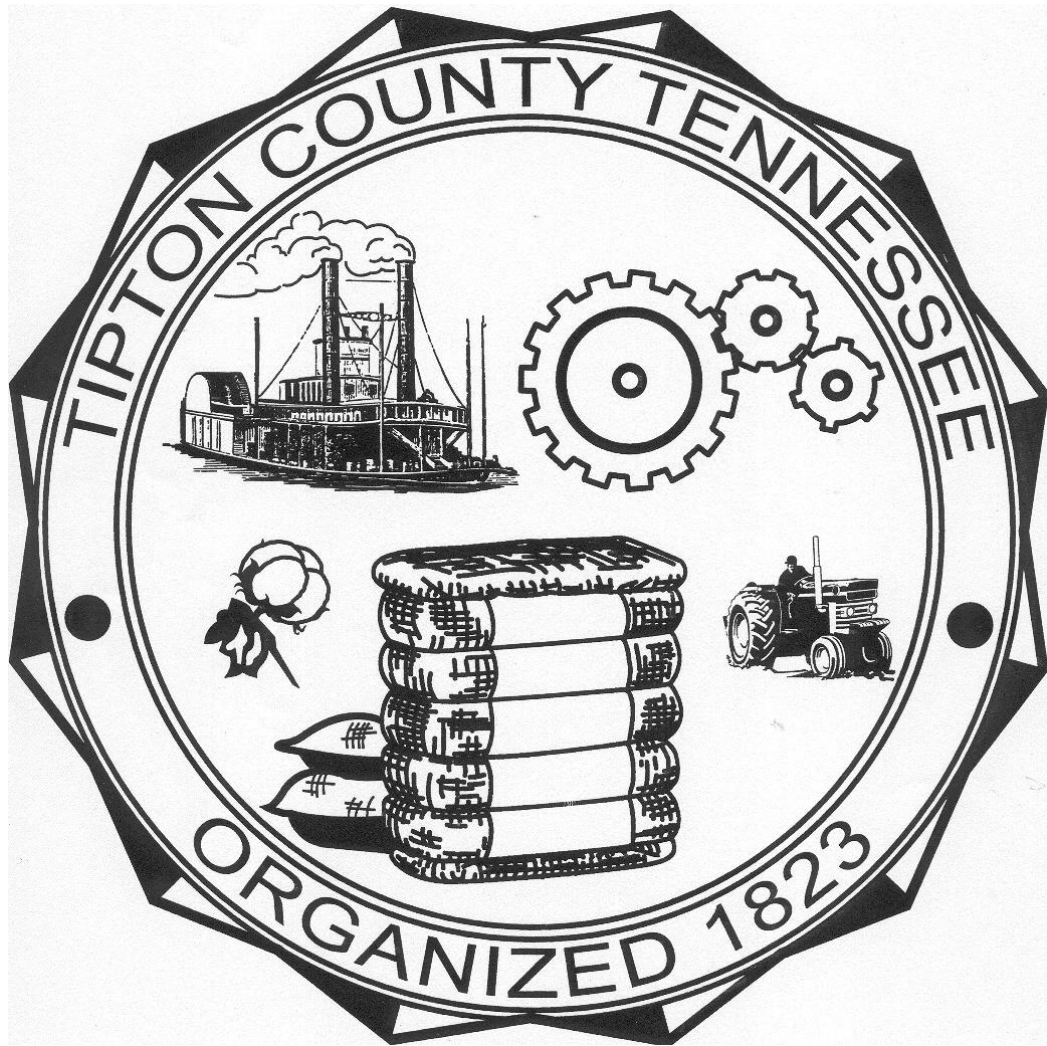


# ZONING RESOLUTION



*TIPTON COUNTY,  
TENNESSEE*



**ZONING RESOLUTION**  
**TIPTON COUNTY, TENNESSEE**  
**ADOPTED: February 10, 2014**

**PREPARED FOR THE**  
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**PREPARED BY**

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## AMENDMENT INDEX

### TIPTON COUNTY REGIONAL ZONING RESOLUTION

**ADOPTED: February 10, 2014**

Resolution # 14/12/300.	12/15/14	Article VII (All)	Updated entire Article to meet State requirements.
Resolution # 15/03/304.	3/9/15	Map	Rezoned from I-1 to C-3, Map 93, Parcel 60.03.
Resolution # 15/05/308.	5/11/15	Sec. 6.090	Added Existing setback, property line exceptions
Resolution # 15/05/309.	5/11/15	Sec. 3.010	Added no action on petitions under litigation
Resolution # 15/05/310.	5/11/15	Sec. 8.060.B.3 Sec. 8.080.D.6	Added order of BZA and PC in Special Exceptions Added order of BZA and PC in Variances
Resolution # 15/05/311.	5/11/15	Appendix B Sec. 3.120.E	Added Vested Property Rights Applied Appendix B to Site Plans
Resolution # 15/10/321.	10/19/15	Sec. 3.120	Added family and group day care homes
Resolution # 15/10/322.	10/19/15	Sec. 4.012	Added 'other uses with Board deems appropriate
Resolution # 15/10/323.	10/19/15	Sec. 4.150	Added unimproved, setbacks and excepted I-1
Resolution # 15/10/324.	10/19/15	Sec. 4.190	Added maintenance requirements
Resolution # 15/10/325.	10/19/15	Sec. 5.052.C	Added Family and Group day care and airstrips
Resolution # 15/10/326.	10/19/15	Sec. 5.056&7.C	Added uses permitted as sp ex in C-1/C-2 zones
Resolution # 15/10/327.	10/19/15	Sec. 5.058.C	Added any business in the opinion of the BZA...
Resolution # 15/10/328.	10/19/15	Sec. 6.020.C	Subject to Article VII, If applicable
Resolution # 15/10/329.	10/19/15	Sec. 8.080	Remove exceptionally and road to multiple frontage
Resolution # 15/10/330.	10/19/15	Sec. 2.020 Sec. 3.130 Sec. 5.058.C	New Definition of Wind and Solar Farms Updated wind and solar orientation to allow farms Added wind and solar farms to the I-1 sp ex
Resolution # 17/05/355.	5/8/17	Map	Rezoned from R-1 to FAR, Map 66, Parcels 27.07, 27.08, 28.03, 31.02 & 31.19
Resolution # 17/05/356.	5/8/17	Sec. 5.05(1-8).E.7.b	Changed to 5 feet for accessory to another building.
Resolution # 17/07/364.	7/10/17	Sec. 2.020	Added Definition of Minimum Lot Size
Resolution # 17/07/365.	7/10/17	Sec. 3.120.D	Added 'Clearing' for clarification.
Resolution # 17/07/366.	7/10/17	Sec. 3.120.G	Added graded slopes max to 8, moved wetlands to 11.
Resolution # 17/07/367.	7/10/17	Sec. 4.070.A	Added 15. Disposal of illegal signs.

Resolution # 17/07/368.	7/10/17	Sec. 8.070.E	Changed from 1 year to 3 years.
Resolution # 17/07/369.	7/10/17	Appendix A	Removed Forms 2 – 6, only online or in office.
Resolution # 17/07/370.	7/10/17	Sec. 3.120 Sec. 4.160.D Sec. 7.060.A.3 Sec. 8.040 Sec. 8.060.A Sec. 8.080.B Sec. 8.090.A Sec. 4.070 Sec. 4.090.F.3	Removed fee amount, placed in Schedule of fees Removed fee amount, placed in Schedule of fees Removed fee amount, placed in Schedule of fees Removed fee amount, placed in Schedule of fees Removed fee amount, placed in Schedule of fees Removed fee amount, placed in Schedule of fees Removed fee amount, placed in Schedule of fees Removed fee amount, placed in Schedule of fees Removed fee amount, placed in Schedule of fees
Resolution # 17/07/371.	7/10/17	Office	New Schedule of Fees
Resolution # 17/07/372.	7/10/17	Sec. 4.250	Replace All Training Facility with Shooting Range
Resolution # 18/01/378.	1/8/18	Map	Rezoned from R-1 to FAR, Map 69, Parcel 30.00.
Resolution # 18/02/379.	2/20/18	Sec. 3.120.G.10	Added the words “a cumulative total of”
Resolution # 18/02/380.	2/20/18	Sec. 8.060.C.10	Added auto repair requirements, 5 acres, 3 cars, enclosed and detached structure.
Resolution # 18/08/389.	8/13/18	Map	Rezoned from R-1 to C-2, Map 65, Parcel 45.09.
Resolution # 19/10/401.	10/14/19	Sec. 3.120.G.9	Added to show utility service to building on site plan
Resolution # 19/10/402.	10/14/19	App A, Form 1	Added to show utility service to building on checklist
Resolution # 19/10/403.	10/14/19	Sec. 4.160	Revised entire section to removed old Building codes
Resolution # 21/02/418.	2/8/21	Map	Rezoned from C-2 to R-1, Map 93, Parcel 13.01.
Resolution # 21/09/430.	9/13/21	Map	Rezoned from FAR to C-1, Map 63, Parcel 21.01.
Resolution # 21/11/433.	11/8/21	Sec. 5.051.E.1-3	Added Public Sewer Lot Size, Setbacks and Coverage
Resolution # 21/11/434.	11/8/21	Sec. 5.052.E.1-3	Added Public Sewer Lot Size, Setbacks and Coverage
Resolution # 21/11/435.	11/8/21	Sec. 5.053.E.1-3	Added Public Sewer Lot Size, Setbacks and Coverage
Resolution # 21/11/436.	11/8/21	Sec. 5.054.E.1-3	Added Public Sewer Lot Size, Setbacks and Coverage
Resolution # 21/11/437.	11/8/21	Sec. 2.020, 5.058.C.5	Remove and Delete Commercial Feed Lots
Resolution # 21/11/438.	11/8/21	Sec. 5.051.C.3, 5.055.C.2	Added Camping Grounds
Resolution # 21/11/439.	11/8/21	Sec. 5.051.C.16, 5.052.C.11, 5.053.C.7	Added Major Group Homes
Resolution # 21/11/440.	11/8/21	Sec. 5.051.B.14	Removed the “One Stand & 600 sq.ft. size” requirement
Resolution # 21/11/441.	11/8/21	Sec. 3.100.C	Removed the “Combination of structures” part
Resolution # 21/12/442.	12/13/21	Map	Rezoned from FAR to I-1, Map 134, Parcels 10,13,14 & 37.

Resolution # 23/06/467.	6/12/23	Map	Rezoned from C-2 to R-1 & FAR, Map 38, Parcels 107.01 & 107.07.
Resolution # 23/06/468.	6/12/23	Sec. 4.090	Revised Development Standards for Mobile Home Parks
Resolution # 23/06/469.	6/12/23	Sec. 2.020, 4.300	Added Definitions and Dev. Stds for Camping Grounds
Resolution # 23/06/470.	6/12/23	Sec. 3.120	Revised Site Plans - Camping Grounds & Porta Potties
Resolution # 23/06/471.	6/12/23	Sec. 5.051.C.3, 5.055.C.2, 5.056.C.2, 5.057.C.2	Revised Zoning Districts (SpEx) for Camping Grounds
Resolution # 23/06/472.	6/12/23	Sec. 3.030	Added Permanent Easement Requirement
Resolution # 23/08/476.	8/14/23	Sec. 2.020	Added Evergreen to Buffer Strips Definition
Resolution # 23/08/477.	8/14/23	Sec. 2.020, 4.120	Corrected Rooms to Beds, Health Dept, PC not BZA
Resolution # 23/08/478.	8/14/23	Sec. 3.130	Added Fencing/Site Plan Reference & Permits on Roof
Resolution # 24/03/484.	3/11/24	Sec. 3.130	Added Covington's Requirements to Farms Section
Resolution # 24/03/485.	3/11/24	Sec. 4.300	Lessened Road Construction Requirements
Resolution # 24/06/491	6/10/24	Sec. 8.060.C.13	Added potable water for Major Home Occupations
Resolution # 24/06/490	6/10/24	Sec. 4.310	Added potable water for commercial/industrial uses

# TIPTON COUNTY REGIONAL ZONING RESOLUTION

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**ARTICLE I**  
**ENACTMENT**

**SECTION**

- 1.010 Authority**
- 1.020 Title**
- 1.030 Enactment**
- 1.040 Purpose**

**1.010 AUTHORITY**

A resolution, in pursuance of the authority granted by Sections 13-7-101 through 13-7-401, Tennessee Code, to regulate in the portions of Tipton County, Tennessee, which lie outside of municipal corporations, the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, and the use of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, soil and water conservation, public activities and other purposes including areas subject to flooding; to provide methods of administration of this resolution, and to prescribe penalties for the violation thereof.

**1.020 TITLE**

This resolution shall be known as the Zoning Resolution of Tipton County, Tennessee, dated, **February 10, 2014**. The Zoning Map shall be referred to as the Official Zoning Map of Tipton County, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this resolution.

**1.030 ENACTMENT**

**WHEREAS**, Section 13-7-101 through 13-7-401, of the Tennessee Code, empowers the County to enact a Zoning Resolution and to provide for its administration, enforcement, and amendment, and

**WHEREAS**, the Tipton County Commission deems it necessary for the purpose of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare of the County to enact such a resolution, and

**WHEREAS**, all requirements of Section 13-7-101 through 13-7-401, of the Tennessee Code, with regard to the preparation of the Zoning Plan by the Tipton County Regional Planning Commission and subsequent action of the Tipton County Commission have been met.

**NOW, THEREFORE**, Be It Enacted by The County Commission of Tipton County, Tennessee, as follows:

**1.040 PURPOSE**

The purpose of this resolution is to promote the public health, safety, morals, convenience, order, prosperity and general welfare by:

- A. enhancing the character and stability of agricultural, residential, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- B. preventing overcrowding of land;
- C. conserving the value of land and buildings;
- D. minimizing traffic hazards and congestion;
- E. preventing undue concentration of population;
- F. providing for adequate light, air, privacy, and sanitation;
- G. reducing hazards from fire, flood, toxic materials, and other dangers;
- H. assisting the economic efficiency, utilization, and expansion for all services provided by the public, including: roads, water and sewer service, recreation, schools and emergency services;
- I. encouraging the most appropriate use of land;
- J. enhancing the natural, man-made and historical amenities of Tipton County, Tennessee.
- K. minimize opportunities for creating public nuisance.

**ARTICLE II**  
**DEFINITIONS**

**SECTION**

- 2.010 Scope**
- 2.020 Definitions**

**2.010 SCOPE**

For the purpose of this resolution and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as follows:

- A. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word "shall" is mandatory.
- D. The word "may" is permissive.
- E. The words "uses" or "occupied" includes the words "intended", "designed", "arranged to be used", or "occupied".
- F. The word "lot" includes the words "plat" or "parcel".

**2.020 DEFINITIONS**

The following words, terms and phrases are hereby defined as follows and shall be interpreted as such throughout this resolution. Terms not herein defined shall have their standard dictionary definition or such as the context may imply. Definitions pertaining to flood hazards are contained in the Floodplain Zoning Resolution, adopted **June 15, 1984**, and re-adopted **December 19, 2006**, as amended.

**Access** - The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

**Accessory Building** - A subordinate building, with or without sides or ends, portable or stationary, the use of which is incidental to that of the principal building and located on the same lot therewith, including portable or stationary carports. An accessory building shall not include any mobile home units (single or double-wides).

**Accessory Use** - A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

**Advertising** - Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designed, used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, wallboard, roofboard, frames, supports, fences, or other manmade structures.

**Advertising Sign or Structure** - See Sign.

**Agricultural Use** - This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided, all health codes of Tipton County, Tennessee, are complied with.

The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use, nor shall commercial feed lots, the raising of furbearing animals, riding stables, livery or boarding stables or dog/cat kennels be so considered.

**Agricultural Accessory Use** - Those structures or equipment that are normally required in the operation of agricultural uses.

**Alley** - A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to properties otherwise abutting a road, and which may be used for public utility and public service purposes.

**Alteration** - As applied to a building or structure, means a change or rearrangement in the structural parts or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs, that would affect safety. The term "alter" in its various modes and tenses and its practical forms, refers to the making of an alteration.

**Alternative Tower Structure** – Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**Antennas** – Any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves.

**Apartment Dwelling** - See "Dwelling - C"

**Automobile Storage** – The placement of any vehicle that is not currently operable, licensed or registered.

**Automobile Wrecking, Junk, and Salvage Yards** - Any establishment or place of business, exposed to the weather, where motor vehicles of any kind, incapable of being operated, are maintained, used or operated for storage, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

**Average Ground Elevation** - The elevation of the mean finished grade at the front of a structure.

**Basement** - A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average ground elevation or when subdivided and used for commercial activities.

**Bed and Breakfast Inn** – An operator- or owner-occupied home that provides no more than five (5) beds for paying guests on an overnight basis for periods not to exceed fourteen (14) days with at least one (1) daily meal being available. Bed and breakfast inns are subject to approval by the Tennessee Department of Environment and Conservation, Division of Water Resources in addition to all local regulatory requirements.

**Board** - The Tipton County, Tennessee Board of Zoning Appeals.

**Boarding House** - See "Dwelling - E".

**Buffer Strip** - A greenbelt planted strip that is not less than ten (10) feet in width. The greenbelt strip shall be composed of one (1) row of evergreen trees that are spaced not more than twenty (20) feet apart. In addition, there shall be not less than two (2) rows of shrubs and/or hedges of an evergreen variety that are spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet, or some other form of an aesthetically designed buffer that will conceal from view an adjoining lot or district. Naturally occurring deciduous growth is not an effective visual barrier, and is not to be used as a substitute for evergreen plants. (Amended 8/14/23)

**Buildings** - Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes and similar structures whether stationary or movable.

**Building (Area)** - The total areas taken on a horizontal plane at the main grade level of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.

**Building Area of a Lot** - That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

**Building Main or Principal** - A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

**Building Setback Line** - A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure may be placed, except, as otherwise, provided.

**Building Setback Line, Front** - A line delineating the minimum allowable distance between the road right-of-way, or if an official future road right-of-way has been established, from that future road right-of-way line and the front of a building on lot. The front building setback line extends the full width of the lot and is parallel to the road right-of-way.

**Building Setback Line, Rear** - A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

**Building Setback Line, Side** - A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

**Bulk** – Describes the size of buildings or other structures and their relationship to each other and to open areas and lot lines.

**Business and Communication Services** - The provision of services of clerical, goods brokerage, communications of a minor processing nature, including multi-copy and blueprinting services, custom printing, but excluding the printing of books, other than pamphlets, and small reports.

**Camper** – Any individual who occupies a campsite or otherwise assumes charge or, placed in charge of a campsite. (Amended 6/12/23)

**Camping Ground** - A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, fifth wheel trailers, motor homes, recreational vehicles, travel trailers, tents, or any other movable or temporary living quarters, rooms, or sleeping quarters of any kind. (Amended 6/12/23)

**Camping Trailer** – A vehicle mounted on wheels and constructed with or without collapsible partial side wall that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use. (Amended 6/12/23)

**Campsite** – Any plot of ground within a camping ground intended for exclusive occupancy by a camping unit or units under the control of the camper. (Amended 6/12/23)

**Cemetery** - Any land or structure dedicated to and used, or intended to be used, for interment of human remains. Cemetery refers to all types of cemeteries, public or private, except family burial grounds.

**Certificate of Occupancy** - A written statement or certificate issued by the Building Inspector indicating that the land, structure or part thereof is found to be in conformity with the provisions of this resolution.

**Clinic** - See Medical Facilities.

**Clubhouse** – A building to house a private club or social organization which is not operated by or in connection with a night club, tavern, bar or other public place.

**Commercial Feed Lot** – (*Deleted*). (Amended 11/8/21)

**Condominium** - A form of ownership that provides single ownership in a multi-unit structure or structures with common elements.

**Convenience Sales** - The retail sale of small convenience items such as toiletries, tobacco, and magazines. The dispensing of petroleum products may be included as accessory to convenience food products retailing.

**Convenience Services** - Services that are typically needed frequently or recurrently, such as barber and beauty care; and includes the operation of self-service laundromats.

**Coverage** - The lot area covered by all buildings located therein, including the area covered by all overhang roofs.

**Country Club** - A chartered membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities; golf, tennis, riding, clubhouse, pool, dining facilities or lounge.

**County Commission** - The elected legislative body of Tipton County.

**Day Care Center** - Any place, home, or institution, which receives thirteen (13) or more unrelated children under seventeen (17) years of age for general care, exercise, play or observation for less than twenty-four (24) hours per day without transfer of custody.

**Day Care Group** – Any place, home, or institution which receives eight (8) through twelve (12) children under seventeen (17) years of age for general care, exercise, play or observation only present before and after school, on school holidays, on school snow days, and during school summer vacation for less than twenty-four (24) hours per day without transfer of custody.

**Day Care Home (Family)** – Includes day care in an occupied residence of not more than seven (7) children under seventeen (17) years of age for less than twenty-four (24) hours per day without transfer of custody, including children living in the home.

**Development** - Any manmade change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities, as defined by this resolution are not included in this definition of development.

**Development Permit** - Defined as a permit issued by the Planning Director for a proposed use of land or structure, or the alteration of land or a structure, or the location or erection of a structure after having been found to be in conformity with the provisions of the Zoning Resolution of Tipton County, Tennessee.

**District** - Any section or sections of the area lying within Tipton County, Tennessee, but outside the corporate limits of any municipality for which the resolution governing the use, density, bulk, height, and coverage of buildings and other structures are in force.

- A. **Residential District** – Property zoned Agricultural or Residential Uses (FAR, R-1, R-2 or R-3).
- B. **Non Residential District** – Property zoned for Commercial Uses (C-1, C-2, C-3) or property zoned for Industrial Uses (I-1).

**Duplex Dwelling** - See " Dwelling - B".



**Dwelling** - A building or part thereof used for habitation under one of the following categories:

- A. Single Detached Dwelling means a building and accessories thereto principally used, designed, or adapted for use by a single household.
- B. Duplex Dwelling means a building and accessories thereto principally used, designed, or adapted for use by two (2) households, the living quarters of each of which are completely separate.
- C. Apartment Dwelling means a building and accessories thereto principally used, designed, or adapted for use by three (3) or more households, each of which has separate living quarters.
- D. Rooming House means a dwelling or other residential structure in which lodging facilities are supplied for people over an extended period of time and distinguished from a Bed and Breakfast Inn.
- E. Boarding House means a building other than a hotel or motel where, for compensation and arrangement, meals and lodging are provided for three (3) or more persons, but not exceeding twenty (20) persons.
- F. Town House means a residential structure containing three or more single nondetached dwelling units separated by a common vertical wall.
- G. Multi-Family means more than one dwelling unit per structure.
- H. Prefabricated (Modular) Dwelling means a single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to public or on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this resolution when they have a minimum gross floor area of six hundred (600) square feet and have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. When such a structure meets the above-stated requirements it shall qualify as a single detached dwelling.
- I. Manufactured “Mobile” Home or “Trailer” means a transportable structure built on a permanent chassis, designed for year-round occupancy, and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein. Recreational vehicles, camper trailers and travel trailers are not included in this definition of a mobile home.

**Emergency Shelter** - A structure or portion of a structure intended to provide protection of human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.

**Enforcing Officer** - The building inspector or such person designated by the chief executive officer to be responsible for enforcing the provisions of these regulations.

**FAA** – Federal Aviation Administration.

**Family** - One or more persons related by blood, marriage or adoption, or a group not all related by blood, marriage, or adoption, occupying the premises and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding or lodging house or similar dwelling or group use. A family shall not be deemed to include domestic servants employed by said family.

**Family Burial Grounds** - A zoned lot in private ownership that may contain one or more sites used or intended to be used, for interment of human remains, for the benefit of the owners of the lot or their immediate family members.

**FCC** – Federal Communications Commission.

**Fifth Wheel Trailer** – A vehicle, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use and designed to be towed by a motorized vehicle. (Amended 6/12/23)

**Financial, Consulting and Administrative** - Includes the provision of financial, insurance, real estate brokerage services, as well as the provision of advice, designs, information, or consultation of a professional nature. Also includes the executive, management, administrative, and desired activities of private, profit-oriented firms, other than public utility firms. These activities do not include the storage of goods and chattels for the purpose of sale unless otherwise permitted by other provisions of this resolution.

**Floor Area** - The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.

**Frontage** - All the property on the side of a road between two intersecting roads (crossing or terminating) measured along the line of the road, or if the road is a dead end, then all of the property abutting on the side between an intersection road and the dead-end of the road.

**Garbage** - Food waste, animal waste, dead or decomposing animal matter, and dead or decomposing vegetable matter, and any dead or decomposing matter whether or not it originally constituted human or animal food.

**Gasoline Service Station** - Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

**Governing Authority** – Governing authority of the County.

**Grade, Finished** - The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

**Group Home for Physically or Mentally Handicapped Persons:**

Major means a dwelling shared by nine (9) or more handicapped persons, plus resident staff persons, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential.

Minor (See Family) means a dwelling shared by eight (8) or less handicapped persons, plus two (2) resident staff persons, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential.

As used in both definitions, the term “handicapped” shall mean having:

- (1) A physical or mental impairment that substantially limits one (1) or more of such person’s major life activities so that such person is incapable of living independently;
- (2) A record of having such impairment; or
- (3) Being regarded as having such an impairment.

However, “handicapped” shall not include current illegal use of or addiction to a controlled substance. The term “group home for the handicapped” shall not include alcoholism or drug treatment centers, work release activities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

**Health Care Provider** – A provider of medical or health services and any other person or organization who furnishes, bills, or is paid for health care in the normal course of business.

**Health Department** - The Tipton County Health Department.

**Height** – When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

**Height of Buildings or Structures** - The vertical distance from the average ground elevation or finished grade at the building line, to the highest point of the building or structure.

**Home Occupation** - See Section 4.040.

**Hospital** - See Medical Facilities.

**Inoperable Motor Vehicle** - Any automobile, motor vehicle or the metal scraps and remains of the foregoing items, which are incapable of being operated and which it would not be economically practical to make operative and which are not fully placed or located within and fully surrounded by a substantial and durable building.

**Junk** - Rubbish and wasted or discarded items, including metal, wood, paper, glass and other objects and, including junk motor vehicles. The term shall not include items held for sale in a business establishment that holds a valid Tennessee Business License.

**Junk Yard or Salvage Yard** - A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of used or recycled building materials, waste paper, rags, scrap metal, or discharged material, or for the collecting, or storage for sale, dismantling, storage and salvaging of machinery or vehicles not in running condition, or for the sale of parts thereof.

**Kennel** – A kennel is a shelter for the breeding, boarding or training of dogs and/or cats.

**Landscaping** – The planting and maintenance of trees, shrubs, lawns, and other ground cover, or materials.

**Litter** - Particles of items of trash, rubbish, wastepaper, or garbage lying or scattered about.

**Loading Space** - An area ten (10) feet by fifty (50) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle.

**Lot** - A piece, plot, or parcel of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings, including the open spaces required under this resolution.

**Lot, Corner** - A lot of which at least two (2) adjoining sides abut their full lengths on a road, provided that the interior angle at the intersection of two (2) such sides is less than one hundred thirty-five (135) degrees.

**Lot, Interior** - A lot other than a corner lot.

**Lot Area** - The total surface land area included within the lot lines.

**Lot Depth** - The average distance from the road line of the lot to its rear line, measured in the general direction of the side lines of the lot.

**Lot Frontage** - That dimension of a lot or portion of a lot abutting on a road, excluding the side dimension of a corner lot.

**Lot Lines** - The boundary dividing a given lot from the road, and alley, or adjacent lots.

**Lot of Record** - A lot that is part of a subdivision recorded in the Office of the County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the Office of the County Register of Deeds prior to the effective date of this zoning resolution and/or any previously adopted Zoning Resolution or amendment to the Zoning Resolution that may apply.

**Lot Width** - The width of a lot at the building setback line measured at right angles to its depth.

**Marina** - A facility for the docking and servicing of boats.

**Medical Facilities:**

**Convalescent, Rest or Nursing Home** - A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

**Dental Clinic or Medical Clinic** - A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight except under emergency conditions.

**Hospital** - An institution providing health services primarily for human in-patient medical care for sick or injured and including related facilities such as laboratories, out-patient facilities, emergency medical services, and staff offices which are an integral part of the facility.

**Public Health Center** - A facility utilized by a health unit for the provision of public health services.

**Minimum Floor Elevation** - The lowest elevation permissible for construction, erection or other placement of any floor, including a basement floor.

**Minimum Lot Size** – The current minimum net contiguous land area required for a lot, excluding areas within the road rights-of-way widths as determined by Table I – General Design Standards for Roads adopted in the Tipton County Subdivision Regulations.

(Amended 7/10/17)

**Mini-Storage Facilities** – An enclosed storage facility of a commercial nature containing independent, fully enclosed and secured bays that are leased to persons exclusively for dead storage of their household goods or personal property. Such a facility shall be lighted, buffered from residential abutting properties, fenced in, secured and shall not be used for habitable space nor commercial activity, and shall be maintained and free from debris. There shall be no storage of flammable or other hazardous materials in such a facility.

**Mobile Home** - See "Dwelling - I".

**Mobile Home Park** - A lot or tract of land not subdivided upon which three (3) or more manufactured or mobile homes, occupied for dwelling or sleeping purposes, are located.

