiting and restricting certain land uses that are generally deemed incompatible with the operation of a growing airport.

Section C.2 General Requirements. Within the Airport Protection Overlay (APO) District the following provisions shall apply:

C.2.1 Rezonings of the base district to permit the development of residential subdivisions with new roads shall not be permitted.

C.2.2 Rezonings of the base district to permit commercial and industrial development of a nature that benefits both the airport and the surrounding area shall be encouraged.

C.2.3 Certain uses have been found to be incompatible with the Fayette County Airport, and these uses shall not be permitted in the overlay district, regardless of the base district zoning:
- Cultural, entertainment and recreational facilities
- Landfills (prohibited to prevent bird strikes)
- Places of public assembly (auditoriums, churches, theaters, etc.)
- Schools, public or private
- Towers (radio, television, and other communication)
- Salvage, wrecking or junkyards
- Adult oriented businesses

C.2.4 All applications for a building permit within the APO zone shall demonstrate compliance with the following building provisions designed to reduce potential noise impact on structures adjacent to the Fayette County Regional Airport:
(a) All mechanical ventilation systems shall provide the minimum air circulation and fresh-air supply requirements as provided in the Uniform Building Code for the proposed occupancy, without the need to open any exterior doors or windows.
(b) The perimeter of all exterior door and window frames shall be sealed airtight to the exterior wall construction.
(c) Fireplaces shall be equipped with well-fitted chimney cap devices.

(d) All ventilation ducts, except range hoods, connecting interior space to outdoors shall be provided with a bend such that no direct line of sight exists from exterior to interior through the vent duct.
(e) Doors and windows shall be constructed so that they are close-fitting, and weather-stripping seals shall be incorporated to eliminate all edge caps.
(f) All penetration through exterior walls by pipes, ducts, conduits, and the like shall be caulked airtight to the exterior construction.
(g) The building commissioner may require that submitted plans and specifications be certified by a Recognized Acoustical Specialist for compliance with this section.

SECTION D: IHS – INTERSTATE HIGHWAY SIGN REGULATION DISTRICT

Section D.1 This overlay district consists of the area encompassed by two (2) 300-feet-wide strips flanking and running parallel to the right-of-way of any federal interstate highway within Fayette County. Within this overlay district the regulations set forth in Section 11.8 of Article V shall apply except as follows:
(a) Off premise signs shall have a maximum area of four hundred (400) square feet per side.
(b) Off premise signs shall have a maximum height of fifty (50) feet.
(c) Off premise signs shall be located at least twenty-five hundred (2500) feet from any other off premise sign on the same side of the highway.
(d) No variance shall be granted from the sign size (area) provisions of this section.

ARTICLE X – EXCEPTIONS AND MODIFICATIONS

Section 1 Nonconforming Lots. In an R-1, R-2 or R-3 district, no lot existing on September 20, 1978, that lacks sufficient width, depth or size to conform to the requirements of this Resolution, and no lot existing on November 20, 1984, that lacks sufficient road frontage to conform to the requirements of this Resolution shall be denied a building permit due to such nonconformity, provided that more than one (1) principal building shall not be sited on such lot and provided that the requirements of this Resolution shall be satisfied as nearly as possible in the opinion of the building commissioner.

Section 2 Eminent Domain. In any district, no act of eminent domain shall result in the uncompensated loss of any privilege enjoyed under this Resolution, provided that the requirements of this Resolution shall be satisfied as nearly as possible in the opinion of the building commissioner.

Section 3 Accessory Buildings. In an R-1, R-2 or R-3 district, no accessory building that encroaches into the required setback from a lot of record line shall be deemed to be in violation of this Resolution unless the lot of record line is also a lot line.

Section 4 Signs. No building permit shall be required for any on-site construction sign or for any locational real estate sale or yard sale sign or for any sign referring solely to a use permitted in all districts.

Section 5 Junkyards. In any district, within two (2) years after the effective date of this Resolution, the owner of a lot on which is sited a junkyard existing on September 20, 1978, shall enclose the use with a solid wall or fence of a height and appearance specified by the building commissioner; and the owner of a lot on which is sited a junkyard established after September 20, 1978, shall conform the lot fully to the requirements of this Resolution for the district in which it is located.

Section 6 Roads. In an R-1 district where a dead-end public road does not terminate in a turn-around of at least forty (40) feet radius (paved or gravel), such turn-around may be constructed to the specifications of the Fayette County Subdivision Regulations where authorized by both the Fayette County Regional Planning Commission and the Fayette County Board of Public Works, provided that no building permit shall be issued to any lot having any frontage on such turn-around until the turn-around has been accepted for public maintenance in accordance with established county procedure.