**Motor Home** – A motorized vehicle designed to provide temporary living quarters for recreational, camping or travel use. (Amended 6/12/23)

**Multi-Family Dwelling** - See "Dwelling - G".

**Night Clubs** - An establishment whose principal business is the sale of alcoholic beverages to be consumed on the premises, and includes any or all of the following: (1) live, recorded or televised entertainment, (2) performances by magicians, musicians or comedians, (3) dancing, or (4) eating. Night Clubs include, Bars, Taverns and similar facilities serving alcohol on premises.

**Nonconforming Use** - A building, structure, or use of land existing at the time of enactment of this resolution which does not conform to the regulations of the district in which it is located.

**Noxious Matter** – Material in gaseous, liquid or solid form which is capable of causing injury to living organisms, chemical reactions, or detrimental affects upon the social, economic or psychological well-being of individuals.

**Open Space** - An area on the same lot with a main building which is open, unoccupied and unobstructed from the ground to the sky except as otherwise provided in this resolution.

**Out-Parcel** – A parcel of land, generally located on the perimeter of a larger parcel of land that is subordinate to the larger parcel typically for access, parking and drainage purposes. An out-parcel is typically a non-buildable lot and shall be labeled as such.

**Owner** - Includes a duly authorized agent or attorney, a purchaser, devisee, fiduciary, and person, having a vested interest in the property in question.

**Parking Lot** - An off-road facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access.

**Parking Space** - An off-road space available for parking one (1) motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways giving access thereto, and having access to a road or alley.

**Permanent Easement** - The right granted by the owner of land to another party by deed or description, to allow access across one parcel of land to another.

**Planning Commission** - The Tipton County Regional Planning Commission.

**Plat** - A map, plan, or layout indicating the location and boundaries of individual properties.

**Prefabricated Dwellings** - See “Dwelling – H”.

**Principal Structure** – A structure in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed the principal structure on the lot on which the same is situated. Carports and garages, if permanently attached to the principal structure shall be deemed part of the principal structure. Awnings, porches, patios or similar attachments shall be deemed a part of the principal structure and shall meet all yard requirements.

**Principal Use** - The specific primary purpose for which land or a building is used.

**Private Wastewater Treatment** - Individual subsurface sewage disposal system (i.e. septic tanks), package treatment plants or individual aeration systems employed for the collection and treatment and/or disposal of waste water, as approved by the local Health Department.

**Professional Office** - The office of a physician, dentist, attorney, architect, engineer, planner, accountant, or other similar professions.

**Public Uses** - Public parks, schools, and administrative, cultural, and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

**Public Sewer System** - A municipal or county, community, or utility district sewage treatment and disposal system of a type approved by the State Department of Health and Environment.

**Public Water** - A municipal or county, community or utility district water treatment and distribution system of a type approved by the State Department of Health and Environment.

**Recreation:**

**Public Recreation** - A recreational facility operated by a local, state or federal agency. Example: Federal, state and local parks.

**Admittance** - Open to the general public.

**Requirement** - Must comply with all local zoning and building codes.

**Where Allowed** - In an FAR Zoned District as Uses Permitted, and R-1, R-2 and R-3 Zoned Districts as Uses Permitted as a Special Exception.

**Private Recreation** - A recreational facility operated by a nongovernmental entity. Example: But not limited to: golf courses, private clubs, civic and community clubhouses, common pools etc.

**Admittance** - Can be restricted by operator.

**Requirement** - Must comply with all local zoning and building codes and must have a special exception granted by the Tipton County Board of Zoning Appeals for the requested use in accordance with Section 8.060, Criteria for Review.

**Where Allowed** - In an FAR Zoned District as Uses Permitted by Special Exception

**Commercial Recreation** - A public or private recreational facility. Example: But not limited to: game rooms, dance halls, concert halls, etc.

**Admittance** - May be open to the general public or admittance may be restricted by operator.

**Requirement** - Must comply with all local zoning and building codes.

**Where Allowed** - In a C-3 Zoned District as Uses Permitted, and C-1 and C-2 Zoned Districts as Uses Permitted as a Special Exception.

**Recreational Vehicle** – A vehicle which is either self-propelled or towed by a consumer-owned tow vehicle, and designed to provide temporary living quarters for recreational, camping or travel uses, including motor homes, camper trailers, and fifth wheel trailers.  
(Amended 6/12/23)

**Refuse** - All items constituting garbage, litter, and rubbish.

**Restaurant** – An establishment whose principal business is the sale of prepared foods.

**Right-of-Way Line** - That line surveyed or approved by appropriate governmental authority as the outer boundary of a road. Such line is identical to or contiguous with any property line abutting a road, and is often referred to as "road line".

**Road** - A public road, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one lot and which has been legally dedicated and accepted for public use.

**Roadway** - The actual road surface including necessary road shoulders and drainage facilities including ditches and curbs and gutters, which is used to transport motor vehicles.

**Rooming House** - See "Dwelling - D".

**Rubbish** - Useless, rejected, or abandoned waste, waste matter, trash, junk, debris, and fragments of buildings, masonry or wood.

**Sanitary Landfill** - An area or site utilized by a public or private entity for disposal of solid or liquid waste or refuse (including industrial waste) in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Health and Environment and these regulations.

**Shopping Center** – A group of compatible commercial establishments, planned, developed and managed as a single unit with parking provided on the property; the center must also be related in location, size and type of businesses to its' trade area.



**Sign, Billboard, or Other Advertising Device** - Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

**Billboard** - A structure on which is portrayed information not necessarily related to the other uses permitted on the zoned lot upon which the structure is located, but not including painted walls.

**Commercial Sign** - A type of ground or wall sign that directs attention to a business, service or profession conducted, sold or offered either on the same parcel or elsewhere.

**Directional or Public Information Sign** - A sign intended to guide the general public and emergency services.

**Flashing Sign** - Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that the revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.

**Ground Sign** - A sign supported by a pole, uprights, or braces on the ground.

**Illuminated Sign** - A sign designed to give forth any artificial light or reflect such light from an artificial source.

**Pole Sign or Banjo Sign** - A type of ground sign at least ten (10) feet above the ground supported on a single post or pole most commonly associated with gasoline service stations.

**Wall or Flat Sign** - Any sign attached, affixed or erected parallel to the face or on the outside wall of any building.

**Roof Sign** - A detached sign supported upon the roof or wall of a building.

**Marquee Sign** - A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line or property line.

**Temporary Sign** - Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for sixty (60) days or less.

**Changeable Message Sign** – Means an off-premise advertising device which displays a series of messages at intervals by means of digital display or mechanical rotating panels. Changeable Message Signs may be double faced, back to back or “V”-type signs.

**Single Detached Dwelling** - See "Dwelling - A".

**Story** - That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more head clearance equals fifty (50) percent of the floor area of the story next below shall be a "half-story". A basement shall be considered as a story if more than half of its height is above the average ground level from which the "height of a building" is measured or if it is used for commercial purposes.

**Structure** - Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including among other things, signs, billboards, and fences.

**Subdivision** – “Subdivision” means the division of a tract or parcel of land into two (2) or more lots, sites, or other division requiring new road or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided. As used herein, “utility construction” does not include the mere extension of individual service pipes or lines for the purpose of directly connecting a single lot, site or other division to existing utility mains. (See Sections 13-3-401 and 13-4-301, Tennessee Code.)

**Substantial Improvement** - Any repair, reconstruction, or improvement of a structure of which the cost equals or exceeds fifty (50) percent of the assessed value of the structure, either: (1) before the improvement or repair; or (2) before the damage occurred.

For the purposes of this resolution, substantial improvement is considered to occur when the alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not this alteration affects the external dimensions of the structure.

The term does not, however, include, either: (1) any project for the improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions; or (2) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Travel Trailer** – A vehicle, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel uses, including camper trailers, fifth wheel trailers, motor homes, and recreational vehicles. (Amended 6/12/23)

**Tower** – Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. (Amended 6/12/23)

**Town House** - See "Dwelling - F.

**Toxic Materials** - Materials (gaseous, liquid, solid, particulate) which are capable of causing injury to living organisms by chemical reaction or detrimental effects upon the social, economic or psychological well being of individuals even when present in relatively small amounts.

**Travel Trailer** - A vehicular, portable structure designed as a temporary dwelling for travel, recreation and vacation uses, including camper trailers.

**Travel Trailer Park** - A plot of land designed and equipped to accommodate travel trailers, camper trailers, and recreational vehicles for short periods of time.

**Use** - The purpose for which land or a building or other structure is designed, arranged or intended, or for which it is or may be occupied or maintained.

**Utility Easement** - The right granted by the owner of land to allow utility facilities to be constructed, maintained, or preserved. Utility easements shall include, but are not limited to, easements for utilities such as storm drainage, water lines and elevated storage tanks, electric power lines, natural gas pipelines and communication lines, excluding wireless communication towers.

**Watercourse** - Any depression serving to give direction to a flow of water, having a bed and well-defined banks, where the drainage area above the same is twenty-five (25) acres or more in extent. The flow of water need not be on a continuous basis but may be intermittent resulting from the surface runoff of precipitation.

**Wind and Solar Farms** – are large-scale systems that encompass an area greater than one (1) acre and are designed for the supply of power into any electrical grid. They are differentiated from building-mounted and individual applications because they supply power at the utility-scale level, rather than to an individual user. (Wind and solar farms may also be known as wind and solar ranches or parks, photovoltaic power stations, wind turbines or windmills) (Amended 10/19/15)

**Yard** - An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky, except, as otherwise, provided in this resolution, provided that accessory buildings may be located in a rear yard.

**Yard, Front** - The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front lot line.

**Yard, Rear** - The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the rear lot line.

**Yard, Side** - The required space unoccupied except as herein provided, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.

**ARTICLE III**  
**GENERAL PROVISIONS**

**SECTION**

- 3.010 Scope**
- 3.020 Only One (1) Principal Building on Any Residential Lot**
- 3.030 Lot Must Abut a Public Road or Permanent Easement**
- 3.040 Rear Yard Abutting a Public Road**
- 3.050 Corner Lots**
- 3.060 Future Road Lines**
- 3.070 Reduction in Lot Area Prohibited**
- 3.080 Obstruction to Vision at Road Intersection Prohibited**
- 3.090 Access Control**
- 3.100 Accessory Use Regulations**
- 3.110 Buffer Strips**
- 3.120 Site Plan Requirements**
- 3.130 Wind and Solar Orientation**
- 3.140 Drainage and Detention System Design and Requirements**

**3.010 Scope** (Amended 5/11/15)

For the purpose of this zoning resolution, there shall be certain general provisions that shall apply, except as specifically noted, to the county as a whole.

Neither the Board of Zoning Appeals nor the Planning Commission shall knowingly take action on any petition that is currently involved in litigation.

**3.020 ONLY ONE (1) PRINCIPAL BUILDING ON ANY RESIDENTIAL LOT**

Only one (1) principal building and its customary accessory buildings may hereafter be erected on any lot in a residential district. However, tracts fifteen (15) acres or greater would be allowed to have a maximum of four (4) principal buildings on that lot provided that all the principal buildings shall be able to be subdivided in the future in accordance with all requirements in this resolution.

**3.030 LOT MUST ABUT A PUBLIC ROAD OR PERMANENT EASEMENT**

No building permit or Certificate of Occupancy may be issued, nor any building erected on any lot within the planning region unless:

- A. The lot fronts for a continuous distance of at least fifty (50) feet upon a public road; except on a permanent dead-end road (cul-de-sac) where the minimum frontage may be forty (40) feet or if there is proof that the lot is a Lot of Record;
- B. The lot fronts for a continuous distance of at least fifty (50) feet upon a road shown on a subdivision plat approved by the regional planning commission; except on a permanent dead-end road (cul-de-sac) where the minimum frontage may be forty (40) feet;

- C. The lot fronts for a continuous distance of at least fifty (50) feet upon a permanent easement with access to an existing public highway or road. A setback of fifteen (15) feet from the easement is required, unless it is anticipated that the easement will be later developed into a county road, in which case the setback shall be thirty-five (35) feet.
- D. A permanent ingress/egress easement this is used for access to a lot or a tract of land shall not intersect nor coincide/overlay with another permanent ingress/egress easement. (Amended 6/12/23)

**3.040 REAR YARD ABUTTING A PUBLIC ROAD**

When the rear yard of a lot abuts a public road, all structures built in the rear yard shall observe the same setback from the road right-of-way line, centerline of the road, or property line, as required for adjacent properties which front on that road. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that road.

**3.050 CORNER LOTS**

Corner lots shall have front yard setback requirements along all roads and rear yard setback requirements along all the remaining property lines.

**3.060 FUTURE ROAD LINES**

For the purpose of providing adequate space for the future widening of roads, required setbacks, or front yards shall be determined by the right-of-way as shown in the most current official Tipton County, Tennessee Transportation Plan (located in the Register of Deeds Office at the Tipton County Courthouse in Covington).

**3.070 REDUCTION IN LOT AREA PROHIBITED**

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per dwelling unit, lot width, building area, or other requirements of the zoning resolution are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

**3.080 OBSTRUCTION TO VISION AT ROAD INTERSECTION PROHIBITED**

On a corner lot, in any district, within the area formed by the center lines of intersecting roads and a line joining points on such center lines at a distance of one hundred (100) feet from their intersection, there shall be no obstruction to vision between a height of three (3) feet and a height of ten (10) feet above the average grade of each road at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining walls.

**3.090 ACCESS CONTROL**

In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

- A. A point of access for vehicles onto a road shall not exceed thirty (30) feet in width. All points of access shall be so constructed as to provide for proper drainage.
- B. There shall be no more than two (2) points of access to any one (1) public road for each three hundred (300) feet of lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one public road.
- C. No point of access shall be allowed within thirty (30) feet of the right-of-way line of any public intersection.
- D. No curbs or shoulders nor drainage ditches covered on county roads or rights-of-way shall be cut or altered for the purpose of access without written approval of the Director of Tipton County Public Works, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.
- E. When two (2) driveways are provided for one lot frontage, the clear distance between driveways shall not be less than twenty-five (25) feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Tipton County Board of Zoning Appeals, provided, further, that no curb cuts for off-road automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public road.

**3.100 ACCESSORY USE REGULATIONS**

The use of land, buildings, and other structures (including portable or stationary carports, with or without sides or ends) in each of the districts established by this resolution are defined by listing the principal uses. In addition to such principal uses, accessory uses that are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

- A. Be customarily incidental to the principal use established on the same lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent and purpose to such principal use on parcels less than five (5) acres. (Amended 11/8/21)
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.
- E. Not include any mobile home units (single, double or triple-wides).
- F. Not include any truck trailers unless all wheels, axels and stands are removed, and the unit ventilated.
- G. Be setback a minimum of ten (10) feet from rear and side property lines.

- H. Be no closer to any road than the principal structure, with the exception of reverse frontage parcels, corner parcels and parcels fifteen (15) acres or greater.

**3.110 BUFFER STRIPS**

Where a use is established in areas zoned nonresidential (C-1, C-2, C-3, I-1) which abuts at any point upon property zoned residential (FAR, R-1, R-2, R-3), the developer of said use shall provide and maintain a buffer strip as defined herein along the point of abutment. See Definitions, Article II, Section 2.020.

**3.120 SITE PLAN REQUIREMENT**

The purpose of this provision is to prevent undesirable site development that would unduly create inadequate circulation and unnecessary congestion; to obtain maximum convenience, safety, economy and identity in relation to adjacent sites; and to provide maximum flexibility for expansion, change in use, and adaptation to individual needs. Thus, applicant's for Building Permits must submit scale drawings, according to the particular type of development proposals, to the Tipton County Regional Planning Commission in accordance with the following procedures. In addition, a fee established by the Tipton County Commission shall be due and payable at the time of submittal along with ten (10) copies of the proposed site plan. A Site Plan Checklist is provided for reference in Appendix A, Form 1. (Amended 7/10/17)

- A. Proposals for the construction or location of one (1) or more principal structures on any commercial or industrial lot (including accessory structures greater than 1,000 square feet) or more than one (1) principal residential structure on any lot, churches and other places of assembly on any lot, educational facilities on any lot, family and group day care homes and utility structures (such as, but not limited to, elevated storage tanks and wireless communication towers) shall be submitted at a scale no smaller than 1"-100', and must exhibit required automobile storage areas, loading and unloading spaces, maneuvering areas, openings for ingress and egress to public roads, and landscape treatment in accordance with Article III, Section 3.110, outlined in this resolution. (Amended 10/19/15)
- B. Proposal(s) for mobile home parks, camping grounds, Off Road ATV Tracks and Trails, Wireless Communications Towers, and Multi-Family Developments shall follow separate or additional provisions outlined in Article IV of this resolution. (Amended 6/12/23)
- C. Aerial photography and Tax Maps shall not be used for any required site plan other than for Temporary Uses as regulated in 4.030 or Home Occupations as regulated in 4.040 or for any accessory structure that is greater than 1,000 square feet in size.
- D. Grading and Building permits are required before any work begins for any lot, tract, subdivision, commercial development or industrial development with the exception of agricultural activities (including timber crops). The penalty for grading or clearing prior to site plan approval or grading without a permit shall be \$100 per acre. (Amended 7/10/17)
- E. Site plan approval shall be valid for a period not to exceed the criteria as regulated in Appendix B, Vested Property Rights. If work has not met the criteria set forth in Appendix B, the site plan shall be deemed void and applicant shall re-apply for approval. (Amended 5/11/15)

- F. Site plan denial by the Tipton County Regional Planning Commission shall require a one (1) year waiting period before reapplication, unless recommended otherwise by the Planning Commission. The above applications must be supported by any other information or data as might be deemed necessary by the Tipton County Regional Planning Commission.
- G. The site plan shall include (a checklist is provided as Form 1 in the Appendix):
1. Name and address of development, owner of record and applicant and names of all adjoining property owners.
  2. Present zoning classification of the site and all abutting properties.
  3. Nature of the proposed use of the site, and the Tax Map and Parcel Number.
  4. Date, scale, north point and all related dimensions and bearing of the lot.
  5. Courses and distances of centerlines of all roads.
  6. All building restriction lines (yard setbacks and right-of-ways) and easements.
  7. Acreage or square footage of the lot. Show the Flood Map number and date.
  8. Sufficient grade and elevation information to demonstrate that the property will drain properly, and show the topographic contours at intervals not to exceed five (5') feet. Slopes on graded surfaces shall not exceed one (1') foot vertical rise to four (4') feet in horizontal distance. (Amended 7/10/17)
  9. Location of all utilities (electric, gas, water and sewage disposal), including all service to the building(s), outside lighting (existing and proposed), fire hydrants, fire lines, meters, valves and backflow preventers. (Amended 10/14/19)
  10. All Commercial and Industrial zoned or use properties, apartment dwellings and condominiums shall require a stormwater runoff analysis including before and after volumes, grading plans and erosion control plans (if necessary) approved by the Director of Tipton County Public Works prior to Site Plan approval. These requirements also apply to all Assembly, Educational and Institutional classified occupancy construction (according to the current adopted Building Code) greater than a cumulative total of two thousand five hundred (2,500) square feet. See Subsection 3.140 in this Resolution for requirements. (Amended 2/20/18)
  11. Show location of property with respect to surrounding property and roads. Show location of septic tank and field lines on the property as well as a copy of the Permit for Construction of Subsurface Sewage Disposal System. Porta Potty's shall only be used in cases of Temporary Use Events (Carnival or Circus, Fireworks or Christmas Tree sales, Religious Tent Meetings, Historical Events or Activities or in cases of Special Events as listed in Article IV, Section 4.030). Show location of any potential wetlands. (Amended 7/10/17) - (Amended 6/12/23)



**3.130 WIND AND SOLAR ORIENTATION** (Amended 10/19/15 & 3/11/24)

Individual Wind and Solar Energy Devices shall be subject to the setback requirements affecting principal structures in the corresponding zoning district. The use of individual wind energy devices for the purpose of providing energy is a permitted use within Commercial (C-2 and C-3 only) and Industrial (I-1) zones, and as a Use Permitted as a Special Exception in Residential Zones (FAR and R-1 only), either as a part of a structure or as an independent structure. The use of individual solar energy devices for the purpose of providing energy is a permitted use within all zones, either as a part of a structure or as an independent structure. A building permit is required for all independent structures. A building permit and engineers letter is required for all solar energy devices attached to the roof of any structure.

Wind and Solar Farms, as defined in Article II, Section 2.020 (Definitions), are considered as Uses Permitted as Special Exceptions in the I-1, Industrial Zoning District, and shall meet the following requirements:

- A. All wind and solar farms shall be enclosed by perimeter fencing to restrict unauthorized access at a height of at least eight feet (subject to Subsection 4.230). Adequate screening shall be provided. This can be accomplished by either the required perimeter fencing being constructed as a board-to-board privacy fence or by vegetative buffer (as required in Subsection 3.110) being placed beyond the perimeter fence.
- B. Solar and wind farms shall adhere to the minimum setback requirements, except that farms shall be setback a minimum of five hundred (500) feet from any residential structure. All solar and wind farms shall be located on lots of no less than fifty (50) acres in size.
- C. All electrical interconnection and distribution lines within the project boundary shall be underground.
- D. A building permit shall be required before any construction of a wind or solar farm shall begin. Said permit shall be based upon four percent (4%) of the actual total cost of construction, including all associated equipment. A document submitted by the developer shall be on company letterhead and submitted at the time of issuance of permit to establish cost of permit.
- E. The applicant shall submit, along with the site plan for approval through the Planning Commission, a decommissioning plan describing the manner in which the applicant anticipates decommissioning the project. The plan shall include a description of the manner in which the applicant will ensure that it has the financial capability to carry out the restoration requirements.

Any wind or solar farm not in operation for a continuous period of thirty (30) months shall be considered abandoned and the parcel owner is responsible for removal of all systems, within ninety (90) days of receipt of notice. To ensure the removal and disposal of all systems, the applicant shall submit a performance bond (to be held by the Planning Commission) in the amount of \$1,000 per acre. The performance bond shall be released after removal and disposal of all systems are completed and site returned to its natural state. This includes the obligation to dismantle and remove from the site all electrical generating equipment, cables, panels, foundations, buildings and ancillary equipment. To the extent possible, the operator shall restore and reclaim the site to its pre-project topography and topsoil quality. Any agreement between the operator and the landowner for removal to a lesser extent than set forth in this subsection shall be required prior to approval by the Planning Commission. The restoration activities shall be completed within eighteen (18) months from the date the wind or solar farm becomes inactive. (Amended 8/14/23 & 3/11/24)

### **3.140 DRAINAGE AND DETENTION SYSTEM DESIGN AND REQUIREMENTS**

The purpose of this provision is to provide guidelines to fulfill the Site Plan Requirements in Subsection 3.120. Detention systems are designed to intercept a volume of storm water runoff and temporarily impound the water for gradual release to the receiving stream or storm sewer system. Detention systems are designed to completely empty out between runoff events, and therefore provide mainly water quantity control as opposed to water quality control. Detention basins can provide limited settling of particulate matter, but a large portion of this material can be used to reduce the peak discharge of storm water to receiving streams to limit downstream flooding and to provide some degree of channel protection. There are several types of detention facilities used to manage storm water runoff, including detention basins and underground vaults, pipes and tanks.

#### **A. Drainage and Storm Sewers**

##### **1. General Requirements**

The Planning Commission shall not approve any site plan (other than incidental home occupations), which does not make adequate provision for storm water or floodwater run-off channels or basins. The storm water drainage system shall be separate and independent from any sanitary sewer system.

##### **2. Nature of Storm Water Facilities**

###### **(a) Location**

The developer may be required by the Planning Commission to transport by pipe or open ditch any spring or surface water that may exist prior to or as a result of the development. Such drainage facilities shall be located in the road right-of-way, where feasible, or in perpetual unobstructed easements of appropriate width and shall be constructed in accordance with the construction specifications contained in this subsection.

###### **(b) Accessibility to Public Storm Sewers**

Where a public storm sewer is accessible, the developer shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the appropriate governmental representative; inspection of facilities shall be conducted to assure compliance. The enforcing officer shall conduct inspection of facilities.

If a connection to a public storm sewer will be provided eventually, as determined by the Director of Tipton County Public Works, the developer shall make arrangements for future storm water disposal by a public system at the time the site plan receives final approval.

(c) Accommodation of Upstream Drainage Areas

A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development. Necessary facilities shall be sized based on the construction specifications and assuming conditions of maximum potential watershed development permitted, as approved by the Director of Public Works.

(d) Effect on Downstream Drainage Areas

The developer shall also prepare and submit to the Director of Tipton County Public Works a study of the effect of each site plan on existing downstream drainage facilities outside the area of the development.

Increased flow rates, volumes, and velocities of water generated by a development must be estimated and may be released if the increased runoff is conveyed to an adequate downstream watercourse or facility without adverse impact (as determined by the Director of Tipton County Public Works) upon the land over which the waters are conveyed or upon the watercourse or facility into which such waters are discharged.

Where it is anticipated that the additional runoff incidental to the construction of the development will overload an existing downstream drainage facility, the Planning Commission may withhold approval of the site plan until provisions have been made for adequate improvement of such drainage facilities. The developer may be required to construct adequate downstream facilities, contribute his pro-rata share toward the construction of adequate downstream facilities, or install onsite storm water detention to mitigate the downstream impacts. The Planning Commission reserves the right to require pro-rata share contributions or downstream improvements where storm water detention is not in the best interest of the overall drainage system and the county in general.

On site storm water detention proposed to reduce the peak rate of discharge to the off-site drainage system in lieu of downstream improvements shall not cause increased peak flows or velocities detrimental to downstream properties or facilities. When detention facilities are utilized, the peak rate of discharge after development shall not exceed the predevelopment peak rate with adequate provision made to prevent erosion due to increased velocities and adequate provision made for downstream accommodation of increased volumes of runoff.

Should it be determined by the Director of Tipton County Public Works that downstream conditions dictate additional control of lesser storms (up to the twenty-five (25) year design storm), the developer shall install flow control devices (weir, etc.), as approved by the Director of Tipton County Public Works.

Detention facilities shall be shown on the site plan as perpetual drainage easements and shall be maintained by the property owner(s). The government of Tipton County will in no way be responsible for maintenance of drainage facilities on private property. Estimated increases in discharge velocity shall be mitigated by energy dissipation devices, where required, to prevent erosion.

The drainage system shall be designed to honor natural drainage divides, where practical. Surface waters shall not be concentrated and discharged onto adjoining property at rates and/or velocities exceeding predevelopment conditions unless the owner of the affected land has granted an easement expressly authorizing such discharge or unless the discharge is into an adequate natural watercourse or drainage system.

(e) Areas of Poor Drainage

Whenever a site plan is submitted for an area which is subject to flooding, the Planning Commission may approve such development; provided, that the applicant fills the affected floodway fringe area of said development to place public way elevations at no less than twelve (12) inches above the regulatory flood elevation and first floor building elevations (including basements) at no less than one (1) foot above the regulatory flood elevation as determined by FEMA with respect to a 100 year event. The site plan of such development shall provide for a floodway along the bank of any stream or watercourse of width sufficient to contain or move the water of the regulatory flood, and no fill shall be placed in the floodway; neither shall any building nor flood-restrictive structure be erected or placed therein. In any area that is subject to flooding, FEMA shall be contacted before any earthwork begins in or reasonably near the floodway fringe due to possible changes in the floodway.

When sinkholes are encountered, the developer, based upon competent engineering, shall determine the limits of any standing water. The Planning Commission may prohibit construction in and around sinkholes. The Director of Tipton County Public Works and Planning Commission shall approve any alteration of a sinkhole or the drainage pattern.

(f) Floodplain Areas

The Planning Commission may, when it deems necessary for the health, safety, or welfare of the present and future population of the area or necessary to the conservation of water, drainage, and sanitary facilities, prohibit the development of any portion of the property, which lies within the floodplain of any stream or drainage course. The regulatory floodway shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps. Any site plan which contains flood prone land shall be subject to the special provisions set forth in Article VII, of these regulations.

(g) Storm Water Detention and Discharge Control

A Stormwater Runoff Analysis, is defined as a study using hydrologic engineering methods and principles to examine and propose changes to conveyances and structures required to handle incremental stormwater volumetric flow rate as a result of the proposed development based on a 25 year rainfall event. The analysis shall include the downstream impact on adjoining parcels, roads, culverts, bridges and other conveyances and structures and will continue to the point that incremental estimated flow rate as a result of the completed proposed development will result in no adverse impact to public or private property; the post development flow shall be no greater than pre-development flow in any specific conveyance at the point of study termination, shall be completed and submitted with the construction plans.

The intention of the Tipton County Planning Commission is to allow release of the increased volume of water generated by a development, but at a rate not to exceed the predevelopment rate, rather than detain it if the increased runoff can be conveyed to an adequate drainage way, which will not cause downstream flooding. The major factors in evaluating drainage designs will be the effect on downstream water levels, existing conveyances, proximity of any structures, and erosion of banks.

In order to prevent erosion at all outlet points, the design engineer will be required to design and submit for approval an outlet system that approximates the width and velocity of the flow which existed prior to development.

Whenever the calculated stormwater runoff, considering the fully developed basin at proposed zoning for the twenty-five (25) year storm, exceeds the capacity of the downstream pipes or channels, detention facilities shall be utilized.

3. Dedication of Drainage Easements

(a) General Requirements

Where a development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and of such width and construction as will be adequate. Where open drainage ways are utilized they shall be designed for the twenty-five (25) year frequency flood.

(b) Drainage Easements

Where topography or other conditions are such as to make impracticable the inclusion of drainage facilities within a road right-of-way, perpetual unobstructed easements at least ten (10) feet in width for such facilities shall be provided across property outside the right-of-way or maintenance easement and with satisfactory access to roads. Easements shall be indicated on the final site plan.

Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

When a new drainage system is to be constructed which will carry water across private land outside the development, appropriate drainage rights must be secured and indicated on the site plan.

The applicant shall dedicate to the appropriate entity, when required by the Planning Commission, by drainage or conservation easement through a declaration of covenants and restrictions, the land on both sides of an existing watercourse to a distance to be determined by the Director of Tipton County Public Works and approved by the Planning Commission.

Along watercourses, low-lying lands within any floodway, as determined by the Flood Insurance Rate Maps provided by FEMA pursuant to Section 3.120, of these regulations, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways.

(c) Drainage Construction

All ditch, channelization, culvert, storm drain, or catch basin construction shall be governed by the Specifications for Drainage Construction, included in this section. These specifications are adopted and made a part of these regulations.

B. Drainage System Design

1. Ditching and Channelization

This work shall consist of the construction of ditches adjacent to roadway shoulders and feeding to and from culverts under or adjacent to the roadway. All drainage ditches shall be graded in their entirety during the time the roadways are being graded; such grading shall be completed prior to final inspection of the roadways. All drainage conveyances that are not located within the road right-of-way, shall be indicated on the plans as private drainage easements.

2. Stabilization of Ditches

All open ditches shall be stabilized in accordance with the following requirements:

<b>Size of Nearest Culvert (Upstream) Lined</b>	<b>Seeding Required</b>	<b>Sod Required</b>	<b>To Be Concrete</b>
<b>Exceeding 15"</b>	<b>Grades 1.00%-3.00% Grades</b>	<b>Grades 3.00%-12.00% Grades</b>	<b>Grades 12.00% Grades</b>
<b>Exceeding 18" thru 24"</b>	<b>1.00%-1.50% Grades</b>	<b>1.50%-7.00% Grades</b>	<b>7.00% Grades</b>
<b>Exceeding 30" thru 36"</b>	<b>1.00%-1.50% Grades</b>	<b>1.00%-4.00% Grades</b>	<b>4.00% Grades</b>
<b>Exceeding 42" thru 72"</b>		<b>2.50% or Less</b>	<b>2.50%</b>

3. Concrete Ditch Pavings

Concrete ditch paving shall consist of the construction of paved ditches on a prepared subgrade. The subgrade shall be shaped and compacted to a firm even surface.

All soft materials shall be removed and replaced with acceptable materials and compacted as directed by the Director of Tipton County Public Works.

Concrete ditch pavement shall be four (4) inches in thickness throughout and shall be backfilled promptly after the concrete has set and the forms have been removed. All concrete used in ditch linings and detention basins shall be air entrained and have fiber reinforcement. The backfilled materials shall be thoroughly compacted. Expansion joints shall be located as directed by the Director of Tipton County Public Works.

4. Culverts and Storm Drains

All culverts shall be approved for size and gage by the Tipton County Public Works Department, and the installation of the culvert shall be inspected by the Tipton County Public Works Department prior to final driveway surface installation. Any culvert that does not meet the specifications of the Tipton County Public Works Department shall be removed and reinstalled prior to acceptance of the roadways within the section being developed.

This work shall consist of the construction of pipe culverts and storm sewers as shown on the plans.

Driveway culverts shall be a minimum diameter of fifteen (15) inches and a minimum length of twenty (20) feet; cross drains shall be a minimum diameter of eighteen (18) inches.

Reinforced concrete pipes shall conform to minimum standards for Class III, Reinforced Pipes, A.S.T.M. C76. Corrugated metal pipes shall conform to Section 915.02 or 915.04, Standard Specifications, and to gage as follows:

<b>Rounded Corrugated Metal Pipes</b>	
<b>Size</b>	<b>Gage</b>
15" - 24"	16
30"	14
36" - 48"	12
54" - 72"	10
78" - 84"	8

<b>Arch Corrugated Metal Pipes</b>	
<b>Size</b>	<b>Gage</b>
18" x 11" - 22" x 13"	16
25" x 16" - 36" x 22"	14
43" x 27" - 65" x 40"	12
72" x 44" or Larger	10

For pipes smaller than forty-eight (48) inches in diameter, a minimum cover of one (1) foot, exclusive of base and paving, is required from top of pipes to finished sub-grade. A minimum cover of two (2) feet is required for pipes forty-eight (48) inches in diameter and larger. All pipes shall be installed on straight line and grade and shall be laid with the spigot end pointing in the direction of the flow, with the ends fitted and matched to provide tight joints and smooth uniform invert.

Pipes shall be bedded on a six (6) inch thickness of Class B materials and backfilled to a depth of thirty (30) percent of the diameter of the pipes. Recesses shall be dug in the bedding materials to accommodate the fill. Class B, bedding shall be Size No. 7, as shown in Chart No. 903.23, Standard Specifications. Culverts and storm drains in existing roadways shall be backfilled to the depth of the cut.

5. Headwalls

Concrete headwalls shall be constructed at both ends of cross drains as approved by the Director of Public Works.



6. Catch Basins

This work shall consist of constructing catch basins complete within inlets, outlets, and inverts. Tops and inlets shall be constructed to conform to roadway grade so that drainage can easily be caught and no ponding created.

7. Box Culverts and Bridges

Design of box culverts and bridges shall be submitted to the Director of Tipton County Public Works for approval before construction is permitted.

8. Roadside Ditches

Roadside ditches, in conventional sections, shall be built to a grade that will permit good drainage, and in no case shall the slope of the ditch be less than one-half (0.50%) percent. All drainage ditches shall be stabilized, as indicated in these specifications.

9. Changes in Water Channels

Where the developer rechannelizes through a development, he will be responsible for replacing cross drains under roads, as directed by the Director of Tipton County Public Works. This work shall be done at the expense of the developer. Also, any alterations to existing channels or streams shall require the approval of the Tennessee Department of Environment and Conservation. An Aquatic Resource Alteration Permit (ARAP) shall be required for such activities and must be approved prior to the approval of the construction drawings.

10. Drainage Easements

All drainage easements are either private or public. The maintenance of Private drainage easements is the sole responsibility of the property owner or developer, and shall be noted as such on the site plan. The Director of Tipton County Public Works shall approve all public drainage easements through the construction plans and shall be noted as such on the site plan. All drainage easements prior to the passage of this amendment shall be considered as private unless the Director of Tipton County Public Works approves and accepts the dedication of the private drainage easement.

C. Detention Design and Requirements

1. Purpose and Design Process

The overall purpose of urban stormwater detention facilities is to control and utilize runoff in a sound manner such that the people and property of the areas, both upstream and downstream of changes in land use, experience no change to their normal activities of daily living. The effect of temporary storage of runoff on the shape of a hydrograph is pronounced and significant.

All stormwater detention facilities constructed within Tipton County shall be in accordance with the minimum design requirements and specifications as set forth in this section.

Any person, developer, firm, or corporation proposing to construct any stormwater detention facility within Tipton County shall apply to the Director of Tipton County Public Works for approval of the location, dimensions, design and construction methods, and materials of such facility. The application shall be in writing, and shall contain such information including maps, site plans, diagrams, design data, detailed drawings, specifications, and calculations as herein required.

If the Director of Tipton County Public Works finds that a proposed stormwater detention facility will conform to acceptable standards, the Director of Tipton County Public Works shall issue his approval in writing.

If the Director of Tipton County Public Works finds that a proposed stormwater detention facility will not conform to acceptable standards, the Director of Tipton County Public Works shall issue his notice of disapproval in writing.

The design of a detention basin involves the following steps:

- (a) Determine the purposes for which the basin will be used.
- (b) Determine the inflow hydrograph to the basin for the design storm.
- (c) Determine the maximum release rate.
- (d) Estimate the volume of storage needed.
- (e) Determine the depth-storage relationship for the basin.
- (f) Select the outlet structure(s) compatible with the basin uses and determine the depth-outflow relationship.
- (g) Determine the outflow hydrograph by performing the routing for the basin.

2. Definitions

For purposes of this section the following definitions of words and terms shall apply:

- (a) Catch Basin - A catch basin is a part of a storm drain or sewer system which is designed to trap debris so that it cannot enter the drainage pipes.
- (b) Dam – An artificial barrier or embankment having greater than six feet difference in elevation between the crest of the emergency spillway and the lowest point in the cross section taken along the centerline of the dam and which does or may impound water.
- (c) Detention Basin – Any man-made area or structure that serves as a means of temporarily storing stormwater runoff.

- (d) Detention Storage – The temporary detaining or storage of stormwater on or beneath the ground surface, on rooftops, parking lots, or by other means under predetermined or controlled conditions.
- (e) Detention Storage Volume - The volume of storage provided in detention basins shall be sufficient to store the stormwater runoff generated by the development during a 25-year storm, less the discharge as permitted in the maximum release rate section of this chapter. Storage volume shall be sufficient to store excess flows resulting from a 25-year storm using a 24-hour rainfall distribution or other approved methods.
- (f) Development – Any change in land use, or improvement on any parcel of land that increases stormwater runoff.
- (g) Discharge – The rate of outflow of water from detention storage.
- (h) Drainage Area – The geographical area contributing stormwater runoff to a point under consideration, i.e., a watershed, tributary area, or catchment area.
- (i) Dry Bottom Basin – A detention basin or facility not intended to have a permanent pool.
- (j) Freeboard – The difference in elevation between the design water surface in the detention facility and the elevation at which uncontrolled overtopping of the facility begins.
- (k) Hyetograph – Intensity distribution of a rainfall event with respect to time.
- (l) Hydrograph – Flow rate distribution of stormwater runoff with respect to time at the point under consideration, or of detention basin outflow.
- (m) Maximum Release Rate - The maximum allowable release rate of stormwater runoff originating within the proposed development shall be the quantity of flow computed using the allowable storm, as defined below, and the characteristics of the development drainage area, i.e., area, percent impervious, time of concentration, runoff coefficient, curve number and channel condition. The allowable storm is defined as the year storm which the controlling downstream pipe or improved channel could facilitate considering a fully developed upstream drainage basin at present or proposed zoning. Drainage culverts or bridges installed by the State or County in connection with roadway projects that do not have improvements beyond the right-of-way lines shall not be considered in determining the maximum allowable release rate.
- (n) One Hundred Year Storm – A rainstorm of a given duration and depth of precipitation having a one percent chance of occurrence in any given year.
- (o) Project – Any development involving the construction, reconstruction, or improvement of structures and/or grounds.
- (p) Retention Pond - A retention pond is designed to hold a specific amount of water indefinitely. Usually the pond is designed to have

drainage leading to another location when the water level gets above the pond capacity, but still maintains a certain capacity.

- (q) Stormwater Runoff Analysis – A study using hydrologic engineering methods and principles to examine and propose changes to conveyances and structures required to handle the incremental storm water volumetric flow rate as a result of the proposed development based on a 25 year rainfall event. The analysis shall include the downstream impact on adjoining parcels, roads, culverts, bridges and other conveyances and structures and will continue to the point that incremental estimated flow rate as a result of the completed proposed development will result in no adverse impact to public or private property; the incremental flow shall be less than ten percent (10%) of predevelopment flow in any specific conveyance at the point of study termination.
- (r) Stormwater Runoff – The waters derived from precipitation falling within a drainage area, flowing over the surface of the ground or collected in channels or conduits.
- (s) Stormwater Runoff Not Detained - The rate of discharge from a detention facility and the rate of discharge of stormwater runoff from areas of the development not controlled by the detention facility shall not collectively exceed the maximum release rate.
- (t) Twenty-five Year Storm – A rainstorm of a given duration and depth of precipitation having a twenty-five percent chance of occurrence in any given year.
- (u) Wet Bottom Basin – A detention basin intended to have a permanent pool.

3. Project Site Information

Detention basin storage type, capacity required and release rates are to be determined by the Design Engineer. To assist in the review of the proposed system, the following project information shall be provided to the Director of Tipton County Public Works by the Design Engineer:

- (a) A topographic map of the project site and immediately adjacent areas, of suitable scale and contour interval, which shall define the location of streams, extent of floodplains and calculated high water elevations, and shorelines of lakes and ponds.
- (b) The size, location, and flowline elevations of all existing sanitary and storm sewers, which fall within the project limits and within a distance of five hundred feet beyond the boundaries of said project.
- (c) A proposed grading plan and/or site plan showing existing and proposed contours, buildings, parking lots, and other development features.
- (d) Proposed areas and/or methods to be used for detention facilities. The Director of Tipton County Public Works shall approve the

location, size, shape, or other desired design features of proposed detention basins.

- (e) Drainage area map showing upstream drainage area tributary to the development, and to each proposed detention facility along with the location and size of the controlling downstream drainage structures.
- (f) Special Study to determine effects of development, if required by the Director of Tipton County Public Works.

4. Plans, Specifications and Calculations

Based on design data furnished, plans and specifications for detention facilities and appurtenances shall be submitted to the Director of Tipton County Public Works for approval prior to construction.

The following plan and design information shall be provided.

- (a) Finalized site plan, development plan, and facilities information as furnished pursuant to the previous section;
- (b) Complete plans for grading, storm sewers, inlets, outflow structures, dams, emergency spillways, and other appurtenances;
- (c) Slope, type, size, and complete flow calculations (if requested) for all existing and proposed storm sewers, outlet structures, spillways, and waterways,
- (d) The grading plan shall show existing and final contours at intervals not to exceed five (5') feet, and a line defining the high water elevations to be expected during the one hundred year flood. Proposed cross sections and grades of overflow swales shall also be included;
- (e) Stage-outflow curves for proposed detention facilities plotted in units of detention facility water surface elevation (and depth).
- (f) Stage-outflow curves for outlet works plotted in units of detention facility water surface elevation (and depth).
- (g) Inflow and outflow hydrographs plotted in units of cubic feet per second of inflow and outflow as ordinates.
- (h) Inflow and outflow hydrographs, detention pond elevations, and storage in tabular form. The elevation at which the peak discharge occurs should be included.

5. Method of Detention

The following conditions and limitations shall be observed in selection and use of method of detention.

- (a) General Location – Detention facilities shall be located within the parcel limits of the project under consideration. No detention or ponding will be permitted within public road right-of-ways. Location

of detention facilities immediately upstream or downstream of the project will be considered by special request if proper documentation is submitted with reference to practicality, feasibility, and proof of ownership or right-of-use of the area proposed. Conditions for general location of detention facilities are identified in the following sections.

- (b) Dry Reservoirs – Dry reservoirs shall be designed with proper safety, stability, and ease of maintenance facilities, and shall not exceed eight (8) feet in depth. Maximum side slopes for grass reservoirs shall not exceed one (1) foot vertical for three (3) feet horizontal (3:1) unless adequate measures are included to provide for the above noted features. Minimum bottom slope of the grass reservoirs shall be 1 %, unless a concrete swale is provided. In no case shall the limits of maximum ponding elevation (100 year storm) be closer than thirty (30) feet horizontally from any building and less than one (1) foot vertically below the lowest sill or floor elevation. The entire reservoir area shall be seeded, fertilized, mulched, sodded or paved as required prior to issuance of certificate of occupancy. Any area susceptible to, or designed as, overflow by higher design intensity rainfall (100 year frequency) shall be sodded.
- (c) Open Channels – Normally permitted open channels may be used as detention areas provided that the limits of the maximum ponding elevation (100 year storm) are not closer than thirty (30) feet horizontally from any buildings, and not less than one (1) foot below the lowest sill or floor elevation of any building. No ponding will be permitted within public road right-of-way unless approval is given by the Director of Tipton County Public Works.

For design of other typical channel sections, the features of safety, stability, and ease of maintenance shall be observed by the Design Engineer. The entire reservoir area of the open channel shall be seeded, fertilized, mulched, sodded or paved as required in the original design. The hydraulic or water surface elevations resulting from channel detention shall not adversely affect adjoining properties.

- (d) Permanent Lakes – Existing permanent lakes with fluctuating volume controls may be used as retention areas provided that the limits of maximum ponding elevations (100 year storm) are no closer than thirty (30) feet horizontal from any building and not less than one (1) foot below the lowest sill or floor elevation of any building. Analyses to be based on post development flow rates.

- (e) Underground Systems – Underground storage systems may be used and shall be designed to provide storage for at least the 25-year storm. These systems shall be designed so that water surface from the 25-year storm; does not exceed the elevation of the top of the storage pipe or vault, or come within 6 inches of the bottom of any inlet grate, or exceed the top of any upstream pipes (unless these are privately maintained and the system and pipes are designed to operate as a pressure system).

These systems shall be designed to be relatively maintenance free by; using adequate trash screens at all inlets to the system and at the control structures; avoiding the use of moving parts; avoiding the use of small control pipes and narrow weir openings; maintaining a minimum low flow velocity of 4 FPS at a reasonable frequent reoccurring storm.

When an underground storage system is used in a public right-of-way or public maintenance easement it shall be constructed of the same material as all public maintained systems and the minimum pipe diameter shall be 15 inches. These systems are to be singular (not multiple or paralleling) in line pipe systems. When the underground storage system is to be privately maintained and located on private property it shall be constructed of materials that have a similar expected life as that of the project. Tanks, vaults, or oversized pipes and multiple paralleling pipes may be used in the private systems.

All underground storage systems shall be provided with a reasonable number and type of access locations to allow easy inspection and maintenance.

6. Construction

Standards for construction of inlets, pipes, manholes, paved ditches and other detention basin appurtenances shall be approved by the Director of Tipton County Public Works in accordance with the appropriate section of this manual and the County’s construction specifications.

7. Emergency Spillways

Emergency spillways shall be sized to carry the one hundred year flood assuming the detention basin is already filled to design storage capacity.

Freeboard for earthen detention basins shall be a minimum of one-foot difference in elevation between the top of the settled embankment and the water surface, with the emergency spillway flowing at design depth.

8. Slopes

For wet or dry bottom basins, if side slopes exceed one foot vertical to three foot horizontal, both erosion control and safety measures shall be provided. In no case shall earthen slopes exceed one foot vertical to two foot horizontal at any point.

If vertical walls are used, the basin must be fenced, with steps, ramps or other means of egress provided.

9. Appearance

The use of detention facilities for purposes other than the temporary storage of runoff is encouraged. Whenever possible, the designer should incorporate detention basins in parking lots, playgrounds, ponds, private lots or common areas to enhance the esthetic appearance of a facility.

Pipes, drainage structures, outlet works, or other necessary structural features of detention ponds shall be devised so as to be minimum in number and inconspicuous.

10. Access

Provisions shall be made to permit access and use of auxiliary equipment to facilitate emptying, cleaning, maintenance, or for emergency purposes.

11. Control Structures

Detention facilities shall be provided with obvious and effective control structures. Plan view and section of the structure with adequate details shall be included in plans.

The maximum design discharge (Q) for the low-flow pipe shall not exceed the allowed maximum release rate when considering a 25-year storm.

Sizing of the low-flow pipe shall be by inlet control or hydraulic control or hydraulic gradient requirements as appropriate. Low-flow pipes or constrictions shall not be smaller than fifteen (15) inches in diameter on public maintained systems to minimize maintenance and operating problems. An adequately sized bar-screen on a minimum 2:1 slope to reduce blockage by debris is suggested on the low-flow pipe and control structures.

Detention basin outflow shall discharge into a downstream drainage system. Where a public conveyance is utilized, detention outflow may be connected without additional control if approved by the Director of Tipton



County Public Works. Where no public conveyance is available, the outflow shall be adequately dissipated to prevent point source erosion and the design shall be approved as part of the construction plans.

12. Easements

Two types of easements shall be provided in plans for detention facilities.

- (a) Private Drainage Easements – Private drainage easements will be required on all portions of the detention system that are not incorporated in a public drainage easement. Such areas shall be denoted on the development site plan by “Reserved for Storm Water Detention”. The facilities located in these private easements shall be the responsibility of the property owner or owner’s association to maintain.
- (b) Public Drainage Easement – A public drainage easement will be accepted in writing by the Director of Tipton County Public Works for all components of the detention facilities which are standard Tipton County drainage structures; i.e., pipes, concrete channel lining, outlet structures and spillways.

13. Maintenance

Detention facilities, when mandatory, are to be built in conjunction with storm sewer installation and/or grading. Since these facilities are intended to control increased runoff, they must be partially or fully operational soon after the clearing of the vegetation. Silt and debris connected with early construction shall be removed when necessary from the detention area and control structure in order to maintain maximum storage capacity.

Maintenance of the portion of the detention facilities not located in a public drainage easement is the responsibility of the property owners or association. Maintenance shall consist of but not be limited to the following items:

- (a) Outlet cleaning
- (b) Mowing
- (c) Herbicide spraying
- (d) Litter control
- (e) Removal of sediment from basin and outlet control structure.
- (f) Repair of drainage structures.

The responsibility of all maintenance of the detention facilities and subdivision projects shall remain with the developer until the County has accepted the project. Upon acceptance of the development by the County,

maintenance responsibility shall transfer to the County for all components located in the public drainage easements and to the property owner or owner's association for all components of the detention system located in the private easement.

The following note shall be clearly placed on the final site plan of any development requiring on-site stormwater detention facilities.

The areas denoted by "Reserved for Stormwater Detention" shall not be used as a building site or filled without first obtaining written permission from the Director of Tipton County Public Works, as applicable. The stormwater detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or owner's association. Such maintenance shall be performed so to ensure that the system operates in accordance with the approved plan located in the Tipton County Public Works Department.

14. Variances

Any variance of these regulations shall be submitted to and approved by the Tipton County Planning Commission with a written recommendation from the Director of Tipton County Public Works.

## ARTICLE IV

### SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

#### SECTION

- 4.010 Off-Road Parking Requirements
- 4.011 Certification of Minimum Parking Requirements
- 4.012 Combination of Required Parking Space
- 4.013 Remote Parking Space
- 4.014 Extension of Parking Space into a Residential District
- 4.015 Requirements for Design of Parking Lots
- 4.020 Off-Road Loading and Unloading Requirements
- 4.030 Temporary Use Regulations
- 4.040 Customary Incidental Home Occupations
- 4.050 Emergency Shelter Restrictions
- 4.060 Gasoline Service Station Restrictions
- 4.070 Standards for Signs, Billboards, and Other Advertising Structures
- 4.080 *[This Section Has Been Removed from Previous Regulations]*
- 4.090 Development Standards for Mobile Home Parks
- 4.100 Development Standards for Automobile Wrecking, Junk and Salvage Yards
- 4.110 Off Road, ATV Track or Trail Regulations
- 4.120 Subsurface Disposal of Toxic Materials
- 4.130 Development Standards for Sanitary Landfill or Hazardous Waste Facility (Disposal, Treatment, Storage)
- 4.140 Restrictions for Adult-Oriented Business Establishments
- 4.150 Standards for Telecommunication Antennas and Towers
- 4.160 Swimming Pool Regulations
- 4.170 Development Standards For Cemeteries
- 4.180 Private Airstrip Regulations
- 4.190 Development Standards for Mini-Storage Facilities
- 4.200 Development Standards for Golf Courses
- 4.210 Bed and Breakfast Regulations
- 4.220 Development Standards for Multi-Family Developments
- 4.230 Development Standards for Fences
- 4.240 *[This Section Has Been Removed from Previous Regulations]*
- 4.250 Outdoor Firearms Shooting Range
- 4.260 Development Requirements for Flea Markets (Open Air Markets)
- 4.270 Family Burial Grounds Protection Requirements
- 4.280 Natural Resource Extraction
- 4.290 Sales of Portable Buildings on Vacant Lots
- 4.300 Development Standards for Camping Grounds
- 4.310 Public Water Supply

#### **4.010 OFF-ROAD PARKING REQUIREMENTS**

Off-road automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. Parking spaces may be included as part of the required yard space associated with the permitted use. One (1) vehicle space shall be two hundred (200) square feet in size (10 feet by 20 feet) and such space shall provide vehicular access to a road or alley. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

- A. **Single Detached Dwelling and Duplex** - Not less than two (2) spaces for each dwelling unit.
- B. **Apartment Dwelling** - Not less than one and one-half (1-1/2) spaces per unit.
- C. **Boarding Houses and Rooming Houses** - Not less than one (1) space for each one (1) room to be rented.
- D. **Mobile Home Parks** - Not less than two (2) spaces for each mobile home space.
- E. **Other Dwelling Units** - Not less than two (2) spaces per dwelling unit.
- F. **Hotels, Motels, and Other Tourist Accommodations** - Not less than one (1) space for each room to be rented, plus one (1) additional space for each three (3) employees.
- G. **Any Auditorium, Church, Stadium, or Other Place of Public Assembly** - Not less than one (1) space for each five (5) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc. at least one (1) space for each one hundred (100) square feet of floor space devoted to that particular use shall be provided.
- H. **Manufacturing, Industrial or Wholesaling Use** - Not less than one (1) space for each two (2) employees anticipated during maximum production, with a minimum of five (5) spaces provided for any establishment. For establishments maintaining space for the sale of products at retail, there shall be provided one (1) parking space for each three hundred (300) square feet of floor area devoted to retail sales.
- I. **Office and Professional Buildings** - Not less than one (1) parking space for each one hundred fifty (150) square feet of office space.
- J. **Retail Sales and Services Establishments** - Not less than one (1) parking space for each two hundred (200) square feet, or fraction hereof, of sales space in general commercial districts and the rural center districts, plus one (1) parking space for each employee.
- K. **Medical or Dental Clinic** - Not less than three (3) spaces per licensed health care provider, plus one (1) additional space for each employee.
- L. **Roadside Service Facilities (Service Stations, Repair Shops or Similar Uses)** - Not less than five (5) spaces per grease rack or service bay, or one (1) space for each one thousand five hundred (1,500) square feet of lot area or fraction thereof, whichever is greater.
- M. **Restaurants** - Not less than one (1) space per one hundred (100) square feet of floor area, plus one (1) space for each employee.
- N. **Hospitals** - Not less than one (1) space for each three (3) beds intended for patient use, exclusive of bassinets.

- O. **Public Utility Building** – Not less than one (1) space for each employee during maximum shift.
- P. **Schools** – Not less than one (1) space for each classroom, plus one (1) space for each staff member and employee other than teachers. If the school is a high school then one (1) additional space shall be required for each fifteen (15) students based on the capacity for which the building was designed. If an auditorium is provided, then see ‘G’ above and the number of parking spaces shall be developed based on whichever is greater.
- Q. **Shopping Centers** – Five and one-half (5 1/2) parking spaces for each one thousand (1,000) square feet of gross floor area.
- R. **Other** - For buildings and uses not listed, the off-road parking requirements shall be determined by the Board of Zoning Appeals.

**4.011 Certification of Minimum Parking Requirements**

Each application for a Building Permit shall include information as to the location and dimensions of off-road parking spaces and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the planning director to determine whether or not the requirements of this section are met.

**4.012 Combination of Required Parking Space** (Amended 10/19/15)

The required parking space for separate uses may be combined onto one lot. The required space assigned to one use may not be assigned to another use, except that the parking space required for churches, theaters, assembly halls or other uses the Board deems appropriate whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

**4.013 Remote Parking Space**

If the off-road parking space required by this resolution cannot be reasonably provided on the same lot, on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use, provided such land is in the same ownership or lease as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this resolution, has been made for the principal use.

**4.014 Extension of Parking Space into a Residential District**

Required parking space may be extended one hundred (100) feet into a residential district, provided that:

- A. The parking space adjoins a commercial or industrial district.
- B. The parking space has its only access to or fronts upon the same road as the property in the commercial or industrial districts for which it provides the required parking spaces.

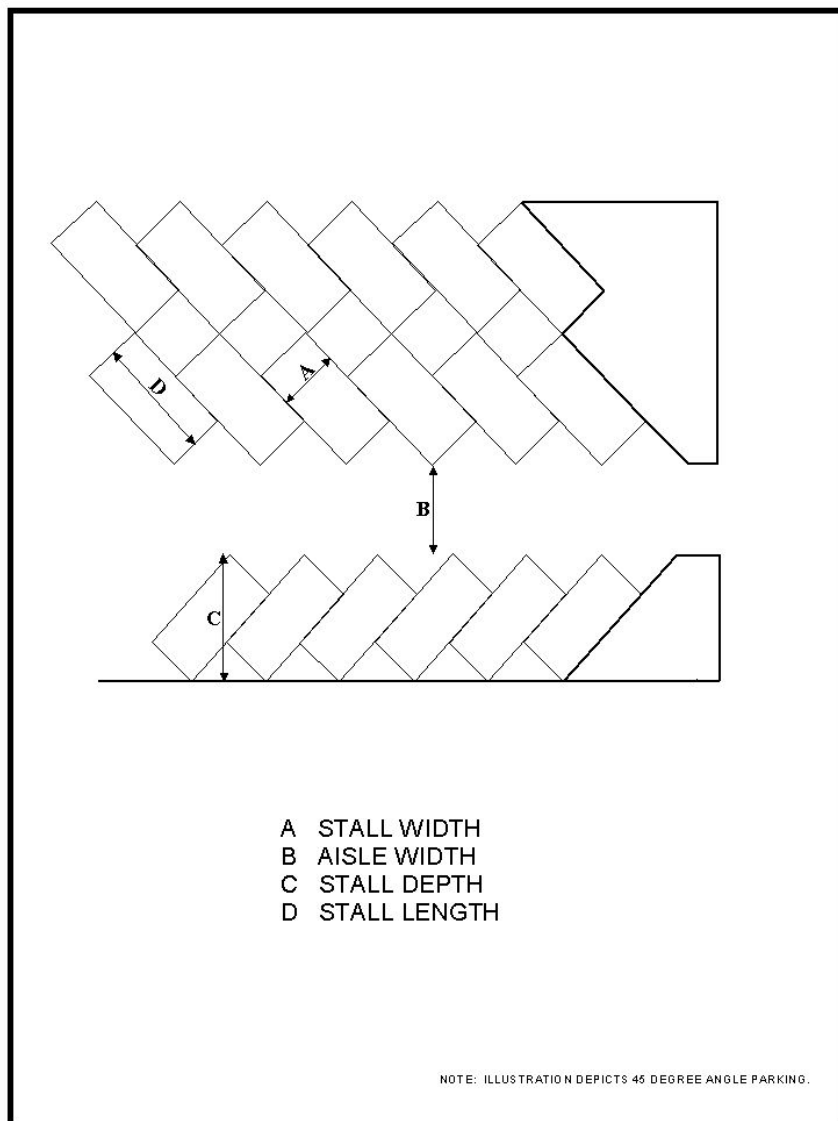
- C. The parking space is separated from abutting properties in the residential districts by a buffer strip.