Section 7 Adjoining Conveyances. For purposes of this Resolution, except in a platted subdivision recorded in the Office of the Fayette County Register, any lot created by a conveyance between owners of adjoining lots may, by order of the Fayette County Regional Planning Commission, be combined with an adjoining lot in the same ownership on the written request of either party to the conveyance, where such combination will resolve a nonconformity with this Resolution or with the Fayette County Subdivision Regulations."

ARTICLE XI – LEGAL STATUS PROVISIONS

Section 1 Abrogation and Conflict With Other Provisions. This Resolution shall not repeal, abrogate or impair any existing easements, covenants or deed restrictions; and in case of conflict among any provisions of this Resolution or between any provision of this Resolution and any provision of another existing or future Resolution of Fayette County, Tennessee, the most restrictive provision shall apply.

Section 2 Severability. If any provision of this Resolution shall be held to be invalid by a court of competent jurisdiction, such holding shall not invalidate any other provision of this Resolution.

Section 3 Effective Date. The various provisions of this Resolution shall become effective the day following their respective adoption, the public welfare requiring it.

APPENDIX A – SCHEDULE OF FEES

Section 1 Building Permits. For a building permit there shall be levied the following fees:

1.1 For a government-owned building – No charge.

1.2 For the relocation of a building already on a lot to another site on the same lot or to an adjoining lot in the same ownership – No charge.

1.3 For the replacement of a building destroyed by fire, war, civil disturbance, or natural disaster – No charge.

1.4 For a freestanding sign – $5.00 per $1,000.00 of contract price, provided that the minimum fee for a sign shall be $25.00, and further provided that there shall be no charge for a sign permitted by special exception or a sign attached against a building.

1.5 For a single-wide manufactured home – $50.00.

1.6 For a double-wide manufactured home – $100.00.

1.7 For a triple-wide manufactured home – $150.00.

1.8 For a manufactured home larger than a triple-wide, or two or more stories high – Ten cents ($.10) per square foot for heated space and five cents ($.05) per square foot for unheated space.

1.9 For all other residential buildings – Ten cents ($.10) per square foot for heated space and five cents ($.05) per square foot for unheated space, provided that the minimum permit fee shall be $25.00.

1.10 For institutional, commercial and industrial buildings – $3.00 per $1,000.00 of contract price, provided that the minimum permit fee shall be $25.00; and if there is no contract price, the valuation of the building shall be used in lieu of the contract price, which valuation shall be based on the building valuation data compiled by the Southern Building Code Congress International, Inc., and on record in the Fayette County Office of Planning and Development.

1.12 For a building the start of construction or placement of which occurred prior to issuance of the building permit there shall be imposed a surcharge equal to the cost of the building permit.

1.13 For renewal of an expired building permit – $25.00, provided there has been no change of the construction plans; otherwise, the full permit fee shall apply.

Section 2 Plumbing Permit. For a plumbing permit there shall be levied a fee of $5.00 per fixture, provided that the minimum permit fee shall be $10.00.

Section 3 Fee for Excess (or Nuisance) Building, Gas, Mechanical, or Plumbing Inspection Calls. If an inspection fails due to violations of the applicable building codes; or the work is incomplete; or the site is improperly addressed; or there is no plainly visible permit card posted on the job site; or there are any other irregularities that would prevent the approval of the requested inspection, an additional fee of $50.00 shall be charged for each re-inspection until the violation(s) is corrected. Any person, firm or corporation aggrieved by the assessment of any re-inspection fee may appeal to the Construction Board of Adjustment and Appeals for a review of the facts and circumstances involved, and a reduction or dismissal of these fees may be ordered by the board if appropriate.

Due to the complexity of framing inspection, one (1) framing re-inspection shall be provided at no charge for each building permit.

Section 4 Site Plans. For a site plan there shall be levied a nonrefundable review fee of $I00.00 per acre, or fraction of an acre, to a maximum fee of $1,000.00.

Section 5 Rezonings. Applications for rezoning shall be levied the following fees, which are non-refundable following publication of the public hearing notice:

5.1 Tracts of land containing not more than ten (10) acres – $650.00.

5.2 Tracts of land containing more than ten (10) acres – $650.00 for the first ten (10) acres then $20.00 per acre or fraction of an acre for a maximum fee of $1,100.00.

Section 6 Appeals. An application to the Board of Zoning Appeals shall be levied a fee of $300.00, of which $200.00 shall be refunded if the application is withdrawn prior to publication of the required public notice, provided that when an application for administrative review is favorably decided by the board the entire fee shall be refunded.