**4.015 Requirements for Design of Parking Lots**

- A. All parcels of land regardless of use devoted to off-road parking shall be so designed and be of such size that no vehicle is required to back onto a public way to obtain egress.
- B. Each parking space shall be no less than two hundred (200) square feet in area (10' x 20').
- C. Entrances and exits for all off-road parking lots shall comply with the requirements of Section 3.090, of this resolution.
- D. Each parking lot shall be designed in such a manner as to provide adequate drainage, including stormwater runoff and to eliminate the possibility of stagnant pools of water.
- E. The entire required parking area shall be paved in C-2 and C-3 Zoning Districts. In the C-1 Zoning District, no less than half of the required parking area shall be paved. No less than half of the required parking area shall be paved for all Assembly, Educational and Institutional classified occupancy construction (according to the current adopted Building Code). Appropriate signage for ingress and egress and striping for parking spaces shall be required for the paved portion. The paved portion of the lot shall be located adjacent to the structure that it serves.
- F. The number of handicapped accessible parking spaces shall be as follows:
  - 1 handicapped accessible space for 1-25 total spaces
  - 2 handicapped accessible spaces for 26-50 total spaces
  - 3 handicapped accessible spaces for 51-75 total spaces
  - 4 handicapped accessible spaces for 76-100 total spaces
  - 5 handicapped accessible spaces for 101-150 total spaces
  - 6 handicapped accessible spaces for 151-200 total spaces
  - 7 handicapped accessible spaces for 201-300 total spaces
  - 8 handicapped accessible spaces for 301-400 total spaces
  - 9 handicapped accessible spaces for 401 or greater total spaces

In addition, if there are no less than four (4) parking spaces designated with the wheelchair disabled sign, then at least one (1) of such parking spaces shall be van accessible, but if more than four (4) spaces are designated as disabled parking spaces, then at least two (2) spaces per eight (8) disabled parking spaces shall be van accessible. A van accessible parking space shall be at least eight feet (8') wide and shall have an adjacent access aisle that is at least eight feet (8') wide. The access aisle shall be located on the passenger side of the parking space except that two (2) adjacent accessible parking spaces may share a common access aisle. Van accessible parking spaces shall have an additional sign marked "Van Accessible – Priority for Wheelchair User" mounted below the already required sign in *Tennessee Code Annotated, Section 55-21-105*.

Layout Design Elements									
Dimension	Illustration Reference	One Way Aisles Designs				Two Way Aisles Designs			
		0°	45°	60°	90°	0°	45°	60°	90°
Stall width parallel to aisle	A	10'	13'	11'	10'	10'	13'	11'	10'
Aisle width between stall lines	B	12'	14'	18'	22'	24'	24'	24'	24'
Stall depth to wall	C	10'	18'	19'	20'	10'	18'	19'	20'
Stall length of line	D	20'	25'	22'	20'	20'	25'	22'	20'
Bumper Overhand (typical)	Not Shown	N/A	2'	2.3'	2.5'	N/A	2'	2.3'	2.5'



**4.020 OFF-ROAD LOADING AND UNLOADING REQUIREMENTS**

Every building or structure hereafter constructed and used for industry, business, or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide adequate space for the loading and unloading of vehicles off the road or public alley. Such space shall have access to a public or private alley, or if there is no alley, to a public road. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

<b><u>Total Usable Floor Area for Principal Building</u></b>	<b><u>*Spaces Required Size 10'x50' with 14 Feet Height Clearance</u></b>
0 to 9,999 sq. ft.	One (1) Space
10,000 to 19,999 sq. ft.	Two (2) Spaces
Over 20,000 sq. ft.	Two (2) Spaces, Plus One (1) Space for Each Additional 20,000 Square Feet

**\*The Board of Zoning Appeals may reduce or increase this requirement in the interest of safety or where unusual or special conditions are due consideration.**

**4.030 TEMPORARY USE REGULATIONS**

The following regulations are necessary to govern the operation of certain necessary or seasonal uses non-permanent in nature. Application for a Temporary Use Permit shall be made to the planning director. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, set-back, sanitary facilities and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits that follow and to the regulations of any district in which such use is located. The Planning Director shall approve all temporary uses, unless otherwise noted.

- A. **Carnival or Circus** - May obtain a Temporary Use Permit, in the FAR, C-3, I-1 District; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-road parking can be provided. Such use shall be approved by the Planning Commission.
- B. **Fireworks and Christmas Tree Sales** - Shall obtain a thirty (30) day Temporary Use Permit for the retail sale of Fireworks or Christmas Trees transported to open lots in the FAR, C-1, C-2, C-3 and I-1 Districts.
- C. **Temporary Buildings** - In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six (6) month extensions; however, not more than two (2) extensions for a particular use shall be granted. Structures shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.



- D. **Religious Tent Meeting** - In any district, a Temporary Use Permit may be issued, at no cost, for a tent or other temporary structures used to house a religious meeting. Such permits shall be issued for not more than a thirty (30) day period, and for a maximum of two (2) nonconsecutive periods in a one (1) year time span. Such activity shall be permitted only on lots where adequate off-road parking can be provided.
  
- E. **Medical Pods in Cases of Special Hardships** - In any residential district, a Temporary Building Permit may be issued to place medical pods on residential properties. An applicant for a Temporary Building Permit as provided under this subsection must produce a written statement from the Tipton County Health Department and/or the utility system approving the water supply and sewage disposal system for the medical pod. Such a permit shall not be valid for more than twelve (12) months, and may be renewed for up to twelve (12) months at a time. All cases for medical pods will be considered by the Board of Zoning Appeals for special hardships subject to the same above criteria.
  
- F. **Historical Events, Presentation and Historical Related Activities** - In an FAR District, a Temporary Permit may be issued for historical events, presentations or historical related activities for not more than six (6) times per year. Such permit shall be in effect for a period not to exceed seven (7) consecutive days.
  
- G. **Special Events** - Special events, including, but not limited to, tractor pulls, music festivals or temporary activities that would take place in an open space setting of at least three-fourths (3/4) of an acre for not more than two (2) times per year. Such permit shall be in effect for a period not to exceed ten (10) consecutive days. Permits for Special Events will be issued to nonprofit, non-taxpaying entities at no cost. Such uses shall be approved by the Planning Commission.
  
- H. **Temporary Dwelling Unit During Construction or Reconstruction of Residential Property**  
In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wides excluded) or travel trailer temporarily on a lot in which the principal structure is being constructed (or reconstructed where the structure was destroyed by fire or other natural phenomenon). An applicant for a Temporary Use Permit as provided under this subsection must have already purchased a building permit for the principal structure. An applicant also, must produce a written statement from the Tipton County Health Department and/or the utility system approving the water supply and sewage disposal system for the temporary structure. A Temporary Use Permit shall be valid for six (6) months, and may be renewed for up to six (6) months at a time, not to exceed a total of eighteen (18) months, unless otherwise approved by the Board of Zoning Appeals. The purpose of such temporary placement shall be to provide shelter for only the residents of the principal structure during the period of construction or reconstruction and to prevent a hazard to the safety, health, or welfare of the community.

#### **4.040 CUSTOMARY INCIDENTAL HOME OCCUPATIONS**

A customary incidental home occupation is a gainful occupation or profession (including the professional office of an architect, artist, dentist, engineer, lawyer, physician and the like, barber, beauty and tailor shops) conducted by members of a family residing on the premises. Only one (1) person other than members of the household shall be employed. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. An announcement sign of not more than six (6) square feet in area is permitted. No more than twenty-five (25) percent of the floor area of the dwelling unit is to be used to conduct the home occupation.

When questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine whether said home occupation is in compliance with the district in which it is located. However, activities such as dancing instruction, band instrument instruction, except piano instruction, tea rooms, tourist homes, real estate offices, convalescent homes, mortuaries, animal clinics, retail sales incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation.

##### **A. Minor Home Occupations**

A minor home occupation is a limited activity conducted on premises not to differ from its residential character. Minor home occupations shall include offices for accountants, architects, artists, engineers, real estate agents and the like, and other uses that will not require an increased amount of traffic to and from the residence and are required to meet the provisions set forth in Section 8.060. Uses such as barber or beauty shops, auto repair or any similar use shall not be considered as minor home occupations. Due to the small scale of operation, minor home occupations are not required to obtain approval for a special exception from the Board of Zoning Appeals.

##### **B. Major Home Occupations**

Uses classified as major home occupations are those conducted on premises that may cause an increase in the amount of neighborhood traffic. This increase in traffic may be in the form of persons served by the home occupation or pick-ups from the premises. An increased area for parking will be required for uses that are classified as major home occupations. All major home occupations are required to have a site plan approval from the Tipton County Planning Commission, their use permitted as a special exception approved by the Board of Zoning Appeals prior to engaging in the activity, and meet the provisions set forth in Section 8.060, including any other safeguards the Board deems necessary. Major home occupations shall include barber and beauty shops, teaching of music and dance, small engine and appliance repair, auto and other motorized vehicle repair, welding shops, wood working and cabinet shops, upholstery shops, dressmakers, and other similar uses that in the opinion of the Board of Zoning Appeals would meet the criteria of a major home occupation.

**4.050 EMERGENCY SHELTER RESTRICTIONS**

Emergency shelters are permitted as principal or accessory uses and structures in any zoning district, subject to the minimum yard and maximum lot coverage requirements of the appropriate zoning district. The Board of Zoning Appeals may waive side and rear yard setback requirements to permit construction of joint shelters by two or more property owners provided, that side and rear yard setback requirements shall be met where property involved in the joint proposal abuts or adjoins property not included in the proposal. All shelters should be located within one hundred fifty (150) feet of the building the shelter is intended to serve.

Emergency shelters shall not be permitted below ground level in designated flood hazard areas. Article VII of this resolution applies to all emergency shelters.

**4.060 GASOLINE SERVICE STATION RESTRICTIONS**

The following regulations shall apply to all gasoline service stations.

- A. There shall be a building setback from all road right-of-way lines for a distance of not less than thirty (30) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps shall not be located closer than thirty (30) feet to any road right-of-way line.
- C. Sign requirements as established in Article IV, Section 4.070, shall be met.

**4.070 STANDARDS FOR SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES**

These conditions are established as a reasonable and impartial method of regulating advertising structures in order to insure light, air, and open space, to reduce hazards at intersections, and to protect property values of the entire community. The regulations for signs, billboards, and other advertising structures are enumerated below. All signs requiring a permit shall obtain a building permit from the Tipton County Building Inspectors Office. (Amended 7/10/17)

- A. In Any Zoning District, the Following General Regulations Shall Apply:
  - 1. No sign shall be erected or maintained where by reason of its position, wording, illumination, size, shape, or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, device or, emergency vehicle.
  - 2. No illuminated sign shall be permitted within two hundred (200) feet of property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property.

3. No billboard shall exceed fifty (50) feet in height nor shall any billboard exceed six hundred seventy two (672) square feet in sign area. In addition, no billboard shall be erected or placed closer than two thousand (2000) feet from any FAR, R-1, R-2 or R-3 District and shall be setback a distance equal to the height of the billboard from any property line. No ground sign shall exceed thirty (30) feet in height.
4. Ground signs of six (6) feet or less in height may be erected or placed up to the property line but no part of the sign structure may project or overhang past said property line.
5. Outdoor commercial signs, including flashing or illuminated signs, shall not intrude upon the public right-of-way.
6. Directional and Public Information signs intended to guide the general public and emergency services may intrude upon the public right-of-way with permission from the appropriate governmental agency and shall be no larger than sixty-four (64) square feet in size.
7. Signs erected and overhanging any sidewalk must be placed at least ten (10) feet above the sidewalk and may extend over the sidewalk a distance equal to two-thirds ( $2/3$ ) the width of the sidewalk, but in no case exceeding ten (10) feet.
8. Only one sign shall be allowed on any residentially zoned parcel, not to include temporary signs or nameplates indicating name, address or house number for emergency purposes.
9. Temporary signs and posters are subject to the following regulations:
  - a. Each sign shall not exceed thirty-two (32) square feet in area.
  - b. No permit is required for temporary signs and posters.
  - c. Such signs shall not be fastened to public utility poles.
  - d. All such signs advertising events shall be placed/erected no sooner than sixty (60) days before the event date, and shall be removed within ten (10) days after the event date. In the case of elections, the primary and general elections shall be considered as a single event.
10. All signs greater than thirty (30) feet in height must be spaced at least two thousand (2000) feet apart in any direction.
11. A building permit is required for any sign that is greater than six (6) feet in height with the exception of temporary signs and posters.
12. Any sign that is deemed a nuisance as defined in *TCA 29-3-101(2)* is prohibited.

13. Changeable message signs with a digital display which meet all other requirements of this section are permissible subject to the following restrictions:
  - a. The message display time shall remain static for a minimum of eight (8) seconds with a maximum change time of two (2) seconds.
  - b. Video, continuous scrolling messages and animation are prohibited.
14. Signs exempt from this section include “posted”, “no trespassing”, “no hunting”, “no dumping”, “no fishing”, real estate “for sale”, and the like.
15. Any sign installed or placed on public property, whether permanent or temporary, except in conformance with this section, shall be forfeited, removed and disposed of with no compensation granted to the offending party or parties. The County shall have the right to recover full costs or removal and dispose from the offending party or parties. (Amended 7/10/17)

B. In the FAR District, the Following Regulations Shall Apply:

1. Flashing or intermittent illumination signs are prohibited.
2. Billboards are prohibited.
3. For single-family dwellings, no sign shall exceed six (6) square feet in area.
4. For agricultural uses, no sign shall exceed thirty-two (32) square feet in area.
5. Only one sign shall be allowed on any residentially zoned parcel, not to include temporary signs or nameplates indicating name, address or house number for emergency purposes.

C. In the R-1, R-2 and R-3, Residential Districts, the Following Regulations Shall Apply:

1. For single-family dwellings, no sign shall exceed six (6) square feet in area.
2. For multi-family dwellings, no sign shall exceed sixteen (16) square feet in area.
3. Flashing or intermittent illumination signs are prohibited.
4. Billboards are prohibited.
5. Only one sign shall be allowed on any residentially zoned parcel, not to include temporary signs or nameplates indicating name, address or house number for emergency purposes.

D. In the C-1, Rural Commercial District, the Following Regulations Shall Apply:

1. No ground sign shall exceed thirty (30) feet in height and no sign face shall exceed one hundred sixty eight (168) square feet in size.
2. Billboards are prohibited.

E. In the C-2 and C-3, Commercial Districts, the Following Regulations Shall Apply:

1. Commercial signs shall be permitted subject to the general restrictions set forth in Section 4.070 A.
2. Billboards are permitted subject to the general restrictions set forth in Section 4.070 A.

F. In the I-1, Industrial District, the Following Regulations Shall Apply:

1. Commercial signs shall be permitted. Such signs shall be setback a distance equal to the height of the sign from any property line.
2. Billboards are permitted subject to the general restrictions set forth in Section 4.070 A.

**4.080 [THIS SECTION HAS BEEN REMOVED FROM PREVIOUS REGULATIONS]**

**4.090 DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS (AMENDED 6/12/23)**

The following land development standards shall apply for all mobile home parks:

- A. The mobile home park shall be located on a well-drained site, properly graded to ensure rapid drainage and to avoid the possibility of stagnant pools of water. Each mobile home park shall be located outside identified special flood hazard areas on the current Tipton County Flood Insurance Rate Maps. Drainage plans shall be approved by the Director of Tipton County Public Works.

B. Dimensional Requirements for Mobile Home Parks

1. Each mobile home park shall have a front, side and rear yard setbacks of fifty (50) feet exclusive of any required yards for each residential space.
2. Each mobile home park shall be permitted to display, on each road frontage, one (1) identifying sign of a maximum size of twenty (20) square feet.
3. The site for a mobile home park shall comprise of an area of not less than ten (10) acres.
4. Direct vehicular access to the site shall be provided by an abutting improved public road of at least a "Collector" status (as shown on Tipton County's Transportation Plan).

C. Dimensional Requirements for Mobile Home Spaces

Each mobile home space shall be of sufficient size that, in addition to the dwelling, the following space shall be provided:

1. Each mobile home space shall be at least thirty-six (36) feet wide and such space shall be clearly defined by permanent markers.
2. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.
3. Mobile homes shall be placed on each space so there shall be at least a twenty (20) foot clearance between dwellings in all directions. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.
4. There shall be at least two (2), off-road parking spaces for each residential space, which shall be on the same site as the mobile home served, and may be located in the rear or side yard of said mobile home space.
5. Each mobile home space shall be provided with a pad that shall be a minimum of twelve (12) feet by fifty (50) feet, which shall be constructed of four (4) inches of compacted gravel, at a minimum.
6. No mobile home park shall be permitted unless such mobile home park is served by a public water supply. No mobile home space shall be located more than two hundred fifty (250) feet from a fire hydrant.

7.	<u>Minimum Lot Density Chart</u>	<u>Private Wastewater Treatment</u>	<u>Public Sewer System</u>
	Single Wide Mobile Home	15,000 sq.ft.	7,500 sq.ft.
	Double Wide Manufactured Home	20,000 sq.ft.	10,000 sq.ft.

The minimum lot density, unless a higher density is approved by the Tennessee Department of Environment and Conservation, Division of Water Resources and the Board of Zoning Appeals after appropriate soil tests have been completed and analyzed as to the capability of the soil to accommodate a septic tank and drain field.

D. General Requirements for Mobile Home Parks

1. Roads within the mobile home park shall be paved to a width of not less than twenty-two (22) feet (for bi-directional) or not less than twelve (12) feet (for single directional) in accordance with the procedures and standards for minor residential roads as specified in the Tipton County Subdivision Regulations, and the right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.

2. Mobile home parks that provide fifty (50) or more residential spaces shall be required to provide more than one ingress/egress point to the mobile home park.
3. All mobile home spaces within the mobile home park shall abut an access road.
4. Each mobile home space shall be provided with the connection to electricity, water and a public sewer system or to a private wastewater treatment system approved by the Tennessee Department of Environment and Conservation, Division of Water Resources.
5. Mobile homes, with or without toilet facilities that cannot be connected to an approved sewer system shall not be permitted in a mobile home park. Each space shall have connections to water, septic and electricity.
6. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses including customary home occupations within the mobile home park, except to house a rental office, maintenance and amenity structures such as laundry, bathroom facilities and convenience commercial.
7. Ground anchors shall be installed at each mobile home space to permit tie-downs of mobile homes in accordance with the International Building Codes.
8. All mobile home parks shall be required to provide inground storm shelters at thirty-six (36) square feet per mobile home space. All storm shelters shall be located so that no residential space exceeds a distance of two hundred fifty (250) linear feet. There is no limit to the number of storm shelters required for any mobile home park.
9. At least ten (10%) percent of the land area being used for the mobile home park shall be designated for open space and recreation in a centralized location. This area shall not be used for the placement of residences nor parking.
10. The storage, collection and disposal of refuse in the mobile home park shall be so managed as to create no health hazards. Garbage shall be collected and disposed of in a legal manner at least once per week.
11. A buffer strip, as defined in Section 2.020, shall be present on all sides that abut any county road and any residentially zoned district.

E. Plans and Schedules Required

The following information shall be shown on the required site plan drawn to a scale of no smaller than one hundred (100) feet to one (1) inch:

1. The location and legal description of the proposed mobile home park, including the total acreage involved.



2. The location, size and use of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
3. The location and size of all mobile home spaces and off-road parking facilities.
4. The location of all points of entry and exit for motor vehicles and internal circulation pattern.
5. The location of open space.
6. Such other architectural, engineering, and topographic data as may be required to permit the Tennessee Department of Environment and Conservation, Division of Water Resources, Director of Tipton County Public Works, and the Board of Zoning Appeals (if applicable) to determine if the provisions of these regulations are being complied with, shall be submitted with the site plan.
7. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services.
8. All mobile home parks existing at the date of the passage of this resolution that do not conform to the provisions of the zoning resolution shall be governed in accordance with the provision of Section 6.020, of this resolution.

F. Application for Mobile Home Park Development

An application for a permit to develop and construct a mobile home park shall be filed in accordance with this resolution, and shall be accompanied by all site plans, schedules, and other information herein required. Said application shall be processed in the following manner.

1. The written application, plans, and schedules, herein required, and a statement of approval of the proposed sewage disposal system from the Tennessee Department of Environment and Conservation, Division of Water Resources will be submitted to the Tipton County Regional Planning Commission for site plan approval. The County Regional Planning Commission shall duly review these materials and shall co-ordinate the review with the appropriate entities.
2. An annual fee to operate a mobile home park shall be based on the number of residential pads approved. A permit will be issued upon receipt of the annual fee, and shall be posted on the property. Any addition of mobile home pads shall require approval in the same fashion, as did the original plan. The annual fee shall be paid to the Tipton County Building Inspectors Office per space approved whether occupied or not.

4. Under no circumstance shall any portion of the mobile home park be subdivided into individual lots, and when any ownership of the mobile home park changes, notification shall be presented to the Planning Department.
5. Any newly placed mobile home in the mobile home park shall be permitted as required in Section 8.030 of this resolution.

**4.100 DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING, JUNK AND SALVAGE YARDS**

Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property value by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential zone, and shall be located on a minimum of twenty-five (25) acres.
- C. All outdoor automobile wrecking, junk and salvage yards shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, at least eight (8) feet in height and maintained in good condition. Storage between the road and fence, screen, or wall is expressly prohibited. Such fence, screen or wall shall be located no closer than three hundred (300) feet from any property line. A buffer strip shall be required to be installed and maintained as regulated in Article III, Section 3.110.
- D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- E. **Off-Road Parking** - As regulated in Article IV, Section 4.010.

- F. **Ingress and Egress** - The number of vehicular access driveways permitted on any single road frontage shall be limited to one (1) driveway where the parcel to be used, has a maximum road or road frontage of one hundred (100) feet or less.
- G. **Application for Automobile Wrecking, Junk or Salvage Yard Permit** - No person shall own or maintain an automobile wrecking, junk, or salvage yards within Tipton County, or enlarge or expand the existing land surface area beyond what was previously permitted upon application pursuant to these regulations, until said person has secured a permit from the Tipton County Board of Zoning Appeals. An application for said permit shall be filed in accordance with Article VII, Section 8.060, of this resolution, and shall be accompanied by a detailed site plan, indicating exact dimensions of area to be used, a schedule for construction, and any other information herein required. Said application shall be submitted along with any plans and schedules. The Board shall vote to approve or disapprove the application in accordance with Section 8.060.

#### **4.110 OFF ROAD, ATV TRACK OR TRAIL REGULATIONS**

The following uses are subject to review and approval by both the Board of Zoning Appeals for a special exception, and the Planning Commission for a site plan, subject to the minimum conditions required herein are met.

- A. A site plan of the proposed track and all accessory structures, such as parking, garages, pit areas, storage areas, concession stands, camping and other areas incidental to the track operation shall be presented at the time of proposal.
- B. No racetrack site shall be less than 50 acres. The track or trail itself shall be appropriate for the size and type of vehicles involved. Layout and design of tracks or trails shall be consistent with the parcel size.
- C. Public water shall be available on-site in order to provide for public and participant safety or first aid.
- D. No racetrack shall be located closer than two thousand (2,000) feet from any residence (including the owner's residence), school, church, daycare, or cemetery. Nor shall any racetrack be located any closer than five hundred (500) feet of the property line
- E. All racetrack lighting shall be situated in such a manner that under no circumstances shall the lighting be directed toward a public road or reflected toward any residential property.
- F. Spectator and participant waiting areas shall be buffered from the racing course.

- G. Screening shall be required between the track and residential property. Such screening may be a strip of densely planted shrubs or trees which may be expected to form a year-round dense screen within three (3) years; may be a berm; or may be a wall, barrier or uniformly painted fence at least ten (10) feet in height as measured from the finished grade. Such wall, barrier or fence may be opaque or perforated, and all screening shall be maintained in good condition at all times.
- H. The site plan shall show all roads, drives, easements, residences, schools, churches, daycares or cemeteries bordering the site.
- I. All racetracks shall be required to provide a parking requirement of one (1) space for every four (4) seats, or one (1) space for every one hundred (100) square feet of spectator area, whichever is greater. In addition, there shall be one (1) double length space for each participant for loading and unloading purposes.
- J. Concessions incidental to the track operations shall operate only in conjunction with racing activities.
- K. Hours of operation shall be limited to 10:00 AM – 10:00 PM for noise producing activities and all lighting for the track shall be off by 11:00 PM.
- L. The noise level at the perimeter of the property shall be no more than an average of 50 dbA after 10:00PM, measured at one (1) minute intervals over a fifteen (15) minute period.
- M. All racetracks in operation shall be reviewed for compliance annually and obtain a permit at \$100.
- N. Other requirements which, in the opinion of the Board of Zoning Appeals or the Planning Commission, would be required to protect the safety and general welfare of the surrounding area.

**4.120 SUBSURFACE DISPOSAL OF TOXIC MATERIALS**

The subsurface disposal of toxic materials as defined herein is prohibited in all zoning areas.

**4.130 DEVELOPMENT STANDARDS FOR SANITARY LANDFILL OR HAZARDOUS WASTE FACILITY (DISPOSAL, TREATMENT, STORAGE)**

The following land development standards shall apply to all sanitary landfills, "or hazardous waste water facility (disposal, treatment, storage)". For the purpose of this Resolution, a known tributary of a stream of water shall be any depression having a bed and well-defined banks, where the drainage area above the same is fifty (50) acres or

more in extent, and the flow of water need not be on a continuous basis, but may be intermittent resulting from the surface runoff of precipitation.

- A. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located within six (6) miles upstream of an existing public water supply source.
- B. The Director of Tipton County Public Works must certify that existing access roads to a proposed landfill, "or hazardous waste facility (disposal, treatment, storage)", site are capable of supporting the size and volume of traffic generated by the operation of the landfill and will have no adverse impact on the traveling public using these access roads. Beyond other considerations, a paved access road shall be considered a minimum requirement.
- C. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall generate undue odors, fumes, smoke, land erosion, water or air pollution, and shall not create a public or private nuisance of any kind which would tend to endanger, contaminate, or cause harmful exposure.
- D. No sanitary landfill, "or hazardous waste facility (disposal treatment, storage)", shall be located on property where a spring or springs emanate from under the proposed landfill site.
- E. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located in the drainage shed or water shed of a known tributary of a stream of water which supplies water to any water authority or water district, or which supplies water to any local, state, or federally established wildlife preservation area.
- F. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located on property with limestone, bedrock and fissures, cracks, and openings in the ground.
- G. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located in the proximity of either natural gas transmission pipelines or hazardous chemical pipelines.
- H. No sanitary landfill, "or hazardous waste facility (disposal, treatment, storage)", shall be located in an area where the General Plan of the Tipton County Regional Planning Commission provides for:
  - 1. residential development, or
  - 2. development for future traffic needs.
- I. Before any proposal for the location of a public or private sanitary landfill or hazardous waste facility is considered by the Planning Commission, a site plan shall be submitted, and all required Federal, State and Local permits shall have been previously obtained for the proposed operation.

#### **4.140 RESTRICTIONS FOR ADULT-ORIENTED BUSINESS ESTABLISHMENTS**

Adult-oriented establishments are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Such businesses should be separated from residential and other commercial land uses to minimize the impact of their secondary effects upon such uses.

Each of the foregoing negative secondary effects constitutes a harm which the state has a substantial government interest in preventing and/or abating. This interest, which is the state's regulatory rationale, exists independent of any comparative analysis between sexually-oriented and non-sexually-oriented businesses. Additionally, the state's interest in regulating sexually-oriented businesses extends to preventing future secondary effects of either current or future sexually-oriented businesses that may locate in the state. The cases and documentation relied on in this act are reasonably believed to be relevant to said secondary effects. (*Tennessee Code Annotated, Section 7-51-1407*).

In the development and execution of this section, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area.

Uses subject to these regulations are as follows: Adults-Only Bookstores, Adults-Only Video Stores, Adults-Only Arcades, Adult Entertainment Centers, Adult Motels, Adults-Only Motion Picture Theaters, Adult-Oriented Establishments, Adult Cabarets, Massage Parlors, Rap Parlors, Saunas, and Sexual Encounter Centers.

##### **4.141 Definitions**

**Adult** – A person who has attained eighteen (18) years of age.

**Adults-Only Bookstore or Adults-Only Video Store or Adults-Only Arcade** - An establishment having as a substantial or significant portion of its stock or trade, books, magazines, films for sale or rental or viewing on premises by use of motion picture devices or other coin-operated means, and other periodicals which are distinguished or characterized by their principal emphasis on matter depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined below, or an establishment with a segment or section devoted to the sale or display of such material, for sale to patrons therein.

**Adult Entertainment** - Any exhibition of any adult-oriented motion picture, live performance display or dance of any type, which has a significant or substantial portion of such performance, any actual or simulated performance of "Specified Sexual Activities", including removal of articles of clothing or appearing unclothed.

**Adult Entertainment Center** – An enclosed building or part of an enclosed building, no portion of which enclosed building is licensed to sell liquor, which contains one or more coin-operated mechanisms which when activated permit a customer to view a live person unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals, or the charging of any admission or fee for the viewing of such activity.

**Adult Entertainment Center** – An enclosed building or part of an enclosed building, that charges an admission or a fee, which contains one or more coin-operated mechanisms which when activated permit a customer to view a live person unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola, or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals, or the charging of any admission or fee for the viewing of such activity. No portion of the enclosed building is licensed to sell liquor.

**Adult Motel** – 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 are characterized by the depiction or description of “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 10 hours; or
- C. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

**Adults-Only Motion Picture Theater** - An enclosed building used for presenting films, distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, as defined, for observation by patrons, therein.

**Adult-Oriented Establishment** - Includes, but is not limited to, Adult-Only Bookstores or Adult-Only Video Stores, Adult Motels, Adult-Only Motion Picture Theaters, Adult-Only Arcades, Adult Cabarets, Adult Entertainment Centers, Sexual Encounter Centers and further means any premises to which the public or members of the public are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An Adult-Oriented Establishment further includes, without being limited to, any adult entertainment studio or any premises physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio/parlor, massage parlor, sauna, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import. An Adult-Oriented Establishment includes adult

shows, exhibitions, performances or presentations that contain acts or depictions of “specified anatomical areas” or “specified sexual activities”.

**Adult Cabaret** – means a nightclub, club, bar, restaurant or similar commercial establishment which regularly features:

- A. Persons who appear in a state of nudity; 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 are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

**Massage Parlor** – An establishment or place primarily in the business of providing massage services where the purpose of the massage is for the sexual gratification of the one receiving the massage or involves contact of a sexual nature.

**Nudity** – The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

**Rap Parlor** – An establishment or place primarily in the business of providing nonprofessional conversation or similar services for adults.

**Sadomasochistic Abuse** – Flagellation or torture by or upon a person unclad or clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

**Sauna** – An establishment or place primarily in the business of providing (1) steam bath, and (2) massage services.

**Sexual Conduct** – Acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person’s unclad genitals, pubic area, buttocks or, if such a person be a female, her breast.

**Sexual Encounter Center** – A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- A. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- B. Physical contact between male and female persons or persons of the same sex when one (1) or more of the persons exposes to view of the persons within such establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttock, even if partially covered by opaque material or completely covered by translucent material.



**Sexual Excitement** – The condition of human male or female genitals when in a state of sexual stimulation or arousal.

**“Specified Sexual Activities” or “Specified Anatomical Areas”** – for the purpose of this resolution are defined as follows: activities, services or performances that include the following sexual activities or the exhibition of the following anatomical areas:

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio or any excretory function, or representation thereof; or
- C. Fondling or erotic touching of human genitals, pubic region, buttocks, or female breasts. And “specified Anatomical Areas” as defined:
  - 1. Less than completely and opaquely covered; (i) human genitals, pubic region, (ii) buttock, and (iii) female breast below a point immediately above the top of the areola; and
  - 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**4.142 Location and Operational Requirements**

The following requirements are for the location and operation of an adult-oriented establishment.

- A. No adult-oriented establishment shall be operated or maintained in the county within two thousand feet (2,000’), measured in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing an adult-oriented establishment to the nearest point on the property line of a parcel devoted to a residential use, a church or other place of worship, a state-licensed child care facility, public library, private or public or charter educational facilities, funeral parlor/home, a public park, a business licensed or permitted to sell beer or intoxicating liquors, or another adult-oriented establishment.
- B. No adult-oriented establishment shall be operated or maintained in the county within two thousand feet (2,000’), measured in a straight line in all directions, without regard to intervening structures or objects, from the nearest point on the property line of a parcel containing an adult-oriented establishment to the nearest point on the property line of a residentially zoned parcel (FAR, R-1, R-2, R-3) with or without an existing residential structure.
- C. All uses listed in this section shall be operated or maintained within the I-1, Industrial District as a Use Permitted as a Special Exception.
- D. No person shall own, operate, manage, rent, lease or exercise control over any commercial building, structure, premises or portion or part of any commercial building, structure or premises that is an adult-oriented establishment and that contains:
  - 1. Partitions between a subdivision of a room, portion or part of a building, structure or premises having an aperture that is designated or constructed

to facilitate sexual activity between persons on either side of the partition;  
or

2. Booths, stalls, or partitioned portions of a room or individual rooms, used for the viewing of motion pictures or other forms of entertainment, having doors, curtains or portal partitions, unless such booths, stalls, partitioned portions of a room or individual rooms so used shall have at least one (1) side open to adjacent public rooms so that the area inside is visible to persons in adjacent public rooms. Such areas shall be lighted in a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of motion picture or other offered entertainment.

#### **4.150 STANDARDS FOR TELECOMMUNICATION ANTENNAS AND TOWERS**

**Purpose; Goals:** The purpose of this resolution is to establish general guidelines for the siting of towers and antennas. The goals are to:

- Encourage the location of towers on nonresidential parcels and minimize the total number of towers throughout Tipton County.
- Encourage the joint use of new and existing tower sites.
- Encourage users of the towers and antennas to locate them to the extent possible, in areas where the adverse and visual impacts on the community is minimal.

##### A. Authority

###### 1. District Height Limitations

The requirements set forth in this resolution shall govern the location of towers that exceed thirty-five (35) feet in Districts Zoned FAR, R-1, R-2 and R-3 or fifty (50) feet in Districts Zoned C-1, C-2, C-3 and I-1.

###### 2. Amateur Radio Antennas

This resolution shall not govern any tower, or the installation of any antennas, that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas.

###### 3. Pre-Existing Towers and Antennas

Any antennas to be added to an existing tower will have to comply with any and all regulations set forth in this resolution.

B. Requirements (Amended 10/19/15)

1. Towers shall be located where there shall be no interference with any type of electronic reception in nearby residential areas.
2. There shall be a fall zone of unimproved land around the tower to ensure its collapse will be contained within that unimproved area. The distance shall be determined by measuring the proposed height of the tower, including any antennas or apparatus, plus an additional ten (10) feet. Applicant shall provide proof of ownership, lease or permanent easement rights for the designated collapse area. Tower guy and accessories shall meet the setback requirements of the appropriate zoning district. No portion of the tower, tower guy and accessories or fall zone shall cross any property lines.
3. There shall be maneuverable room for maintenance vehicles on the property.
4. Site area shall be entirely enclosed by a chain link fence of not less than six (6) feet in height with a self-latching gate and three (3) rows of barbed wire above perimeter of entire fenced area. Gate shall be locked at all times when tower is not being maintained.
5. Grounds immediately surrounding tower site and ground inside fenced area shall be maintained at all times.
6. On the exterior side of chained link fence, landscaping shall be required of shrubs not less than two (2) feet in height not to exceed eight (8) feet in height and shall be maintained.
7. Towers shall maintain a galvanized steel finish, subject to any applicable standards of the FAA.
8. Access to the tower site shall be maintained and shall never under any circumstances become a county accepted or maintained road.
9. All tower users are required to obtain a permit from the Planning and Zoning Department, Building Inspector's Office, after approval from all necessary Boards have been granted. All inspection procedures can be obtained in the Planning and Zoning Department.
10. Lighting of towers is prohibited, unless required by the Federal Aviation Administration (FAA) and/or the Federal Communications Commission (FCC).
11. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the Federal government with the authority to regulate towers and antennas. Failure to bring towers and antennas into compliance with such standards and regulations shall constitute grounds for the removal of the tower or antenna at the owners' expense.

12. Written evidence that the applicant has explored and exhausted all attempts to locate or co-locate its antenna on all existing towers or structures within a radius of one (1) mile of the proposed site, with the exception of the Industrial District, shall be submitted to the Planning and Zoning Department at the time of application for a special exception request. New towers may be permitted if the applicant demonstrates to the Board of Zoning Appeals that no existing tower or structure can accommodate the applicant's proposed antenna, because of one of the following conditions:
  - a. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
  - b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
  - c. Existing towers or structures are not of sufficient structural strength to support the applicant's proposed antenna and related equipment.
  - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower.
  - e. Any evidence by the applicant that fees, costs or contractual provisions required sharing an existing tower or structure, or to adapt an existing tower or structure for sharing, are unreasonable.
  - f. The applicant shows that there are limiting factors that render existing towers and structures unsuitable.
13. Any antenna or tower not operated for a continuous period of thirty (30) months shall be considered abandoned and the owner of such antenna or tower shall remove tower or antenna within ninety (90) days of receipt of notice.
14. A building permit shall be required before any construction of a tower or antenna shall begin. Said permit shall be based on (2%) of the actual cost of the construction of tower or antenna, including all associated equipment. A document submitted by the developer shall be on company letterhead, notarized and submitted at the time of issuance of permit to establish cost of permit.
15. All proposed towers shall prepare the site plan in the anticipation for future co-location of additional antennas on the tower, including equipment pads and all other related activities to the use of the leased property.

C. Additional Site Plan Requirements

A site plan of the proposed tower site shall be submitted to the Tipton County Planning Commission in accordance to Article III, Section 3.120, after review from the Tipton County Board of Zoning Appeals, if required. The proposed site plan shall include the following additional information, but shall not be limited to:

1. Legal description of proposed property to be used for tower site.
2. Access to the proposed site and description.
3. Type of tower proposed, tower height and area of collapsing.
4. All buildings on proposed site.
5. Concrete and structural steel notes, if any.
6. Radio frequency coverage.
7. Parking, landscaping, buffer strips, if required, and adjacent uses.
8. Required fall zone shall be shown.
9. Tower guy and accessory facilities must satisfy the minimum zoning district setback requirements.
10. List the current estimated cost of construction of the tower or antenna, including all associated equipment and labor.
11. Any and all other information deemed by the Board of Zoning Appeals or Planning Commission to be necessary to assess compliance with this resolution.

D. Uses Permitted

1. Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower or other free standing nonresidential structure) that is fifty (50) feet in height or greater, so long as said additional antenna adds no more than twenty (20) feet to the height of said existing structure.
2. Installing an antenna on any existing tower of any height, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower and said existing tower is not a pre-existing tower, provided however, that such specific permitted use shall not include the placement of additional buildings or other supporting equipment used in connection with said antenna.

**4.160 SWIMMING POOL REGULATIONS** (Amended 10/14/19)

- A. No swimming pool or part thereof, excluding aprons, walks, shall protrude into any required front yard nor any closer to any road than the primary structure in the residential districts. Swimming pools shall be setback a minimum of ten (10) feet from any side and rear property line and from any other structure, primary or accessory, on the parcel.
- B. All swimming pools (residential or commercial) shall be setback a minimum of ten (10) feet from any side and rear property line and from any other structure, primary or accessory, on the parcel.
- C. Commercial swimming pools shall be subject to site plan approval.

**4.170 DEVELOPMENT STANDARDS FOR CEMETERIES**

The following standards shall be imposed upon the development and construction of cemeteries in Tipton County.

- A. The site proposed for a cemetery shall not interfere with the development of a system of collector roads and larger scale roads in the vicinity of such site. In addition, such site shall have direct access to a road.
- B. Any new commercial cemetery shall be located on a site containing not less than five (5) acres.
- C. All structures, including monuments, mausoleums or maintenance buildings, shall be setback twenty-five (25) feet from any property line or road right-of-way.
- D. All graves or burial lots shall be setback twenty-five (25) feet from any property line or road right-of-way.
- E. All cemeteries shall be landscaped and maintained.

**4.180 PRIVATE AIRSTRIP REGULATIONS**

The following use, private landing strips for fixed-wing single engine aircraft, is subject to review and approval by both the Board of Zoning Appeals for a special exception in the FAR District and the site plan by the Planning Commission, subject to the minimum requirements listed herein:

- A. A site plan of the proposed landing strip shall be presented at the time of the proposal.
- B. The landing strip shall be appropriate for the size and type of aircraft involved, and shall be constructed according to the manufacturer’s specifications for the type of aircraft involved.
- C. Airstrip runways are to be located no closer than one thousand (1000) feet from the centerline of the runway to the closest dwelling unit, excluding the owner of the property, and that said centerline be located no less than two thousand (2000) feet from any church, school or places of public assembly.
- D. All landing strips shall be situated in such a manner that under no circumstances shall an approach or departure be over a residence, excluding the owners, provided that the residence be located a minimum of 400 (four hundred) feet beyond the end or side of the required landing strip length.
- E. The site plan shall show all roads bordering the subject property, and the location and type of all adjacent utility lines.
- F. Any other requirements which in the opinion of the Planning Commission or Board of Zoning Appeals would be required to protect the safety and welfare of the surrounding area.

**4.190 DEVELOPMENT STANDARDS FOR MINI-STORAGE FACILITIES**

Mini-storage facilities as defined in Article II, Section 2.020 are groupings of structures divided into individual units which shall not exceed ten (10) feet by forty (40) feet in size and for the sole purpose of providing non-commercial, small area storage for the general public, and shall be subject to the following standards:

- A. Such use shall have direct access to an Arterial status road as shown on the Tipton County Major Road Plan.
- B. Off-Road parking requirements shall be of one (1) space for each employee during maximum shift, plus one (1) space for each 100 square feet of business office space.
- C. Interior driveways between storage facilities shall be a minimum of forty (40) feet in width. All parking requirements shall conform to Article IV, Section 4.010 of this resolution.
- D. On any property line adjacent to a residential zoned property, the facility shall be required to construct a fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height with a buffer strip as stated in Article III, Section 3.110.

- E. Signs are permitted as permitted in Article IV, Section 4.070.
- F. Facilities shall be maintained (fences, units, doors) and kept free of trash and debris. (Amended 10/19/15)

**4.200 DEVELOPMENT STANDARDS FOR GOLF COURSES**

Prior to the issuance of any permits, a site plan shall be approved by the Planning Commission, which shall include the following:

- A. A survey of the entire property drawn to a scale of not less than 1" = 200'.
- B. Topographic contour intervals of not more than five (5) feet.
- C. Show all drainage structures, drainage areas and water retention areas, and provide a stormwater drainage analysis showing no increase over pre-development of aggregate affluent leaving the property, existing and proposed utilities, and all associated residential development.
- D. Show all structures and their proposed uses, including parking lots.

Approval of the site plan by the Planning Commission shall be based on the following standards and requirements:

- A. The minimum acreage required for development of a 9-hole course shall be 60 acres; the minimum acreage required for development of an 18-hole course shall be 100 acres. The site shall have access to public water.
- B. The minimum number of off-road parking spaces required for a 9-hole course shall be 50; the minimum number of off-road parking spaces for an 18-hole course shall be 100.
- C. Commercial uses developed as accessories to the operation of the golf facility, such as a clubhouse, restaurant or other similar use, may be allowed provided the use shall be subordinate to the operation of the facility and the use shall be housed internal to the development. Commercial facilities shall not be approved unless proven that they are necessary to the main golfing facility. The intent is to prohibit free-standing commercial development.

**4.210 BED AND BREAKFAST REGULATIONS**

A site plan shall be approved by the Planning Commission, along with any conditions attached by the Board of Zoning Appeals in order to preserve and protect the character of the neighborhood, prior to any permits for such use be issued, which shall include as a minimum, the following: (Amended 8/14/23)

- A. The bed and breakfast operation shall be located and conducted within the principal structure only.
- B. Employees shall be residents of the dwelling unit in which the proposed use is located, and shall employ no more than two (2) paid assistants.
- C. No more than five (5) beds shall be for rent at any one time at any one establishment.



- D. Off-road parking facilities shall be provided at a rate of one (1) space for each bed for rent, not including standard requirements as stated in Article IV, Section 4.010.
- E. The residential character and appearance of the home shall not be changed by the establishment of the operation.

**4.220 DEVELOPMENT STANDARDS FOR MULTI-FAMILY DEVELOPMENTS**

A site plan shall be approved by the Planning Commission prior to any permits for such use shall be issued, which shall include as a minimum, the following:

- A. If the number of dwelling units does not exceed forty (40) units, the developer shall provide only one ingress/egress with a fifty (50) foot right-of-way. The ingress/egress shall be paved to a minimum of twenty-four (24) feet in width, and not to be accepted by the Tipton County Legislative Commission.
- B. If the number of dwelling units exceeds forty (40) units, the developer shall provide a secondary ingress egress with a fifty (50) foot right-of-way.
- C. In either case above where the primary ingress/egress exceeds five hundred (500) feet in length the developer shall provide the following:
  - 1. Two (2) paved, twelve (12) foot wide lanes with a two (2) foot outside shoulder.
  - 2. A median dividing the two (2) lanes.
  - 3. The median section shall be cut to provide a crossover every two hundred (200) feet.
  - 4. Each crossover shall have a minimum distance of twenty (20) feet, and a maximum distance of fifty (50) feet between median sections.
  - 5. Each median section shall be a minimum of three (3) feet in width.
  - 6. The entire road width shall be a minimum of thirty-one (31) feet from outside shoulder to outside shoulder.
  - 7. No ingress/egress to a multi-family development shall be accepted by the Tipton County Legislative Commission.

**4.230 DEVELOPMENT STANDARDS FOR FENCES**

No fence shall be placed within any county road right-of-way or utility easement nor shall any fence be constructed so as to block or obstruct the view of traffic at any intersection or egress onto any county road.

**4.240 [THIS SECTION HAS BEEN REMOVED FROM PREVIOUS REGULATIONS]**

**4.250 OUTDOOR FIREARMS SHOOTING RANGE** (Amended 7/10/17)

The following use is subject to review and approval by both the Board of Zoning Appeals for a Special Exception, and then the Planning Commission for a Site Plan. These regulations apply to all commercial shooting ranges, public or private, including membership based ranges.

The purpose of these regulations is to provide a safe location for shooting firearms and training in the handling of firearms in a rural setting with minimal impact to adjacent properties and to the general public with regards to sound, safety, toxicity, health and environment. The range shall be designed for the type of firearms, caliber and bullet types allowed. Such facilities shall follow the minimum standards:

- A. There shall be a minimum setback (front, rear and side) of five hundred (500) feet to any part of the range. There shall be a minimum distance of 1,000 feet from any part of a residence, school, church or other places of assembly to any part of the range.
- C. A rear berm of no less than twenty (20) feet in height shall be installed behind the target area and side berms of no less than eight (8) feet in height shall be installed on each side of the entire length of the range from the rear berm to the firing line, with a minimum of four (4) feet in width at the top of both rear and side berms. Any man-made berm shall be designed by a professional engineer licensed by the State of Tennessee, and approved by the (State of Tennessee Wildlife Resources Agency).
- D. Overhead baffles shall be installed at all firing lines to ensure that no projectile shall exceed the height of the berm, except for skeet or trap ranges.
- E. All targets shall be spaced at least two (2) yards apart.
- F. Hours of operation shall be limited from 8:00 A.M. to 30 minutes prior to sunset, with hours on Sunday being limited to 1:00 P.M. to 30 minutes prior to sunset.
- G. There shall be provided two (2) parking spaces per firing point or firing lane, plus one (1) additional space for each employee. The range shall be ADA compliant. The range shooting house shall have rest rooms, a speaker system, first aid station, fire extinguisher and a telephone.
- H. The designed facility must include a Site Plan in accordance with Article II, Section 3.120. The caliber of weapons and types of ammunition must be included in the design basis for the range and stated on the site plan. Range operating procedures must assure that the use is limited to the weapons and ammunition for which the range is designed.
- I. The owner/developer shall provide a sound abatement plan, a lead management plan and a safety plan as a part of the Site Plan approval process.
- I. The safety plan shall be posted in a prominent location on the range. The safety plan should divide rules into the categories of gun handling rules, general range rules, specific range rules and administrative rules. Each category should substantially contain, but not be limited to, the following items:

1. Gun Handling Rules
  - a. Always keep the firearm pointed in a safe direction.
  - b. Always keep your finger off the trigger until ready to shoot.
  - c. Always keep the action open and firearm unloaded until ready to use.
  - d. Know your target and what is beyond the target area.
  - e. Be sure the gun is safe to operate.
  - f. Know how to use your gun safely.
  - g. Wear ear and eye protection.
  - h. Never use alcohol or drugs before or while shooting.
  - i. Store guns so that they are not accessible to unauthorized persons or children.
  
2. General Range Rules
  - a. Know and obey the common range commands.
  - b. Know where others are at all times.
  - c. Shoot only at proper and authorized targets.
  - d. When two or more shooters are present, shooters should consult each other before moving down range to the target area.
  - e. Unload, open the action, ground or bench all firearms during a cease-fire or when someone moves down range to the target area.
  - f. Make sure bystanders and observers that are close to the range are wearing ear protection.
  
3. Specific Range Rules
  - a. Hours of operation for shooting activities.
  - b. Type of firearms allowed or restricted.
  - c. Caliber or shotgun gauges allowed or restricted.
  - d. Bullet or shot types allowed or restricted.
  - e. Target placement, type of targets, and target holders allowed or restricted.
  - f. Type of shooting activities allowed or prohibited.
  
4. Administrative Rules
  - a. Rules that govern the normal operation of the range and facilities such as parking, maintenance, schedules, guest policies, fees, security, supervision, sign-in procedures and etc.
  - b. Procedure to spot-check range users for compliance to range rules.
  - c. Penalties, sanctions or consequences for violations of the range rules and regulations.
  
- J. The range shall be operated in a safe manner. There shall also be ready access to a telephone or other communication devices in the event of an emergency situation. At an interval of every fifty (50) yards, there shall be warning signs posted along the perimeter of the property. Each warning sign shall be a minimum of two (2) square feet and a maximum of six (6) square feet in size and shall, at minimum, contain the words "Danger, Keep Out, Firing Range and No Trespassing" in no particular order. Flags, lights and/or audible devices shall be utilized to indicate a cease shooting to ensure the safety of others.
  
- K. There shall be one bonded range safety officer present at all times when the range is open.
  
- L. Emergency procedures shall be listed and posted at the range shooting house and at least three (3) other locations around the firing points with contact numbers for the appropriate agencies based on the location of the range.

- M. If there is a change in ownership or if the range closes for a period of thirty (30) months, re-approval of the range shall be required.

The Board of Zoning Appeals may require additional fencing, buffering, baffles or may deny the request if the site plan does not or cannot meet the above mentioned purposes, standards and requirements, or if other significant health and safety issues are present.

**4.260 DEVELOPMENT REQUIREMENTS FOR FLEA MARKETS (OPEN AIR MARKETS)**

- A. The minimum lot size of a flea market shall be one (1) acre. All proposals for the location of a flea market shall require site plan approval.
- B. Flea market booth's shall be individually located, no greater than four hundred (400) square feet in area, shall be separated from each other and from other buildings by at least ten (10) feet of open space, and be located no closer than ten (10) feet from the property line.
- C. Off-road parking shall be furnished at the rate of five and one half (5-½) spaces per one thousand (1,000) square feet of gross sales area.
- D. Each booth shall be numbered as to assure that vendors within the flea market are registered.
- E. An accessible, adequate, safe and potable supply of water shall be provided in each flea market.
- F. There shall be a minimum of one (1) central restroom facility located on the premises. The central restroom shall contain separate facilities for men and women, and every sink shall be furnished with hot and cold water.
- G. Connection to public sewer or approval of a subsurface sewage system by the State of Tennessee Ground Water Protection Division.
- H. All electrical wiring systems shall be approved by the appropriate governing jurisdiction.
- I. The flea market operator shall provide each booth with a flytight, watertight, rodent-proof container or place a centrally located container (dumpster) of a minimum of four (4) cubic yards to store all refuse produced on the site; and all refuse shall be collected at least once a week.
- J. All flea markets shall be maintained free of accumulations of debris, which may provide rodent infestations or breeding places for flies, mosquitoes and other pests.
- K. Portable fire extinguishers shall be kept on premises, and shall be maintained in good operation condition.
- L. No overnight camping shall be allowed in any flea market site within one (1) mile of the nearest residential dwelling unit.

**4.270 FAMILY BURIAL GROUNDS PROTECTION REQUIREMENTS**

This section is intended to provide notice to buyers of property with known burial grounds and gravesites for the protection of these sites. It is highly recommended that family burial grounds be subdivided from the original tract of property and recorded in the Register of Deeds Office for protection. There are no minimum lot size requirements if property for family burial grounds were to be subdivided, however, there shall be a minimum of ten (10) feet of road frontage or a ten (10) foot permanent ingress/egress easement for access to the subdivided family burial grounds. The subdivided area shall not allow for any residential or commercial construction and shall be noted on the plat. Only structures associated with the maintenance of the family burial grounds shall be allowed. A gravesite or crypt may not be disturbed in the area of ten (10) feet surrounding the perimeter of the gravesite or crypt.

**4.280 NATURAL RESOURCE EXTRACTION**

The extraction of natural resources has the potential to detrimentally effect the natural environment, public roads and surrounding uses, particularly residential uses. This section establishes regulations for extractive uses that provide protections for the natural environment, public roads and surrounding uses while allowing for the economical extraction of resources. Such facilities shall follow the minimum standards:

- A. No excavation or clearing shall take place within 100 feet of any property line or road right-of-way. The second 100 feet shall maintain a 3:1 slope.
- B. Over-burden shall be retained on a suitable portion of the site to be used for back fill during the reclamation process.
- C. Prior to commencement of the extraction operation, the applicant shall submit a performance bond (to be held by the Planning Commission) in the amount of \$3,500 per acre, increasing \$100 per acre per year from the date of adoption of this Amendment (for new sites), for each acre proposed to be used for the extraction operation to guarantee that the land shall be restored, re-graded and re-sloped in accordance with this section when such extraction operation ceases. The performance bond shall be released after reclamation activities are complete and the condition, grade, and drainage of the land are approved in writing by the Director of Tipton County Public Works.
- D. Land shall be restored, re-graded and re-sloped in accordance with this section. No slope on such land shall be steeper than three feet horizontal to one foot vertical. Stormwater discharge shall not be greater in quantity or flow rate after reclamation than prior to the excavation operation. Within nine months after the extraction operation ceases, all excavations shall be filled and the land restored, re-graded and re-sloped to be suitable for future agriculture and/or residential uses.
- E. A statement setting forth the type, location and condition of such processing operations shall be submitted with the Site Plan for the review and approval of the Planning Commission. The Planning Commission may require a written assessment of the environmental impact of the proposed extraction and processing operation as a prerequisite to site plan approval.

- F. Prior to the start of the extraction operation, ingress to and egress from the site are subject to the review and approval of the Director of Tipton County Public Works.
- G. The site operator shall take all measures necessary to prevent soil, gravel, sand, and other excavation-related materials from getting onto public roads or leaving the site via other drainage ways.
- H. The application for the special exception shall be accompanied by a copy of permits and approvals required by any local, state or federal environmental laws or regulations including, but not limited to, water and air pollution laws and regulations.

**4.290 SALES OF PORTABLE BUILDINGS ON VACANT LOTS**

A site plan is not required if there is no office located on the premises. All portable structures require a five (5) foot separation on all sides from any other structure on the lot. All setback restrictions of the appropriate zoning district apply.

**4.300 DEVELOPMENT STANDARDS FOR CAMPING GROUNDS** (AMENDED 6/12/23)

The following land development standards shall apply for all camping grounds:

- A. The property shall be located on a well-drained site, properly graded to ensure rapid drainage and to avoid the possibility of stagnant pools of water. Each site shall be located outside identified special flood hazard areas on the current Tipton County Flood Insurance Rate Maps. Drainage plans shall be approved by the Director of Tipton County Public Works.
- B. Dimensional Requirements for Camping Grounds
  - 1. Each camping ground shall have front, side and rear yard setbacks of fifty (50) feet exclusive of any required yards for each campsite.
  - 2. Each camping ground shall be permitted to display, on each road frontage, one (1) identifying sign of a maximum size of twenty (20) square feet.
  - 3. The site for a camping ground shall comprise of an area of not less than five (5) acres.
  - 4. Direct vehicular access to the site shall be provided by an abutting improved public road and not along an ingress/egress easement.
  - 5. A buffer strip, as defined in Section 2.020, shall be present on all sides that abut any county road and any residentially zoned district.

C. General Requirements

1. Each campsite shall be clearly defined by permanent markers.
2. No camping ground shall be permitted unless such camping ground is served by a public water supply with access to potable water. Sanitary facilities, including flush toilets and showers shall be located within three hundred (300) feet walking distance of each primitive tent campsite.
3. Access roads within the camping ground shall be paved over a gravel base to a width of not less than twenty-two (22) feet (bi-directional) or not less than twelve (12) feet (for single directional), and the right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the camping ground shall be private roads and shall not be accepted as public roads. (Amended 3/11/24)
4. Camping Grounds that provide fifty (50) or more sites shall be required to provide more than one ingress/egress point to the camping grounds.
5. All campsites within the camping grounds shall abut an access road. There shall be at least two (2), off-road parking space for each campsite, or a general parking lot where individual campsites do not have their own parking space.
6. Each camping ground shall be provided with a dumping station. Each camping ground site shall provide a connection to electricity and a private wastewater treatment system approved by the Tennessee Department of Environment and Conservation, Division of Water Resources. Primitive tent campsites do not require connections to electric nor a private wastewater treatment system.
7. Commercial, industrial, or other nonresidential uses including customary home occupations within the camping ground are prohibited, except to house a rental office, maintenance and amenity structures such as laundry, bathroom facilities and convenience commercial.
8. Each space shall be identified by either numbers or letters or a combination of both numbers and letters and shall be visible from the access road.
9. At least ten (10%) percent of the land area being used for the camping grounds shall be designated for open space and recreation in a centralized location. This area shall not be used for the placement of campsites nor for parking.
10. The storage, collection and disposal of refuse in the camping grounds shall be so managed as to create no health hazards. All refuse shall be stored in fly proof, water tight and rodent proof containers. Garbage shall be collected and disposed of in a legal manner daily. There shall be one (1) trash receptacle for each campsite.
11. There shall be one (1) picnic table and one (1) fireplace/grill per campsite.

D. Plans and Schedules Required

The following information shall be shown on the required site plan drawn to a scale of no smaller than one hundred (100) feet to one (1) inch:

1. The location and legal description of the proposed camping ground, including the total acreage involved.
2. The location, size and use of all buildings, improvements, and facilities constructed or to be constructed within the camping ground.
3. The location and size of all campsites, off-road parking facilities and open space.
4. The location of all points of entry and exit for motor vehicles and internal circulation pattern.
5. Such other architectural, engineering, and topographic data as may be required to permit the Tennessee Department of Environment and Conservation, Division of Water Resources, Director of Tipton County Public Works, and the Board of Zoning Appeals (if applicable) to determine if the provisions of these regulations are being complied with, shall be submitted with the site plan.
6. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services.
7. All approved camping grounds existing at the date of the passage of this resolution that do not conform to the provisions of the zoning resolution shall be governed in accordance with the provision of Section 6.020, of this resolution.

E. Application for Camping Ground Development

An application for a permit to develop and construct a camping ground shall be filed in accordance with this resolution, and shall be accompanied by all site plans, schedules, and other information herein required. Said application shall be processed in the following manner.

1. The written application, plans, and schedules, herein required, and a statement of approval of the proposed private sewage disposal system from the Tennessee Department of Environment and Conservation, Division of Water Resources will be submitted to the Tipton County Regional Planning Commission for site plan approval. The County Regional Planning Commission shall duly review these materials and shall co-ordinate the review with the appropriate entities.



2. An annual fee to operate a camping ground shall be based on the number of campsites approved. A permit will be issued upon receipt of the annual fee, and shall be posted on the property. Any addition of campsites shall require approval in the same fashion, as did the original plan. The annual fee shall be paid to the Tipton County Building Inspectors Office per campsite approved whether occupied or not.
4. Under no circumstance shall any portion of the camping ground be subdivided into individual lots, and when any ownership of the camping ground changes, notification shall be presented to the Planning Department.
5. Any newly placed structure in the camping ground shall be permitted as required in Section 8.030 of this resolution.

**4.310 PUBLIC WATER SUPPLY** (Amended 6/10/24)

All commercial and industrial uses shall require connection to a public water supply, if the proposed use requires the use of potable water in its daily operation.

**ARTICLE V**  
**ZONING DISTRICTS**

**SECTION**

- 5.010 Classification of Districts**
- 5.020 Zoning Map**
- 5.030 Tipton County Growth Boundary Map**
- 5.040 Zoning District Boundaries**
- 5.050 Specific District Regulations**
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**5.010 CLASSIFICATION OF DISTRICTS**

For the purpose of this resolution, the following zoning districts are hereby established in Tipton County, Tennessee:

<b><u>Abbreviation</u></b>	<b><u>Zoning District</u></b>
<b>FAR</b>	<b>Forestry, Agriculture, Residential District</b>
<b>R-1</b>	<b>Single-Family Residential District</b>
<b>R-2</b>	<b>Multi-Family Residential District</b>
<b>R-3</b>	<b>Residential Mobile-Home District</b>
<b>C-1</b>	<b>Rural Commercial District</b>
<b>C-2</b>	<b>Light Commercial District</b>
<b>C-3</b>	<b>Highway Commercial District</b>
<b>I-1</b>	<b>Industrial District</b>
<b>A-1</b>	<b>Airport Overlay District</b>
<b>P-D</b>	<b>Planned Residential Overlay District</b>
<b>F</b>	<b>*Flood Overlay District</b>

**\*Refer to Article VII, County Flood Damage Prevention Overlay District.**

**5.020 TIPTON COUNTY ZONING MAP**

The location and boundaries of the zoning districts by this resolution are bounded and defined as shown on the map entitled the Official Zoning Map of Tipton County, Tennessee. The zoning map and any amendment thereto shall be dated with the effective date of the resolution that adopts same. Certified prints of the adopted zoning map and zoning map amendments shall be maintained in the office of the Tipton County Building Inspector and shall be available for inspection by the public at all reasonable times, as long as this resolution remains in effect.

**5.030 TIPTON COUNTY GROWTH BOUNDARY MAP**

The location and boundaries of the growth boundary map as developed in the Tipton County Growth Plan mandated by Public Chapter 1101 are shown in the adopted document. The map shows four distinct types of boundaries: current corporate limits, urban growth boundaries, planned growth areas and rural areas. Tipton County's responsibility includes the Planned Growth Areas (PGA's) and Rural Areas (RA's). Density of development is one of the main factors in the designations of PGA's and RA's. The following classification of zoning districts shall adhere to the adopted Tipton County Growth Boundary Map by supporting its designations. Each zoning district defined below shall differentiate between a PGA and RA designated areas through its dimensional requirements, since these sections are where the density of each zoning district is determined. Certified prints of the adopted growth boundary map, report and any subsequent revisions shall be maintained in the office of the Tipton County Building Inspector and shall be available for inspection by the public at all reasonable times, as long as either this zoning resolution or Public Chapter 1101 remains in effect, whichever is shorter.

**5.040 ZONING DISTRICT BOUNDARIES**

Unless, otherwise, indicated on the zoning map amendment, the district boundaries are lot lines, centerline of roads, or the Tipton County boundary lines as they exist at the time of enactment of the zoning resolution. Questions concerning the exact locations of district boundaries shall be first determined by the legal description accompanying the Zoning Map Amendment, and then second, by the Tipton County Board of Zoning Appeals.

Where a district boundary line divides a lot, which was in single ownership at the time of passage of this resolution, the regulations for either portion of the lot shall not exceed five hundred (500) feet beyond the district line into the remaining portion of the lot.

**5.050 SPECIFIC DISTRICT REGULATIONS**

The following regulations shall apply in the eleven (11) zoning districts established in Section 5.010, of this resolution:

**5.051 FAR, FORESTRY, AGRICULTURE, RESIDENTIAL DISTRICT**

**A. District Description**

This district is intended to be utilized in areas used primarily for agriculture, forestry and low-density residential development, where development of a suburban density is undesirable or unfeasible. In addition, a primary objective of the FAR District is to prevent undesirable urban sprawl and to exclude land uses, which demand a level of urban services that are impossible or uneconomical to provide. The following regulations shall apply in the FAR District, as defined on the Zoning Map of Tipton County, Tennessee.

**B. Uses Permitted**

In the FAR, Forestry, Agriculture, Residential District, the following uses and their accessory uses are permitted.

1. Forestry and Agricultural services, except solid or liquid waste disposal.
2. Detached single-family dwellings.
3. Single-Wide Mobile Home.
4. Agricultural processing, except cotton ginning.
5. Crop and animal raising.
6. Minor Group home for physically or mentally handicapped persons.
7. Fisheries and related services.
8. Church or other places of religious assembly.
9. Utility facilities necessary for the provision of public services.
10. Publicly owned recreational facilities.
11. Public schools, libraries, and fire stations.
12. Public and informational signs as regulated in Article IV, Section 4.070.
13. Animal husbandry services, veterinarian services, animal hospital services and poultry hatchery services.

14. The sale of agriculture and forestry products raised on the property. The sales area shall not be located within the road right-of-way.  
(Amended 11/8/21)
15. Family Burial Grounds as defined in Article II, Section 2.020.
16. Customary home occupation (minor only) as regulated in Article IV, Section 4.040.
17. The storage of a maximum of 3 Inoperable Motor Vehicles, as defined in Article II, Section 2.020, being located at least ten (10) feet from any side and/or rear lot line, and not in any required front yard.
18. Solar Energy Devices as regulated in Article III, Section 3.130.

C. **Uses Permitted as Special Exceptions**

In the FAR, Forestry, Agriculture, Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article VIII, Section 8.060.

1. Riding stable and kennels.
2. Marinas.
3. Camping Grounds. (Amended 11/8/21) - (Amended 6/12/23)
4. Natural Resource Extraction.
5. Private schools, colleges, and libraries.
6. Governmental buildings and community centers.
7. Cemeteries.
8. Airports and private airstrips.
9. Wireless Communication towers.
10. Bed and Breakfast Operations.
11. Family and Group Day Care Homes.
12. Private Recreational Facilities, such as Golf Courses as regulated in Article IV, Section 4.200 or as defined in Article II, Section 2.020.
13. Customary home occupation (Major Only) as regulated in Article IV, Section 4.040.
14. Wind Energy Devices as regulated in Article III, Section 3.130.
15. Outdoor Firearms Shooting Range (Amended 7/10/17)

16. Major Group Home for physically and mentally handicapped persons. (Amended 11/8/21)

D. **Uses Prohibited**

In the FAR, Forestry, Agriculture, Residential District, all uses except those uses or their accessory uses specifically permitted upon approval as a special exception by the Board are prohibited.

E. **Dimensional Regulations**

All uses permitted in the FAR, Forestry, Agriculture, Residential District, shall comply with the following requirements, except as provided in Article VI. (Amended 11/8/21)

1. **Minimum Lot Size**

With Private Wastewater Treatment:

Minimum Area per Dwelling Unit	1 Acre
Minimum Lot Width at Building Setback Line	150 feet

With Public Sewer System:

Minimum Area per Dwelling Unit	½ Acre (21,780 Sq. Ft.)
Minimum Lot Width at Building Setback Line	100 feet

2. **Minimum Yard Requirements**    Private Wastewater Treatment    Public Sewer System

Front Yard Setback (Arterial Roads)	60 feet	60 feet
Front Yard Setback (All Other Roads)	35 feet	25 feet
Side Yard Setback	15 feet	10 feet
Rear Yard Setback	30 feet	20 feet

3. **Maximum Lot Coverage**

The area occupied by all structures, including accessory structures, shall not exceed thirty (30) percent of the total area of any lot.

4. **Height Requirements**

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Article VI, Section 6.030.

5. **Parking Space Requirements**

As regulated in Article IV, Section 4.010.

6. **Landscaping**

The front yard, excluding driveways, shall be landscaped. The front yard shall not be used for the storage of inoperable motor vehicles nor semi-trailers (attached to the cab or not) for a period exceeding seventy-two (72) hours.

7. **Accessory Structures**

- a. With the exception of signs, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least ten (10) feet from any side and/or rear lot line, and at least five (5) feet from any other building on the same lot. (Amended 5/8/17)

**5.052 R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT**

**A. District Description**

The R-1, Single-Family Residential District, is intended to provide areas that are suitable for low-density single-family residential development. This district is particularly suitable for areas adjacent to or near urban areas, where an adequate public water supply and public sewer system or private wastewater treatment is available. The following regulations shall apply in the R-1, Single-Family Residential District, as defined on the Zoning Map of Tipton County, Tennessee.

**B. Uses Permitted**

In the R-1, Residential District, the following uses and their accessory uses are permitted:

1. Detached single-family dwellings, excluding single-wide mobile homes.
2. Minor Group Home for physically or mentally handicapped persons.
3. Customary home occupation (minor only) as regulated in Article IV, Section 4.040.
4. Forestry and Agricultural uses, on parcels of five (5.0) acres or greater, as defined in Article II, Section 2.020.
5. Churches and Other Places of Religious Assembly.
6. Utility facilities necessary for the provision of public services.
7. Solar Energy Devices as regulated in Article III, Section 3.130.

**C. Uses Permitted as Special Exceptions**

In the R-1, Single-Family Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

1. Educational institutions.
2. Public recreation facilities.
3. Wireless Communication Towers.
4. Cemeteries.
5. Governmental office buildings and community centers.
6. Family and Group Day Care Homes. (Amended 10/19/15)



7. Customary Home Occupation (Major Only) as regulated in Article IV, Section 4.040.
8. Bed & Breakfast Operations
9. Wind Energy Devices as regulated in Article III, Section 3.130.
10. Private Airstrips (Amended 10/19/15)
11. Major Group Home for physically and mentally handicapped persons. (Amended 11/8/21)

D. **Uses Prohibited**

In the R-1, Single-Family Residential District, all uses except those uses or their accessory uses specifically permitted or upon approval as a special exception by the Board are prohibited including inoperable motor vehicles.

E. **Dimensional Regulations**

All uses permitted in the R-1, Single-Family Residential District, shall comply with the following requirements, except as provided in Article VI.  
(Amended 11/8/21)

1. **Minimum Lot Size**

With Private Wastewater Treatment:

Minimum Area per Dwelling Unit	30,000 Sq. Ft.
Minimum Lot Width at Building Setback Line	100 feet

With Public Sewer System:

Minimum Area per Dwelling Unit	15,000 Sq. Ft.
Minimum Lot Width at Building Setback Line	80 feet

2. **Minimum Yard Requirements**    Private Wastewater Treatment    Public Sewer System

Front Yard Setback (Arterial Roads)	50 feet	50 feet
Front Yard Setback (All Other Roads)	35 feet	25 feet
Side Yard Setback	15 feet	10 feet
Rear Yard Setback	30 feet	20 feet

3. **Maximum Lot Coverage**

The area occupied by all structures, including accessory structures, shall not exceed forty (40) percent of the total area of any lot.

4. **Height Requirements**

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Article VI, Section 6.030.

5. **Parking Space Requirements**

As regulated in Article IV, Section 4.010.

6. **Landscaping**

The front yard, excluding driveways, shall be landscaped. The front yard shall not be used for the storage of inoperable motor vehicles nor semi-trailers (attached to the cab or not) for a period exceeding seventy-two (72) hours.

7. **Accessory Structures**

- a. With the exception of signs, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least ten (10) feet from any side and/or rear lot line, and at least five (5) feet from any other building on the same lot. (Amended 5/8/17)

**5.053 R-2, MULTI-FAMILY RESIDENTIAL DISTRICT**

**A. District Description**

The R-2, Multi-Family Residential District, is intended to provide areas that are suitable for moderate-density single and multi family residential development. This District is particularly suitable for areas adjacent to or near urban areas, where a public water supply with a minimum six (6) inch line with required fire hydrants and public sewer system or private wastewater treatment is available. The principal uses of land range from single family detached residential to duplex residential to apartment uses. The following regulations shall apply in the R-2, Multi-family Residential District, as defined on the Zoning Map of Tipton County, Tennessee.

**B. Uses Permitted**

In the R-2, Multi-Family Residential District, the following uses and their accessory uses are permitted following site plan approval (multi-family only):

1. Detached Single Family Dwelling, excluding single-wide mobile homes
2. Duplex Dwelling (Site Plan Approval Required, See Article III, Section 3.120)
3. Apartment Dwelling (Site Plan Approval Required, See Article III, Section 3.120)
4. Minor Group Home for physically or mentally handicapped persons.
5. Customary Home Occupation (minor only) as regulated in Article IV, Section 4.040.
6. Churches and Other Places of Religious Assembly.
7. Utility facilities necessary for the provision of public services.
8. Condominiums (Site Plan Approval Required, See Article III, Section 3.120 and any other provisions as required by Title 66, Chapter 27 Tennessee Code).
9. Solar Energy Devices as regulated in Article III, Section 3.130.

**C. Uses Permitted as Special Exceptions**

In the R-2, Multi-Family Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

1. Education Institutions

2. Public recreation facilities
3. Wireless Communication Towers
4. Cemeteries
5. Governmental office buildings and community centers
6. Customary Home Occupation (Major Only) as regulated in Article IV, Section 4.040
7. Major Group Home for physically and mentally handicapped persons. (Amended 11/8/21)

**D. Uses Prohibited**

In the R-2, Multi-Family Residential District, all uses except those uses or their accessory uses specifically permitted or upon approval as a special exception by the Board are prohibited including inoperable motor vehicles.

**E. Dimensional Regulations**

All uses permitted in the R-2, Multi-Family Residential District, shall comply with the following requirements, except as provided in Article VI. (Amended 11/8/21)

**1. Minimum Lot Size**

With Private Wastewater Treatment:

Minimum Area per Dwelling Unit (First)	30,000 Sq. Ft.
Add per each additional Dwelling Unit	15,000 Sq. Ft.
Minimum Lot Width at Building Setback Line	100 feet

With Public Sewer System:

Minimum Area per Dwelling Unit	11,000 Sq. Ft.
Add per each additional Dwelling Unit	4,500 Sq. Ft.
Minimum Lot Width at Building Setback Line	75 feet

**2. Minimum Yard Requirements    Private Wastewater Treatment    Public Sewer System**

Front Yard Setback (Arterial Roads)	50 feet	50 feet
Front Yard Setback (All Other Roads)	35 feet	25 feet
Side Yard Setback	15 feet	10 feet
Rear Yard Setback	30 feet	20 feet

**3. Maximum Lot Coverage**

The area occupied by all structures, including accessory structures, shall not exceed fifty (50) percent of the total area of any lot.

4. **Height Requirements**

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Article VI, Section 6.030.

5. **Parking Space Requirements**

As regulated in Article IV, Section 4.010.

6. **Landscaping**

The front yard, excluding driveways, shall be landscaped. The front yard shall not be used for the storage of inoperable motor vehicles nor semi-trailers (attached to the cab or not) for a period exceeding seventy-two (72) hours.

7. **Accessory Structures**

- a. With the exception of signs, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least ten (10) feet from any side and/or rear lot line, and at least five (5) feet from any other building on the same lot. (Amended 5/8/17)

**5.054 R-3, RESIDENTIAL MOBILE-HOME DISTRICT**

**A. District Description**

The R-3, Residential Mobile-Home District, is intended to allow a mixture of single-family residential development with individual mobile homes and mobile home parks. These areas are suitable for low to moderate density development in the form of mobile home subdivisions and mobile home parks. This district is particularly suitable for areas adjacent or near urban areas, where an adequate public water supply and public sewer system or private wastewater treatment is available. These designated areas shall be served by public water and public sewer, and shall provide appropriate safeguards to guarantee a high quality of life to its residents. The following regulations shall apply in the R-3, Residential Mobile-Home District, as defined on the Zoning Map of Tipton County, Tennessee.

**B. Uses Permitted**

In the R-3, Residential Mobile-Home District, the following use and their accessory uses are permitted.

1. Detached Single-Family Dwellings
2. Mobile Home Parks Subject to the Provisions of Article IV, Section 4.090.
3. Customary Home Occupations (minor only) as Regulated in Article IV, Section 4.040.
4. Churches and Other Places of Religious Assembly.
5. Utility facilities necessary for the provision of public services.
6. Minor Group Home for physically or mentally handicapped persons.
7. Solar Energy Devices as regulated in Article III, Section 3.130.

**C. Uses Permitted as Special Exceptions**

In the R-3, Residential Mobile-Home District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

1. Educational Institutions
2. Public Recreational Facilities
3. Wireless Communication Towers
4. Cemeteries
5. Governmental Office Buildings and Community Centers

6. Customary home occupation (Major Only) as regulated in Article IV, Section 4.040.

D. **Uses Prohibited**

In the R-3, Residential Mobile-Home District, all uses except those uses or their accessory uses specifically permitted or upon approval as a special exception by the Board are prohibited including inoperable motor vehicles.

E. **Dimensional Regulations**

All uses permitted in the R-3, Residential Mobile-Home District, shall comply with the following requirements, except as provided in Article VI. (Amended 11/8/21)

1. **Minimum Lot Size**

With Private Wastewater Treatment:

Minimum Area per Dwelling Unit	30,000 Sq. Ft.
Minimum Lot Width at Building Setback Line	80 feet

With Public Sewer System:

Minimum Area per Dwelling Unit	15,000 Sq. Ft.
Minimum Lot Width at Building Setback Line	75 feet

2. **Minimum Yard Requirements**    Private Wastewater Treatment    Public Sewer System

Front Yard Setback (Arterial Roads)	50 feet	50 feet
Front Yard Setback (All Other Roads)	35 feet	25 feet
Side Yard Setback	15 feet	10 feet
Rear Yard Setback	30 feet	20 feet

3. **Maximum Lot Coverage**

The area occupied by all structures, including accessory structures, shall not exceed fifty (50) percent of the total area of any lot.

4. **Height Requirements**

No principal building shall exceed three (3) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories in height, except as provided in Article VI, Section 6.030.

5. **Parking Space Requirements**

As regulated in Article IV, Section 4.010.

6. **Landscaping**

The front yard, excluding driveways, shall be landscaped. The front yard shall not be used for the storage of inoperable motor vehicles nor semi-trailers (attached to the cab or not) for a period exceeding seventy-two (72) hours.

7. **Accessory Structures**

- a. With the exception of signs, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least ten (10) feet from any side and/or rear lot line, and at least five (5) feet from any other building on the same lot. (Amended 5/8/17)



**5.055 C-1, RURAL COMMERCIAL DISTRICT**

**A. District Description**

The C-1, Rural Commercial District, recognizes the need to provide for areas within Tipton County where residents of the more isolated agricultural and rural residential districts and residents located beyond the limits of service can receive certain merchandising and technical service. In Tipton County, several small rural commercial centers exist, primarily to provide such convenience goods and services to residents of the surrounding areas. These centers serve a necessary economic function and the mixed land uses that characterize these centers are not particularly detrimental. It is designed to allow for change and growth within these areas, but also prevent this mixture of land uses from unnecessarily spreading into the adjacent countryside. The rural commercial district will be permitted in the Rural Areas as designated by the Tipton County Growth Boundary Plan on other than arterial or collector status roads, but are highly encouraged at natural commercial locations, such as crossroads, or other areas with a commercial history. The following regulations shall apply in the C-1, Rural Commercial District, as defined on the Zoning Map of Tipton County, Tennessee.

**B. Uses Permitted**

In the C-1, Rural Commercial District, the following uses and their accessory uses are permitted upon review and approval of a site plan by the Planning Commission:

1. Agriculturally oriented commercial
2. Educational institutions
3. Utility facilities necessary for the provision of public services, including Wireless Communication Towers
4. Churches and other places of religious assembly
5. Governmental buildings and community centers
6. Medical facilities
7. Individual retail stores, professional and services offices such as real estate offices, beauty and barber shops.
8. Service stations, food marts and automobile repair establishments, subject to the provisions of Article IV, Section 4.060.
9. Customary home occupations as regulated in Article IV, Section 4.040.
10. Solar Energy Devices as regulated in Article III, Section 3.130.

C. **Uses Permitted as Special Exceptions**

In the C-1, Rural Commercial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

1. Livestock sales centers and feed lots necessary for their operation.
2. Camping Grounds. (Amended 11/8/21) - (Amended 6/12/23)
3. Kennels or animal hospitals.
4. Light / small scale manufacturing uses not specifically listed.
5. Cemeteries.
6. Day Care Centers
7. Outdoor Firearms Shooting Range (Amended 7/10/17)

D. **Uses Prohibited**

In the C-1, Rural Commercial District, all uses, except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board, are prohibited.

E. **Dimensional Regulations**

All uses permitted in the C-1, Rural Commercial District, shall comply with the following requirements, except as provided in Article VI.

1. **Minimum Lot Size**

Minimum Lot Width at Building Setback Line 100 feet

- a. **Commercial** - No lot or parcel of land shall be reduced in size to produce separate lots, for commercial uses, of less than twenty thousand (20,000) square feet where public water is available. Where no public water is available commercial lots shall be a minimum of one (1) acre in area and the proposed sewage disposal system must be approved by the Tipton County Environmentalist.
- b. **Manufacturing** - No lot or parcel of land shall be reduced in size to provide separate lots for manufacturing uses of less than five (5) acres in area where public water is available and where the method of sewage disposal has been approved by the Tipton County Environmentalist. Where no public water is available, manufacturing uses shall not be permitted in the C-1, Rural Commercial District.

**Minimum Yard Requirements**

Front Yard Setback (Arterial Roads)	50 feet
Front Yard Setback (All Other Roads)	30 feet
Side Yard Setback	15 feet
Rear Yard Setback	30 feet.

2. **Maximum Lot Coverage**

On any lot or parcel of land the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

3. **Height Requirement**

No building shall exceed four (4) stories or fifty (50) feet in height, except as provided in Article VI, Section 6.030.

4. **Parking Space Requirements**

As regulated in Article IV, Section 4.010.

6. **Landscaping And Buffering**

The front yard, excluding driveways, shall be landscaped. The front yard shall not be used for the storage of inoperable motor vehicles. Buffer strips are required to be installed and maintained as regulated in Article III, Section 3.110.

7. **Accessory Structures**

- a. With the exception of signs, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least fifteen (15) feet from any side and/or rear lot line, and at least five (5) feet from any other building on the same lot. (Amended 5/8/17)

8. **Loading and Unloading Requirements**

As regulated in Article IV, Section 4.020.

**5.056 C-2, LIGHT COMMERCIAL DISTRICT**

**A. District Description**

The C-2, Light Commercial District, has a primary purpose to establish areas of light commercial activity in the Planned Growth Areas as designated by the Tipton County Growth Boundary Plan adjacent to or near residential areas. The C-2, Light Commercial District, is composed of those uses determined to be necessary for the everyday needs of citizens, and will be so arranged so as to be a convenience to residents, not a nuisance. Access to public water is preferred. The areas of C-2, Light Commercial, will be compact, and will be adjacent to, but not internal to, major subdivisions as defined by the Tipton County Subdivision Regulations. The C-2, Light Commercial District, will be permitted on arterial or collector status roads only. The district is intended as a complement to residential areas, and will put necessary services within easy reach of citizens, while leaving heavier commercial activities at more appropriate locations.

**B. Uses Permitted**

In the C-2, Light Commercial District, the following uses and their accessory uses are permitted upon review and approval of a site plan by the Planning Commission:

1. Uses permitted in the C-1 District
2. Retail Trade
  - a. Building materials, hardware, and farm equipment
  - b. General merchandise
  - c. Food
  - d. Automotive, marine craft, aircraft, and accessories
  - e. Apparel and accessories
  - f. Furniture, home furnishings and equipment
  - g. Restaurants not serving alcohol
  - h. Drug, antiques, books, sporting goods, garden supplies, jewelry, fuel and ice
3. Churches and mortuaries
4. Professional and business services, such as architects, engineers, accountants and the like
5. Gasoline service stations subject to the provisions of Article IV, Section 4.060

6. Commercial recreation uses
7. Signs and billboards as regulated in Article IV, Section 4.070
8. Finance, insurance and real estate services
9. Personal services, such as dry cleaning and laundromats
10. Repair services
11. Contract construction services
12. Governmental services
13. Educational services
14. Transportation, communication and utility services except airports and solid or liquid waste disposal
15. Shopping centers
16. Medical Facilities
17. Flea Markets (Open Air Markets)
18. Wind and Solar Energy Devices as regulated in Article III, Section 3.130.

C. **Uses Permitted As Special Exceptions** (Amended 10/19/15)

In the C-2, Light Commercial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

1. Any business or service which, in the opinion of the Board of Zoning Appeals, is of the same general character as the above permitted uses, and subject to such conditions and safeguards as the Board may specify to preserve the character of the district.
2. *Deleted* - (Amended 6/12/23)
3. Mini-storage facilities.
4. Restaurants serving alcohol.
5. Uses Permitted as Special Exceptions in the C-1 Zoning District.

D. **Uses Prohibited**

In the C-2, Light Commercial District, all uses, except uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

E. **Dimensional Regulations**

All uses in the C-2, Light Commercial District, shall comply with the following requirements, except as provided in Article VI.

1. **Minimum Lot Size**

Minimum Lot Area (With Public Water)	20,000 Sq. Ft.
Minimum Lot Area (Without Public Water)	1 Acre
Minimum Lot Width at Building Setback Line	100 feet

2. **Minimum Yard Requirements**

Front Yard Setback (Arterial Roads)	50 feet
Front Yard Setback (All Other Roads)	30 feet
Side Yard Setback	15 feet
Rear Yard Setback	30 feet

3. **Maximum Lot Coverage**

On any lot or parcel of land the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

4. **Height Requirement**

No building shall exceed four (4) stories or fifty (50) feet in height, except as provided in Article VI, Section 6.030.

5. **Parking Space Requirements**

As regulated in Article IV, Section 4.010.

6. **Landscaping And Buffering**

The front yard, excluding driveways, shall be landscaped. The front yard shall not be used for the storage of inoperable motor vehicles. Buffer strips are required to be installed and maintained as regulated in Article III, Section 3.110.

7. **Accessory Structures**

- a. With the exception of signs, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least fifteen (15) feet from any side and/or rear lot line, and at least five (5) feet from any other building on the same lot. (Amended 5/8/17)

8. **Loading and Unloading Requirements**

As regulated in Article IV, Section 4.020.

**5.057 C-3, HIGHWAY COMMERCIAL DISTRICT**

**A. District Description**

The C-3, Highway Commercial District, is established to provide area in which the principal use of land is devoted to general and highway commercial activities along the arterial roads in Tipton County in the Planned Growth Areas as designated by the Tipton County Growth Boundary Plan. Regulations are designed to preserve the traffic carrying capacity of the roads and roads in Tipton County and to provide for necessary off-road parking and loading. The following regulations shall apply in the C-3, Highway Commercial District, as defined on the Zoning Map of Tipton County, Tennessee.

**B. Uses Permitted**

In the C-3, Highway Commercial District, the following uses and their accessory uses are permitted upon review and approval of a site plan by the Planning Commission:

1. Uses Permitted in the C-1 and C-2 Districts
2. Restaurants, Night Clubs serving alcohol, except adult-oriented establishments.
3. Commercial Entertainment Facilities open to the public, except adult oriented establishments.
4. Medical Facilities
5. Hotels, motels and tourist courts
6. Wholesale Trade
  - a. Motor vehicles and automotive equipment
  - b. Drugs, chemicals and allied products
  - c. Dry goods and apparel
  - d. Groceries and related products
  - e. Farm products
  - f. Electrical goods
  - g. Hardware, plumbing, heating equipment and supplies
  - h. Machinery, equipment, and supplies
  - i. Mini-storage facilities



- 7. Wind and Solar Energy Devices as regulated in Article III, Section 3.130.

C. **Uses Permitted As Special Exceptions** (Amended 10/19/15)

In the C-3, Highway Commercial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VIII, Section 8.060.

- 1. Any business or service that in the opinion of the Board of Zoning Appeals, is of the same general character as the above permitted uses, and subject to such conditions and safeguards as the Board may specify to preserve the character of the district.
- 2. Camping Grounds - (Amended 6/12/23)
- 3. Uses Permitted as Special Exceptions in the C-2 Zoning District.

D. **Uses Prohibited**

In the C-3, Highway Commercial District, all uses, except uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

E. **Dimensional Regulations**

All uses in the C-3, Highway Commercial District, shall comply with the following requirements, except as provided in Article VI.

1. **Minimum Lot Size**

Minimum Lot Area (With Public Water)	20,000 Sq. Ft.
Minimum Lot Area (Without Public Water)	1 Acre
Minimum Lot Width at Building Setback Line	100 feet

2. **Minimum Yard Requirements**

Front Yard Setback (Arterial Roads)	50 feet
Front Yard Setback (All Other Roads)	30 feet
Side Yard Setback	15 feet
Rear Yard Setback	30 feet.

3. **Maximum Lot Coverage**

On any lot or parcel of land the area occupied by all buildings including accessory buildings, shall not exceed sixty (60) percent of the total area of such lot or parcel.

4. **Height Requirement**

No building shall exceed four (4) stories or fifty (50) feet in height, except as provided in Article VI, Section 6.030.

5. **Parking Space Requirements**

As regulated in Article IV, Section 4.010.

6. **Landscaping And Buffering**

The front yard, excluding driveways, shall be landscaped. The front yard shall not be used for the storage of inoperable motor vehicles. Buffer strips are required to be installed and maintained as regulated in Article III, Section 3.110.

7. **Accessory Structures**

- a. With the exception of signs, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least fifteen (15) feet from any side and/or rear lot line, and at least five (5) feet from any other building on the same lot. (Amended 5/8/17)

8. **Loading and Unloading Requirements** - As regulated in Article IV, Section 4.020.1.

**5.058 I-1, INDUSTRIAL DISTRICT**

**A. District Description**

This District shall be utilized to place industrial uses, including those understood to be of a hazardous or obnoxious nature as well as wholesale and retail trade, which are deemed necessary or desirable for the economic development of Tipton County in areas suitable for such development. These regulations are designed with consideration given to potential future growth through the availability of reasonable ease of access to public water capable of providing fire protection, private wastewater treatment and the presence of a paved County road that are adequate to support the permitted uses are important considerations in establishing I-1 districts. Areas zoned I-1 should not be located adjacent to zoning districts (R-1, R-2, R-3), and grouping of like uses is encouraged.

**B. Uses Permitted**

Within the Industrial (I-1) district, the following uses are permitted, subject to review and approval of a site plan by the Planning Commission in accordance with Article III, Section 3.120 of this Resolution:

1. Wholesale Trade limited to:
  - a. Motor vehicles and automotive equipment, except auto junk yards.
  - b. Drugs, chemicals and allied products.
  - c. Dry goods and apparel.
  - d. Groceries and related products.
  - e. Electrical goods.
  - f. Machinery, equipment and supplies.
  - g. Tobacco and tobacco products.
  - h. Beer, wine, and distilled alcoholic beverages.
  - i. Paper and paper products.
  - j. Furniture and home furnishings.
  - k. Lumber and construction materials.
  - l. Other wholesale trade, NEC.\*
2. Retail Trade limited to:
  - a. Building materials, hardware and farm equipment.
  - b. Farm and garden supplies.
  - c. Beer, wine, and distilled alcoholic beverages.
  - d. Gasoline service stations, food marts subject to the provisions of Article IV, Section 4.060.

- e. Tobacco and tobacco products.
3. Business Services - limited to:
    - a. Dwelling and other building services
    - b. Warehousing and storage services
    - c. Research, development and testing services
    - d. Equipment rental and leasing services
    - e. Automobile and truck rental services
    - f. Auto repair establishments and other repair services.
  4. Contract, construction services
  5. Commercial Feed Lots (As defined in Article II)
  6. Off Road, ATV Tracks or Trails
  7. Governmental and Public Institutional Uses, except for solid waste disposal.
  8. Philanthropic Uses
  9. Agricultural Related Activities, except for cotton ginning and processing.
  10. Manufacturing limited to:
    - a. Apparel and other finished products made from fabrics, leather and similar materials
    - b. Lumber and Wood Products (except furniture)
    - c. Furniture and fixtures
    - d. Printing, publishing and allied industries
    - e. Food and Kindred products
    - f. Paper and allied products except for pulp manufacturing
    - g. Chemicals and allied products
    - h. Rubber and miscellaneous plastic products
    - i. Stone, clay and glass products

- j. Primary metal industries
  - k. Fabricated metal products
  - l. Professional, scientific and controlling instruments; photographic and optical goods; watches and clocks
  - m. Miscellaneous manufacturing, NEC\*
11. Railroad, rapid rail transit and road railway transportation.
  12. Motor vehicle, Aircraft or Marine craft transportation
  13. Churches and other places of religious assembly
  14. Automobile parking, including Park & Ride/Carpool parking.
  15. Highway and road right-of-way
  16. Airports
  17. Wireless Communication Towers
  18. Utility facilities necessary for the provision of public services, including electric, gas, water and sewer.
  19. Signs, as permitted in Article IV, Section 4.070.
  20. Accessory uses and structures customarily incidental to any permitted use.
  21. Other transportation, communication and utilities, NEC\*
  22. Mobile and/or Manufactured Home Sales
  23. Flea Markets (Open Air Markets)
  24. Wind and Solar Energy Devices as regulated in Article III, Section 3.130.

\*NEC = Not Elsewhere Coded

C. **Uses Permitted as Special Exceptions** (Amended 10/19/15)

In the I-1, Industrial District, the following uses and their accessory uses may be permitted as special exceptions by the Board of Zoning Appeals in accordance with Article VIII, Section 8.060, and site plan approval by the Planning Commission in accordance with Article III, Section 3.120 of this resolution.

1. Industrial uses which use moving water, such as rivers, as a primary source for production, including non-governmental electric power generating facilities.
2. Lots or yards for salvage operations as defined in Article II, and subject to the provisions of Article IV, Section 4.100.
3. Utilities and waste disposal uses limited to:
  - a. Gas utility uses limited to Natural or manufactured gas storage and distribution points and other gas utilities, NEC\*.
  - b. Sewage disposal uses
  - c. Solid Waste disposal, treatment or storage
  - d. Hazardous Waste disposal, treatment or storage
  - e. Sanitary landfills, commercial or public as regulated in Article IV, Section 4.130
4. Manufacturing, limited to Food and Kindred products including meat products
5. (*Deleted*). (Amended 11/8/21)
6. Agricultural processing, limited to cotton ginning and processing
7. Adult Oriented Businesses
8. Accessory uses and structures customarily incidental to the above permitted use.
9. Wind and solar farms (as defined in Article II, Subsection 2.020).
9. Any Business, Service or Industry that in the opinion of the Board of Zoning Appeals, is of the same general character as the above permitted uses, and subject to such conditions and safeguards as the Board may specify to preserve the character of the district.

\*NEC = Not Elsewhere Coded

D. **Uses Prohibited**

In the I-1, Light Industrial District, all uses, except those or their accessory uses specifically permitted or permitted upon appeal as a special exception by the Board are prohibited.

E. **Dimensional Regulations**

All uses in the I-1, Industrial District, shall comply with the following requirements, except as provided in Article VI.

1. **Minimum Lot Size**

Minimum Lot Area	1 Acre
Minimum Lot Area for Off Road, ATV Tracks	25 Acres
Minimum Lot Area for Salvage Yards	25 Acres
Minimum Lot Width at Building Setback Line	150 Feet

2. **Minimum Yard Requirements**

Front Yard Setback (Arterial Roads)	100 Feet
Front Yard Setback (All Other Roads)	75 Feet
Side Yard Setback	20 Feet*
Rear Yard Setback	30 Feet*

\*Except where a side or rear yard abuts a residential district, in which case the side or rear yard shall not be less than fifty (50) feet.

3. **Maximum Lot Coverage**

On any lot or parcel of land the area occupied by all buildings including accessory buildings, shall not exceed seventy-five (75) percent of the total area of such lot or parcel.

4. **Height Requirement**

No building shall exceed four (4) stories or fifty (50) feet in height, except as provided in Article VI, Section 6.030.

5. **Parking Space Requirements**

As regulated in Article IV, Section 4.010.

6. **Loading and Unloading Requirements**

As regulated in Article IV, Section 4.020.

7. **Accessory Structures**

- a. With the exception of signs, accessory structures shall not be erected in any required front yard.
- b. Accessory structures shall be located at least twenty (20) feet from any side and/or rear lot line, and at least five (5) feet from any other building on the same lot. (Amended 5/8/17)

8. **Landscaping and Buffering**

The front yard, excluding driveways, shall be landscaped. The front yard shall not be used for the storage of inoperable motor vehicles. Buffer strips are required to be installed and maintained as regulated in Article III, Section 3.110.



**5.060 A-1, Airport Overlay District**

**A. District Description**

The following provisions shall apply to the area designated on the Official Tipton County Regional Zoning Map as the Airport Overlay District. The Airport Overlay District serves as an overlay district, which will not change the underlying zoning classification but will add additional restrictions on the affected properties. Within the area designated as the Airport Overlay District, there are established five (5) sub-zones.

**B. Zones**

In order to carry out the provisions of this section, there are hereby created and established certain sub-zones which include all of the land lying within the Airport Overlay District; The primary surface, non-precision instrument approach zones, transition zones, horizontal zone and conical zone. These areas and zones are shown on the Covington Municipal Airport Zoning Map consisting of one sheet, prepared by the Tennessee Bureau of Aeronautics and dated December 1971, which is attached to this resolution of which it is a part. The various zones are hereby established and defined as follows:

1. Primary Surface Zone - is established as an imaginary surface 500 feet wide, longitudinally centered on the runway and extends in length 200 feet beyond each end of the asphalt-paved runway.
2. Non-Precision Instrument Approach Zone - is established at each end of the runway of the Covington Municipal Airport for non-precision instrument approach zone which shall have a width of 500 feet at a distance of 200 feet beyond each end of the runway, then widening uniformly to a width of 2,000 feet at a distance of 5,200 feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.
3. Transition Zones - are established adjacent to the runway and approach zones. Transition zones are symmetrically located on either side of the runway and have variable widths. Transition zones extend outward from the primary surface zones, for the length of the runway plus 200 feet on each end, and are parallel and level with the runway centerline. The transition zones along the runway slope upward and outward one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the horizontal zone. Also, transition zones are established adjacent to the approach zones for a partial length of the approach zones and have variable widths. Such transition zones flare symmetrically with either side of the runway approach zones from the base of such zones and slope upward and outward at the rate of one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surface of the horizontal zone.
4. Horizontal Zone - is established, being the area defined by: two semi-circles, each having a radius point located 200 feet beyond the

runway ends and on the runway centerline extended, the radius of each semi-circles. The horizontal zone does not include the non-precision instrument approach zones and the transition zones.

5. Conical Zone - is established as the area that commences at the periphery of the horizontal zone and extends outward a distance of 4,000 feet, one (1) foot vertically for each twenty (20) feet horizontally. The conical zone does not include the non-instrument approach zones and transition zones.

C. **Height Limitations**

Except as otherwise provided in the Resolution, no structure or tree shall be erected, altered, allowed to grow or maintained in any zone created by this section to a height in excess of the height limit established for each zone. The height limitations are computed from the established airport elevation and are hereby established for each of the zones in question.

1. Non-Precision Instrument Approach Zones - One (1) foot in height for each thirty-four (34) feet in horizontal distance beginning at a point 200 feet from and at the elevation of the end of the non-precision instrument runway and extending to a point 5,200 feet from the end of the runway.
2. Transition Zone - One (1) foot in height for each seven (7) feet in horizontal distance beginning at a point 250 feet normal to and at the elevation of the centerline of the runway extending 200 feet beyond each and extending to a maximum height of 150 feet above the established airport elevation which is 278 feet above mean sea level. In addition, there are established height limits of one (1) foot vertical height for each seven (7) feet horizontal distance measured from the edges of all approach zones, extending upward and outward to the points where they intersect the horizontal or conical surface.
3. Horizontal Zone - One hundred fifty (150) feet above the airport elevation or a maximum of 428 feet above mean sea level.
4. Conical Zone - One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone extending to a height of 350 feet above the airport elevation.

Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail. Nothing in this resolution shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height up to forty-five (45) feet above the surface of the land.

D. **Use Restrictions**

Notwithstanding any other provision of this resolution, no use may be made of land within any airport approach surface zone, horizontal surface zone or transitional surface zone, in such a manner as to create electrical interference with radio communication between the airport and the aircraft, make it difficult for flyers to distinguish between airport lights and others,

result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking off or maneuvering of aircraft. Except as otherwise provided in this section, it shall be unlawful to put land located within an airport approach zone, horizontal surface zone, conical surface zone or transitional surface zone to any use hereby forbidden in such zone.

The land uses forbidden in the various airport approach, horizontal, conical or transitional surface zones are as follows: Churches and other places of worship, club houses and other meeting places or studios, libraries, schools, colleges, hospitals, sanitariums, or other public, semi-public or private educational, health or welfare institution or facility; and any governmental office or building, the facilities of which involve the concentration of people. In addition, residential uses are prohibited in the airport approach zone and the transitional surface zone.

E. **Non-Conforming Uses**

The regulations prescribed in Sections E and F of this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date, to otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure the construction of alteration of which was begun prior to the effective date of this section, and is diligently prosecuted and completed within two years.

F. **Variances**

Any person desiring to erect any structure or increase the height of any structure, or permit the growth of any tree, or use his/her property, not in accordance with the regulations prescribed in the section may apply for a variance. Such variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this section.

G. **Permits**

1. **Future Uses** - No material change shall be made in the use of land, and no structure or tree shall be erected, altered, planted or otherwise established, in any airport approach, horizontal, conical or transitional surface zones, unless a permit has been applied for and granted. Each application shall indicate the purpose for which the permit is desired, with sufficient information to determine whether the resulting use, structure or tree would conform to the prescribed regulations.
2. **Existing Uses** - Before any existing use, structure or tree may be placed, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted within any airport approach, horizontal, conical or transitional surface zones, a permit must be secured authorizing such replacement, change or repair. No permit shall be granted that

would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure or tree to be made or become higher or a greater hazard to air navigation, than is existing when the application for a permit is made. Except as indicated, all applications for a permit for replacement, change or repair of an existing use, structure or tree shall be granted.

H. **Hazard Marking and Lighting**

Any permit or variance granted under Article V, Section 5.060.F and G, may if such action is deemed advisable to effectuate the purposes of this section and reasonable in the circumstances be so conditioned as to require the owner of the structure or tree in question to permit the Tipton County Legislative Commission at its own expense, to install, operate, and maintain markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

I. **Appeals**

Appeals to any decision based in whole or part upon the provisions of this section may be taken to the Board of Zoning Appeals as provided by Article VIII, Section 8.070 of this resolution as authorized in accordance with 13-7-106 through 13-7-109, of the **Tennessee Code Annotated.**

J. **Enforcement**

The provisions of this section shall be enforced by the Building Inspector's Office as provided for in Article VIII, Section 8.020 of this resolution.

K. **Amendments**

Amendments may be made to the Airport Overlay District boundaries and regulations in accordance with the procedures set forth in Article VIII, Section 8.090 of this resolution. In addition, no amendment to the Airport Overlay District boundaries and regulations shall become effective unless it first be submitted to and approved by the Tennessee Bureau of Aeronautics or subsequent state agency charged with fostering civil aeronautics.

**5.070 DEVELOPMENT STANDARDS FOR PLANNED RESIDENTIAL DEVELOPMENTS**

A. The purpose of this type of development is to permit greater flexibility for creative subdivision design to achieve superior scenic quality and recreational opportunities near homes by providing for residential developments which incorporate permanent common open space and permissible planned structural amenities accessible to all residential lots. Planned Residential Developments may be designed within residentially zoned property (R-1, R-2, R-3).

B. Procedure for Approval

1. Initial Sketch and Consultation

Before preparing a formal proposal for planned residential developments, the applicant shall submit ten (10) copies of a sketch of the proposed development to the planning commission as a basis for reaching general agreement on major aspects for the project. The sketch shall be at a scale no smaller than 1" = 200' and shall include but not be limited to:

- a. Boundaries and acreage of total site;
- b. Number and building types of dwelling units;
- c. Arrangement of roads, structures, and lots;
- d. Access to existing roads;
- e. Common open space tracts and prospective uses;
- f. Any planned common-use activity areas, such as swimming pools, tennis courts, etc., or special areas deemed worthy of conservation per se;
- g. Location and size of water and sewer lines.

2. Plat Approval Procedure

Proposals for planned residential developments shall be subject to the Tipton County Subdivision Regulations, shall be prepared and reviewed under the plat approval procedures of that document, and shall be in accordance with the provisions of this section.

C. Development Requirements

1. Maximum Density

Maximum building area (excluding land for road right-of-way and any planned structural amenities) shall consist of seventy-five (75) percent of the total residentially zoned acreage available.

2. Minimum Lot Size, Width or Yard Requirements

None.

3. Structural Location Requirements

Minimum distance between structure and public road right-of-way line:

<b>Arterial Road</b>	<b>50 ft.</b>
<b>Collector Road</b>	<b>35 ft.</b>
<b>Minor Road</b>	<b>35 ft.</b>
<b>Minimum Spacing Between Structures</b>	<b>20 ft.</b>

4. Utilities

The development shall be serviced with public sewer and water on trunk lines not less than eight (8) inches and six (6) inches, respectively, and shall include fire hydrants for adequate protection, as defined in the Tipton County Subdivision Regulations.

D. Specific Standards And Criteria For Planned Residential Developments

In addition to the standards and criteria set forth above, planned residential developments shall comply with the standards and criteria set forth hereinafter:

1. Design and Preservation of Common Open Space

Common open space may be provided as a condition to the approval of a planned residential development. No open area may be delineated or accepted as common open space under the provisions of this section unless it meets the following standards:

- a. Common open space must be usable for recreational purposes or must provide visual, aesthetic and environmental amenities. The uses authorized for the common open space must be appropriate to the scale and character of the planned residential development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.

- b. Common open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements to be located in the common open space must be appropriate to the uses that are authorized, and must conserve and enhance the amenities of the common open space having regard to its topography and the intended function of the common open space.
- c. The development phasing sequence which is part of the outline plan must coordinate the improvement of the common open space, the construction of the building, structures and improvements in the common open space, the construction of public improvements and the construction of residential dwellings in a planned residential development, but in no event shall occupancy permits for any phase of the final development plan be issued unless and until the open space which is part of that phase has been dedicated or conveyed and improved.
- d. No common open space of a planned residential development shall be conveyed or dedicated by the developer or any other person to any public body, homeowners association or other responsible party unless the Tipton County Regional Planning Commission has determined that the character and quality of the tract to be conveyed makes it suitable for the purpose for which it is intended. The Planning Commission may give consideration to the size and character of the dwellings to be constructed within the planned residential development, the topography and existing trees, the ground cover, and other natural features, the manner in which the open space is to be improved and maintained for recreational or amenity purposes, and the existence of public parks or other public recreational facilities in the vicinity.
- e. All land shown on the outline plan as common open space must be either:
  - (1) Conveyed to a public body, if said public body agrees to accept conveyance and to maintain the common open space and any buildings, structures or improvements which have been placed on it; or
  - (2) Conveyed to a homeowners association or some party responsible for maintaining common buildings, areas and land within the planned residential development. The common open space must be conveyed subject to covenants. The Planning Commission shall approve only those provisions of the covenants which restrict the common open space to the uses specified on the

outline plan and which provide for the maintenance of the common open space in a manner which assures its maintenance for its intended purpose.

2. Accessibility of Site

All proposed roads and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development, but may be designed so as to discourage outside through traffic from traversing the development. The location of the entrance points of the roads and driveways upon existing public roadways shall be subject to the approval of the Tipton County Public Works Department.

3. Off-road Parking

Off-road parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.

4. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular road system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.

5. Privacy

The planned residential development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the planned residential development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low-rise buildings.

E. Legal Requirements for Operation and Maintenance

Common open space, at the option of the developer, may be retained or deeded to a homeowner's association approved by the Planning Commission or may be conveyed to the public body, if the public body agrees to accept the conveyance as stated above in Subsection D.1.e. When the developer retains such tracts, the Planning Commission must approve plans for improvement and maintenance of these tracts. Restrictive deed covenants shall be made to assure perpetual use of the tracts for common open space purposes, including common use of any planned structural amenities by lot owners within the development. When



such tracts are to be deeded to a homeowner's association, the developer shall provide:

1. The legal framework for a homeowner's association consisting of articles of incorporation and by-laws that guarantee as a minimum:
  - a. That the homeowner's association will be responsible for liability insurance, local taxes, maintenance of recreational and other facilities pertaining to the common open space.
  - b. That when more than fifty (50) percent of the lots within the subdivision area sold, there shall be a special meeting of the homeowner's association within sixty (60) days.
2. Deeds to individual lots within the subdivision shall convey mandatory membership in the homeowner's association, and include, as a minimum, the following homeowner's association agreements:
  - a. A pro-rata share of the cost of the homeowner's association operation shall rest with the homeowners.
  - b. Permanent unrestricted rights to utilize land and facilities owned by the association shall rest with the homeowners.
  - c. Assessments levied by the association can become a lien on personal property, if not paid, and
  - d. The association shall have authority to adjust assessments to meet changing needs.

**ARTICLE VI**  
**EXCEPTIONS AND MODIFICATIONS**

**SECTION**

- 6.010 Scope**
- 6.020 Nonconforming Uses**
- 6.030 Exceptions to Height Limitations**
- 6.040 Lots of Record**
- 6.050 Exceptions to Front Setback Requirements**
- 6.060 Agricultural Use of Land**
- 6.070 Growth Plan**
- 6.080 Exceptions to Lot Width Requirements in the FAR Zoning District**

**6.010 SCOPE**

Article VI, of this resolution, is devoted to providing for the necessary exceptions and modifications to the specific zoning district provision and the supplementary provisions provided in Article IV and Article V.

**6.020 NONCONFORMING USES**

It is the intent of this resolution to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this resolution is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this resolution. It is also the intent of this resolution to so administer the elimination of nonconforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings, and structures existing at the time of the passage of this resolution or any amendment thereto shall be allowed to remain subject to the following provisions.

- A. An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same or higher classification provided, however, that establishment of another nonconforming use of the same or higher classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.
- B. A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of this resolution. A nonconforming use of a building or buildings shall not be enlarged to additional land after the effective date of this resolution.
- C. When any nonconforming commercial or industrial use of any structure or land, has been discontinued for a period of thirty (30) continuous months, it shall not be re-established or changed to any use not in conformity with the provisions of this resolution. Any nonconforming commercial or industrial building or nonconforming use which is damaged by fire, flood, wind, or other act of God may be reconstructed

and used as before (Subject to Article VII, if applicable), if a building permit is obtained within six (6) months of such damage, unless damage to the extent of more than seventy-five percent (75%) of its fair market value according to the current tax records kept in the Tipton County Office of the Assessor of Property immediately prior to damage, in which case any repair or reconstruction shall be in conformity with the provisions of this resolution.

- D. When any nonconforming residential use of any structure or land, including mobile homes and mobile home parks, has been discontinued or abandoned for a period of ninety (90) days, including damage by fire, flood, wind, or other act of God, it shall not be re-established or changed to any use not in conformity with the provisions of this resolution, unless a building permit is obtained within ninety (90) days to replace such residential structure.

**6.030 EXCEPTIONS TO HEIGHT LIMITATIONS**

The height limitations of this resolution shall not apply to church spires, solar collectors, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, transmission towers, windmills, chimneys, smokestacks, conveyors, flag poles, radio towers, masts and aerials, and agricultural related buildings except those designated for human occupation as in residences or offices.

**6.040 LOTS OF RECORD**

The following provisions shall apply to all existing lots of record:

- A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this resolution does not own sufficient land to enable him to conform to the yard or other requirements of this resolution, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this resolution. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as possible in the opinion of the Board of Zoning Appeals.
- B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this resolution, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.
- C. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

**6.050 EXCEPTIONS TO FRONT SETBACK REQUIREMENTS**

The front setback requirement of this resolution for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than twenty (20) feet from the road right-of-way.

The front yard setback for Residentially Zoned properties (FAR, R-1, R-2, R-3) located on Arterial Roads may be reduced to the front yard setback for (all other roads), if and only if the front building setback line is located at a distance greater than one hundred (100) feet from the road right of way.

**6.060 AGRICULTURAL USE OF LAND**

This resolution shall not be construed as authorizing the requirement of Development Permits nor providing for any regulation of the erection, construction, or reconstruction of any building or other structure on lands now devoted to agricultural uses or which may hereafter be used for agricultural, except on agricultural lands adjacent or in proximity to state federal aid highways, public airports, or public parks, provided however, such buildings or structures are incidental to the agricultural enterprise. Nor shall this resolution be construed as limiting or affecting in any way or controlling the agricultural uses of land.

**6.070 GROWTH PLAN**

So that future growth and development can be properly, orderly and fairly sustained, the areas marked in beige (Planned Growth Areas, PGA's) on the Tipton County Growth Plan map are envisioned for future high-density development. The areas marked in green (Rural Areas, RA's) on the Tipton County Growth Plan map are envisioned to remain rural in character, allowing only uses other than high density development in those areas.

**6.080 EXCEPTIONS TO LOT WIDTH REQUIREMENTS IN THE FAR ZONING DISTRICT**

The minimum lot width requirements of one hundred fifty (150) feet at the building setback line shall be reduced to a minimum of one hundred (100) feet for lots being subdivided with a minimum of two existing residences provided all other dimensional requirements have been met. Proof that the residences were permitted before November 13, 2003 shall be provided before any plat with less than one hundred fifty (150) feet in width at the building setback is approved.

**6.090 EXCEPTIONS FOR EXISTING STRUCTURES, SETBACKS AND PROPERTY LINES (Amended 5/11/15)**

Legally existing structures on site plans and subdivision plats are exempted from meeting current setback requirements along existing property lines (not proposed property lines). These structures are considered non-conforming and are subject to the requirements in Article VI, Section 6.020.

**AMENDED IN ITS ENTIRETY ON OCTOBER 9, 2006 BY RESOLUTION NO. 06/10/94**  
**AMENDED ON MARCH 16, 2009 BY RESOLUTION NO. 09/03/160**  
**AMENDED IN ITS ENTIRETY ON DECEMBER 15, 2014 BY RESOLUTION NO. 14/12/300**

## ARTICLE VII

### COUNTY FLOOD DAMAGE PREVENTION OVERLAY DISTRICT

#### SECTION

- 7.010 Statutory Authorization, Findings of Fact, Purpose and Objectives
- 7.020 Definitions
- 7.030 General Provisions
- 7.040 Administration
- 7.050 Provisions for Flood Hazard Reduction
- 7.060 Variance Procedures
- 7.070 Legal Status Provisions

#### 7.010 **STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

##### A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-101 through 13-7-115, ***Tennessee Code Annotated*** delegated the responsibility to the county legislative body to adopt floodplain regulations designed to minimize danger to life and property and to allow its citizens to participate in the National Flood Insurance Program. Therefore, the Board of County Commissioners of Tipton County, Tennessee, does resolve as follows:

##### B. Findings of Fact

1. The Tipton County Board of County Commissioners wish to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
2. Areas of Tipton County are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

C. Statement of Purpose

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

1. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. Objectives

The objectives of this Resolution are:

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

## 7.020 DEFINITIONS

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

**"Accessory Structure"** means a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

- (1) Accessory structures shall only be used for parking of vehicles, storage or home occupations.
- (2) Accessory structures shall be designed to have low flood damage potential.
- (3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- (4) Accessory structures shall be firmly anchored to prevent flotation, collapse and lateral movement, which otherwise may result in damage to other structures.
- (5) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

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

**"Addition (to an existing building)"** means any walled and roofed expansion to the perimeter or height of a building.

**"Appeal"** means a request for a review of the local enforcement officer's interpretation of any provision of this Resolution or a request for a variance.

**"Area of Shallow Flooding"** means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and 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). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

**"Area of Special Flood Hazard"** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

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

**"Basement"** for purposes within Article VII of this resolution, means that portion of a building having its floor subgrade (below ground level) on all sides.

**"Building"** for purposes within Article VII of this resolution, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See **"Structure"**)

**"Development"** for purposes within Article VII of this resolution, 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 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 solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to 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 land masses. This peril is not "per se" covered under the Program.

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

**"Existing Construction"** means any structure for which the "start of construction" commenced before the effective date of the initial 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 roads, 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 roads, 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:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

**"Flood Elevation Determination"** means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

**"Flood Elevation Study"** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) 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, evaluating flood hazards and containing 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 structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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

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

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

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

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

**"Floor"** for purposes within Article VII of this resolution, 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. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings and the hydrological effect of urbanization of the watershed.

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

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

**"Historic Structure"** means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on 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
- (4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that has been certified either:
  - (a) By an approved Tennessee program as determined by the Secretary of the Interior, or

(b) 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 consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.

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

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

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

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

**"Mean Sea Level"** means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Resolution, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, 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 on or after the effective date of this Resolution or the effective date of the initial floodplain management Resolution 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 roads, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Resolution or the effective date of the initial floodplain management Resolution and includes any subsequent improvements to such structure.

**"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.

**"Reasonably Safe from Flooding"** means base flood waters will not normally inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

**"Recreational Vehicle"** means a vehicle which is:

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

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

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

**"Special Flood Hazard Area"** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

**"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 as clearing, grading and filling; nor does it include the installation of roads and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction

means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"State Coordinating Agency"** The Tennessee Department of Economic and Community Development, as designated by the Governor of the State of Tennessee at the request of the Federal Emergency Management Agency to assist in the implementation of the National Flood Insurance Program for the state.

**"Structure"**, for purposes within Article VII of this resolution, means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

**"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 percent (50%) of the market value of the structure before the damage occurred.

**"Substantial Improvement"** for purposes within Article VII of this resolution, means any repair, reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been 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; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

**"Variance"** is a grant of relief from the requirements of this Resolution.

**"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 Resolution 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, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

**7.030 GENERAL PROVISIONS**

A. Application

This Resolution shall apply to all areas within the incorporated area of Tipton County, Tennessee.

B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Tipton County, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) dated May 4, 2009 and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47167C0025F, 47167C0050F, 47167C0075F, 47167C0100F, 47167C0125F, 47167C0130F, 47167C0135F, 47167C0140F, 47167C0145F, 47167C0155F, 47167C0160F, 47167C0165F, 47167C0170F, 47167C0180F, 47167C0185F, 47167C0190F, 47167C0195F, 47167C0225F, 47167C0250F, 47167C0275F, 47167C0300F, 47167C0305F, 47167C0310F, 47167C0315G, 47167C0320G, 47167C0330F, 47167C0335F, 47167C0350F, 47167C0375F, 47167C0400F, 47167C0425F, 47167C0450F, and 47167C0475F, dated December 19, 2006 for 'F' Series panels and dated May 4, 2009 for 'G' Series panels, along with all supporting technical data, are adopted by reference and declared to be a part of this Resolution. These areas shall be incorporated into the Tipton County, Tennessee, Regional Zoning Map.

C. Requirement for Development Permit

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

D. Compliance

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

E. Abrogation and Greater Restrictions

This Resolution is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Resolution conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation

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

G. Warning and Disclaimer of Liability

The degree of flood protection required by this Resolution 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 Resolution 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 Resolution shall not create liability on the part of Tipton County, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Resolution or any administrative decision lawfully made hereunder.

H. Penalties for Violation

Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this resolution or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Tipton County, Tennessee from taking such other lawful actions to prevent or remedy any violation.

**7.040 ADMINISTRATION**

A. Designation of Resolution Administrator

The Director of Planning is hereby appointed as the Administrator to implement the provisions of this Resolution.

B. Permit Procedures

Application for a development permit shall be made to the Administrator 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:

1. Application stage

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Resolution.
- b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Resolution.

- c. A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article VII, Section 7.050.A and Section 7.050.B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

Within AE Zones, where base flood elevation data is available, any lowest flood certification made relative to mean sea level shall be prepared by or under the direct supervision of a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification will be prepared by, or under the direct supervision of a Tennessee registered professional engineer or architect and certified by same.

Within approximate A zones, where base 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. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification will be prepared by, or under the direct supervision of a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

C. Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but not be limited to, the following:

- 1. Review all development permits to assure that the permit requirements of this Resolution have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- 2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.



3. Notify adjacent communities and the Tennessee Department of Economic and Community Development, prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
4. 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 FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Article VII, Section 7.040.B.
7. Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been floodproofed, in accordance with Article VII, Section 7.040.B.
8. When floodproofing is utilized for a non-residential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article VII, Section 7.040.B.
9. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Resolution.
10. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency, obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, 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 Tipton County, Tennessee FIRM meet the requirements of this Resolution.
11. Maintain all records pertaining to the provisions of this Resolution in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Resolution shall be maintained in a separate file or marked for expedited retrieval within combined files.

**7.050 PROVISIONS FOR FLOOD HAZARD REDUCTION**

**A. General Standards**

In all areas of special flood hazard, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must 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 requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces;
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. 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;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Resolution, shall meet the requirements of "new construction" as contained in this Resolution;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Resolution, shall be undertaken only if said non-conformity is not further extended or replaced:
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of Section 7.050.B;

13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction; and,
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

B. Specific Standards

In all Areas of Special Flood Hazard, the following provision, in addition to those set forth in Section 7.050.A, are required:

1. **Residential Construction.**

In AE Zones 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 to no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of Article VII, Section 7.050.B.3.

Within approximate A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Article VII, Section 7.020 of this Resolution). Should solid foundation perimeter walls be used to elevate structure, opening sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of Article VII, Section 7.050.B.3.

2. **Non-Residential Construction.**

In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, opening sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of Article VII, Section 7.050.B.3.

Within approximate A zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Article VII, Section 7.020). Should solid foundation perimeter walls be used to elevate a structure, opening sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of Article VII, Section 7.050.B.3.

Non-residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article VII, Section 7.040.B.

3. **Enclosures**

All new construction or substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood water to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
  - i. 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;
  - ii. The bottom of all openings shall be no higher than one (1) foot above the finished grade; and
  - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Article VII, Section 7.050.B of this Resolution.

4. **Standards for Manufactured Homes and Recreational Vehicles**

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
    - i. In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the base flood elevation; or,
    - ii. In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade.
  - c. Any manufactured home which has incurred "substantial damage" as the result of a flood must meet the standards of Article VII, Section 7.050.A and 7.050.B of this Resolution.
  - 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 in an identified Special Flood Hazard Area must either:
    - i. Be on the site for fewer than 180 consecutive days;
    - ii. Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
    - iii. The recreational vehicle must meet all the requirements for new construction.
5. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development 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 and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivision) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (See Section 7.050.B.5).

C. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated

Located within the Special Flood Hazard Areas established in Article VII, Section 7.030.B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided 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 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. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study (FIS) for Tipton County, Tennessee and certification thereof.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article VII, Section 7.050.

D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated

Located within the Special Flood Hazard Areas established in Article VII, Section 7.030.B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provision of Article VII, Section 7.050.B.

E. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)

Located within the Special Flood Hazard Areas established in Article VII, Section 7.030.B, where streams exist, but no base flood data has been provided (A Zones), and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from any Federal, State or other source, including data developed as a result of these regulations (See 2 below), as a criteria for requiring that new construction, substantial improvements or other development in approximate A Zones meet the requirements of Section 7.050.A & B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivision) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data.
3. Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, 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. All applicable data including elevations or floodproofing certification shall be recorded as set forth in Section 7.040.B. Opening sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Section 7.050.B.
4. Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty (20) feet, whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within Tipton County, Tennessee. The engineering certification should be supported by technical data that confirms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provision of Section 7.050.A & B. Within approximate A Zones, require that those subsection of Section 7.050.C dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provision are complied with as required.

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

Located within the Special Flood Hazard Areas established in Article VII, Section 7.030.B, are areas designated as shallow flooding areas. These areas 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; therefore, the following provisions, in addition to those set forth in Section 7.050.A & B, apply:

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Article VII, Section 7.050.B.
2. All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, 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 on the FIRM, the structure shall be flood proofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Resolution and shall provide such certification to the Administrator as set forth above and as required in Article VII, Section 7.040.B.
3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

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

Located within the areas of special flood hazard established in Article VII, Section 7.030.B, are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article VII, Section 7.040 and Article VII, Section 7.050 shall apply.

H. Standards for Unmapped Streams

Located within Tipton County, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width



of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, 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.

2. When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Article VII, Section 7.040 and Article VII, Section 7.050.

## **7.060      VARIANCE PROCEDURES**

### **A.      Board of Zoning Appeals**

#### **1.      Authority**

The Tipton County, Tennessee Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.

#### **2.      Procedure**

Meetings of the Board of Zoning Appeals shall be held at such times as the Board shall determine. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Board of Zoning Appeals shall be set by the Legislative Body.

#### **3.      Appeals: How Taken**

An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Resolution. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than thirty (30) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney. (Amended 7/10/17)

4. Powers

The Board of Zoning Appeals shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in the carrying out or enforcement of any provisions of this Resolution.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

- i. The Tipton County, Tennessee Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.
- ii. Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Resolution to preserve the historic character and design of the structure.
- iii. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Resolution, and:
  - a) The danger that materials may be swept onto other property to the injury of others;
  - b) The danger to life and property due to flooding or erosion;
  - c) The susceptibility of the proposed facility and its contents to flood damage;
  - d) The importance of the services provided by the proposed facility to the community;
  - e) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
  - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

- h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
  - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and roads and bridges.
- iv. Upon consideration of the factors listed above, and the purposes of this Resolution, the Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Resolution.
  - v. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Conditions for Variances

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Article VII, Section 7.060.A.
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Resolutions.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance coverage, and that such construction below the base flood level increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

**7.070      LEGAL STATUS PROVISIONS**

A.      Conflict with Other Resolutions

In case of conflict between this Resolution or any part thereof, and the whole or part of any existing or future Resolution of Tipton County, Tennessee, the most restrictive shall in all cases apply.

B.      Severability

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

C.      Effective Date

This Resolution shall become effective immediately after its passage, the public welfare demanding it.

Recommended by the Tipton County, Tennessee Regional Planning Commission on August 28, 2006 and again, as amended, on January 26, 2009 and again as amended on October 27, 2014.

Approved and adopted by the Tipton County, Legislative Commission on October 9, 2006 and again, as amended, on March 16, 2009 and again, as amended, on December 15, 2014.

**ARTICLE VIII**

**ADMINISTRATION AND ENFORCEMENT**

**SECTION**

- 8.010 Administration of the Resolution**
- 8.020 The Enforcement Officer**
- 8.030 Building Permits**
- 8.040 Temporary Use Permits**
- 8.050 Certificate of Occupancy**
- 8.060 Procedure for Authorizing Special Exceptions**
- 8.070 Tipton County, Tennessee Board of Zoning Appeals**
- 8.080 Variances**
- 8.090 Amendments to the Resolution**
- 8.100 Penalties**
- 8.110 Remedies**
- 8.120 Separability**
- 8.130 Interpretation**
- 8.140 Effective Date**

**8.010 ADMINISTRATION OF THE RESOLUTION**

Except as otherwise provided, no structure or land shall after the effective date of this resolution be used, and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this resolution shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

**8.020 THE ENFORCEMENT OFFICER**

The provisions of this resolution shall be administered and enforced by the Building Inspector's Office. In the performance of administering and enforcing this resolution, the office shall:

- A. Issue all Building Permits and maintain all records thereof.
- B. Issue all Certificates of Occupancy and maintain all records thereof.
- C. Issue and renew, where applicable, all Temporary Use Permits and maintain all records thereof.
- D. Maintain and keep current zoning maps and records of all amendments.

- E. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to act under the provisions of this resolution.
- F. Conduct inspections as required in this resolution and such other inspections as are necessary to insure compliance with the various other general provisions of this resolution. The Building Inspector shall possess the right to enter upon any premises for the purpose of making inspections of building or premises necessary to carry out his authorized duties.
- G. Enforcement of the Zoning Codes and Regulations.

**8.030 BUILDING PERMITS**

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or substantial improvement or repair of any structure or to change the use of a building or structure, or to commence the filling of land without a permit, issued by the Building Inspector's Office.

No Building Permit shall be issued by the Building Inspector's Office, except in conformity with the provisions of this resolution, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, Special Exceptions, or variance as provided by this resolution.

A. Application

Application for a Building Permit shall be made in writing to the Building Inspector's Office on forms provided for that purpose. All applications for Building Permits shall be accompanied by a plan or a plat in duplicate, drawn to scale, and showing the following:

1. The actual shape, location, and dimensions of the lot to be built upon.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site in relation to mean sea level of the proposed lowest floor if said building site is located in a floodplain, as defined in the Tipton County Floodplain Zoning Resolution.
3. The existing and intended use of all such buildings or other structures.
4. Location and design of off-road parking areas and off-road loading areas, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this resolution are being observed.

B. Fee

The Tipton County Commission shall establish a schedule of fees and a collection procedure for Building Permits. The schedule of fees shall be posted in the Building Inspector's Office. Only the County Commission may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

C. Issuance of Permit

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this resolution the Building Inspector shall issue a Building Permit for such excavation or construction. If an application for a Building Permit is not approved, the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving of any provisions of this resolution.

D. Construction Progress

Any Building Permit issued becomes invalid if work is not started within six (6) months from the date of issue, or if work ceases for any six (6) month period of time from the date of issue.

**8.040 TEMPORARY USE PERMITS**

It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the Building Inspector's Office, as provided for in Article IV, Section 4.030, of this resolution. Application for a Temporary Use Permit shall be made in writing to the Building Inspector on the form provided for that purpose. A fee established by the Tipton County Commission shall be charged to cover review, inspection and processing of each application. Such schedule shall be posted in the Building Inspector's Office. Until the appropriate fee has been paid in full, no action shall be taken on any application.

**8.050 CERTIFICATE OF OCCUPANCY**

No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Building Inspector shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof, is found to be in conformity with the provisions of this resolution. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with provisions of this resolution, or, if such certificate is refused, to state the refusal in writing with the cause for such refusal. No Certificate of Occupancy shall be issued for a residence or business (commercial or industrial) that does not have road address numbers visible from the road.

## **8.060 PROCEDURE FOR AUTHORIZING SPECIAL EXCEPTIONS**

The following procedure is established to provide procedures for review of a proposed use by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this resolution or whether a review is requested by the Building Inspector's Office to determine whether a proposed use is potentially noxious, toxic, dangerous, offensive or determined to be a public nuisance.

### **A. Application**

An application shall be filed with the Board of Zoning Appeals along with a fee to cover costs for review, inspection and processing. Such application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet and any other material pertinent to the request that the Board may require. If the Use has already been approved, and the applicant is requesting an addition to the Use on the same parcel size that was originally presented, then only site plan approval by the Tipton County Regional Planning Commission is required, as regulated in Article III, Section 3.120. (Amended 7/10/17)

### **B. Criteria for Review**

Prior to the issuance of a Special Exception, the Board shall make written findings certifying compliance with the specific rules governing individual Special Exceptions and that satisfactory provision and arrangement has been made concerning the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
2. Off-road parking and loading areas where required, with particular attention to the items in Item 1, above, and the economic, noise, glare or odor effects of the Special Exceptions on adjoining properties and properties generally in the district.
3. In situations where the Board of Zoning Appeals and Planning Commission approval are both required, approval through the Board of Zoning Appeals shall take place prior to the Planning Commission taking any action on such petition. (Amended 5/11/15)



C. Customary Incidental Home Occupations (Minor or Major)

1. The proposed use shall be located and conducted within the principal or accessory building only.
2. No proposed use shall occupy more than one (1) accessory building with total square footage not to exceed three thousand (3,000) square feet.
3. Accessory buildings may not be altered so that the character of residential or agricultural function is not maintained.
4. Employees engaged in the proposed use shall be residents of the dwelling unit in which the proposed use is located, with a maximum of one (1) paid assistant.
5. Not more than twenty-five (25%) of the total floor area in a dwelling unit shall be designated for the proposed use.
6. Provide an adequate parking area in compliance with Section 4.010, of this resolution.
7. No activity, materials, goods or equipment indicative of the proposed use shall be visible from any public road or alley, nor located outside the principal or accessory building. Uses involving the storage, transfer or disposal of hazardous materials shall not be permitted.
8. The proposed use shall not be advertised by the use of signs on the lot that exceed six (6) square feet in area and no more than four (4) feet in height.
9. The proposed use shall not be the primary or incidental storage facility for a business conducted elsewhere.
10. All automobiles or trucks parked on the site are required to have a current registration and license plates. Uses involving auto repair are required to be located on parcels of at least five (5) acres, can have no more than three (3) vehicles to be repaired at any given time and the repair operation must take place in an enclosed building that is detached from the dwelling.  
(Amended 2/20/18)
11. The proposed use shall not generate noise, odor, fumes, smoke, nor be determined a public nuisance that would tend to depreciate the character of the neighborhood in which the proposed use is located.
12. Proof of residency at the location where the special exception is proposed.
13. All major home occupations shall require connection to a public water supply, if the proposed use requires the use of potable water in its daily operation. (Amended 6/10/24)

## **8.070 TIPTON COUNTY, TENNESSEE BOARD OF ZONING APPEALS**

A Tipton County Board of Zoning Appeals is hereby established in accordance with 13-7-106 through 13-7-109, of the Tennessee Code Annotated. The Board of Zoning Appeals shall consist of five (5) members appointed by the Tipton County Commission. The Board members shall be appointed to five (5) year terms; however, the initial appointments shall be arranged so that the term of one (1) member will expire each year.

### A. Procedure

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. Such Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

### B. Appeals to the Board

An appeal to the Tipton County Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any government office, department, board, or bureau affected by any decision of the Building Inspector's Office based in whole or in part upon the provisions of this resolution. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Building Inspector's Office shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time of the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

### C. Stay of Proceeding

An appeal stays all legal proceedings in furtherance of the action appealed from unless the Building Inspector's Office certifies to the Board of Zoning Appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Building Inspector's Office, and on due cause shown.

### D. Appeal to the Court

Any person or persons or any board, taxpayer, department, or bureau of the County aggrieved by any decision of the Board may seek review by a court of competent jurisdiction of such decision in a manner provided by the Laws of the State of Tennessee.

E. Powers of the Board

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirements, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this resolution, including the interpretation of the location of district boundaries shown on the Official Zoning Map of Tipton County.

2. Special Exceptions

(Amended 7/10/17)

To hear and decide applications for special exceptions as specified in this resolution, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass. If work has not commenced within three (3) years of the approval of the special exception, the special exception becomes void and the applicant shall be required to resubmit all materials for approval.

3. Variances

To hear and decide applications for variance from the terms of this resolution.

**8.080 VARIANCES**

The purpose of a variance is to modify the strict application of the specific requirements of this resolution in the case of irregular, narrow, shallow, or multiple frontage lots, or other physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. Variances shall be granted from zoning restrictions such as heights, setback and lot density where such variances are reasonable and necessary to assure unobstructed access to direct sunlight. Variances shall not be granted which would cause an unreasonable obstruction of direct sunlight to adjacent property if there is a reasonable probability of utilization of passive or active solar radiation on said adjacent property. The variance shall be used only where necessary to overcome some obstacle that is preventing an owner from using his property under this resolution.

A. Application

After written denial of a permit, a property owner may make application for a variance, using any form that might be made available by the Board of Zoning Appeals.

B. Fee

A fee as established by the Tipton County Commission shall be charged to cover review, inspection and processing of each application for a variance, except that the fee shall be waived for a governmental agency. (Amended 7/10/17)

C. Hearings

Upon receipt of an application and fee, the Board shall hold a hearing to decide whether a variance to the resolution provisions is, in fact, necessary to relieve unnecessary hardships that act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within thirty (30) days of such hearings and in accordance with the standards provided below.

D. Standards for Variances

In granting a variance, the Board shall ascertain that the following criteria are met:

1. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the Board, do not apply generally in the district.
2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
3. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this resolution would deprive the applicant of any reasonable use of his land. Loss in value or expense associated with alternatives shall not justify a variance. There must be a deprivation of beneficial use of land.
4. The granting of any variance shall be in harmony with the general purposes and intent of this resolution and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
5. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the persons applying for the variance.
6. In situations where the Board of Zoning Appeals and Planning Commission approval are both required, approval through the Board of Zoning Appeals shall take place prior to the Planning Commission taking any action on such petition. (Amended 5/11/15)

## **8.090 AMENDMENTS TO THE RESOLUTION**

The regulations, restrictions, and boundaries set forth in this resolution may from time to time be amended, supplemented, changed, or repealed by the Tipton County Commission; but in accordance with Tennessee enabling legislation.

Any member of the County Commission may introduce such legislation, or any official, board, or any other person may present a petition to the County Commission requesting an amendment or amendments to this resolution. These amendments must be in relation to the Tipton County Growth Plan and the general welfare of the community.

No change or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission and approved by it, or, if disapproved, receive the favorable vote of a majority of the entire membership of the County Commission.

No amendment to this resolution shall become effective unless it shall have been proposed by or shall have first been submitted to the Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission disapproves the amendment within thirty (30) days it shall require the favorable vote of a majority of the County Commission to become effective. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

Before finally adopting any such amendment, the County Commission shall hold a public hearing thereon, at least thirty (30) days notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the county.

### **A. Fee**

A fee established by the Tipton County Commission shall be due and payable at the time of filing of petition and shall be posted with request to amend the zoning resolution. The fee is to be used by Tipton County to defray costs resulting from such petition and any subsequent amendment of the zoning resolution except that the fee shall be waived for a governmental agency. (Amended 7/10/17)

## **8.100 PENALTIES**

Any persons violating any provisions of this resolution shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten (10) dollars nor more than fifty (50) dollars for each offense. Each day such violations continue shall constitute a separate offense.

## **8.110 REMEDIES**

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

**8.120 SEPARABILITY**

Should any section, clause, or provision of this resolution be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the resolution as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

**8.130 INTERPRETATION**

Whenever the conditions of this resolution require more restrictive standards than are required in or under any other statute, the requirements of this resolution shall govern. Whenever the conditions of any other statute require more restrictive standards than are required by this resolution, the conditions of such statute shall govern.

**8.140 EFFECTIVE DATE**

This resolution shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

Certified by the Tipton County Regional Planning Commission

December 16, 2013  
Date

\_\_\_\_\_  
Chairperson, Tipton County Planning Commission

Date of Passage of Resolution by the Tipton County Commission

February 10, 2014  
Date

\_\_\_\_\_  
Jeff Huffman, Tipton County Executive

Attested by:

\_\_\_\_\_  
Tipton County Clerk

**8.110 REMEDIES**

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

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Date

  
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Jeff Huffman, Tipton County Executive

Attested by:

  
\_\_\_\_\_  
Tipton County Clerk

## **APPENDIX A**



**TIPTON COUNTY REGIONAL PLANNING COMMISSION**

**SITE PLAN CHECKLIST**

NAME OF DEVELOPMENT \_\_\_\_\_

LOCATION \_\_\_\_\_ ZONING DISTRICT \_\_\_\_\_

OWNER \_\_\_\_\_

ENGINEER OR SURVEYOR \_\_\_\_\_

Planning  
Initials

Surveyor  
Initials

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 1. Names and addresses of development, owner of record and applicant and names of all adjoining property owners.   |
| _____ | _____ | 2. Present zoning classification of the site and all abutting properties.  |
| _____ | _____ | 3. Nature of the proposed use of the site, and the Tax Map and Parcel Number.  |
| _____ | _____ | 4. Date, scale, north point and all related dimensions and bearing of the lot.   |
| _____ | _____ | 5. Courses and distances of centerlines of all roads.  |
| _____ | _____ | 6. All building restriction lines (yard setbacks and right-of-ways) and easements.   |
| _____ | _____ | 7. Acreage or square footage of the lot. Show the Flood Map number and date.   |
| _____ | _____ | 8. Sufficient grade and elevation information to demonstrate that the property will drain properly, and show the topographic contour lines at appropriate intervals. The location of any potential wetlands areas.   |
| _____ | _____ | 9. Location of all utilities (electric, gas, water and sewage disposal), including all service to the building(s), outside lighting (existing and proposed), fire hydrants, fire lines, meters, valves and backflow preventers.  |
| _____ | _____ | 10. All Commercial and Industrial zoned or use properties shall require a stormwater runoff analysis including before and after volumes. Grading plans and erosion control plans (if necessary) approved by the Tipton County Public Works Department prior to Site Plan approval. These requirements also apply to all Assembly, Educational and Institutional classified occupancy construction (according to the current adopted Building Code) greater than two thousand five hundred (2,500) square feet. See Section 3-112 for requirements. |
| _____ | _____ | 11. Show location of property with respect to surrounding property and roads. Show location of septic tank and field lines on the property as well as a copy of the Permit for Construction of Subsurface Sewage Disposal System.  |

This form shall be filled out completely and accurately before any item submitted to appear before the Planning Commission will be accepted. Any item that is not required, write N/A in its place.

**Forms 2 – 6 have been removed from this document, and may be found online and/or in the office.**  
**(Amended 7/10/17)**

Form 7

**AMENDMENT INDEX FROM PREVIOUS ZONING RESOLUTION**  
**TIPTON COUNTY REGIONAL ZONING RESOLUTION**  
**ADOPTED NOVEMBER 10, 2003**

Resolution # 04/08/21.	8/16/04	Article 4.070.A.3.	Reduced ground sign height to thirty (30) feet.
Resolution # 04/08/22.	8/16/04	Article 3.120.D.	Added \$100 penalty for not obtaining a grading permit before Site Plan Approval.
Resolution # 04/08/23.	8/16/04	Article 6.050.	Reduced front yard setbacks to thirty-five (35) feet on Arterial Roads if the front setback line is greater than one hundred (100) feet from the R-O-W.
Resolution # 04/08/24.	8/16/04	Article 4.015.	Reduced required parking lot pavement no less than half of the required area to be paved.
Resolution # 04/08/25.	8/16/04	Article 4.260.	Added development requirements for Flea Markets.
Resolution # 04/08/26.	8/16/04	Article 5.056.B.	Added Flea Markets to Uses Permitted in the C-2 Zoning District.
Resolution # 04/08/27.	8/16/04	Article 5.058.B.	Added Flea Markets and Manufactured Homes sales to Uses Permitted in the I-1 Zoning District.
Resolution # 05/03/34.	3/14/05	Article 3.030.	Added the word 'continuous' to distance in A & B.
Resolution # 05/03/35.	3/14/05	Article 3.120.	Added churches and other places of assembly to the site plan requirements.
Resolution # 05/04/36.	4/11/05	Article 2.020.	Redefined Automobile Wrecking, Junk and Salvage Yards and Inoperable Motor Vehicle.
Resolution # 05/04/37.	4/11/05	Article 5.051.B.	Added maximum storage of 3 inoperable motor vehicles in FAR to uses permitted.
Resolution # 05/04/38.	4/11/05	Article 5.052.D, 5.053.D, 5.054.D	Added the storage of inoperable motor vehicles in uses prohibited in R-1, R-2 and R-3 districts.
Resolution # 05/09/58.	9/19/05	Article 2.020.	Replaced entire definition of Signs, Billboards.
Resolution # 05/09/59.	9/19/05	Article 4.070.	Replaced entire section for Signs, Billboards
Resolution # 06/01/67.	1/9/06	Article 2.020.	Added to Lot of Record Definition
Resolution # 06/01/69.	1/9/06	Article 3.120	Matched Site Plan Requirements to checklist
Resolution # 06/01/68.	1/9/06	Article 3.120.G.10	Added to Site Plan Requirements
Resolution # 06/01/66.	1/9/06	Article 5.051.B, 5.051.C, 5.054.B, 5.054.C, 8.060.D	Corrected references to home occupations in the FAR and R-3 zoning districts.
Resolution # 06/01/65.	1/9/06	Article 6.080	Added exceptions to lot width requirements in FAR.

Form 7

Resolution # 06/01/62.	1/9/06	App A, Form 1	Matched Checklist to Site Plan Requirements
Resolution # 06/01/63.	1/9/06	App A, Form 2	Added information to Bldg Permit Application
Resolution # 06/01/64.	1/9/06	App A, Form 4	Changed copies required from 5 to 8.
Resolution # 06/10/87.	10/9/06	Article 5.051.B	Added "Religious" to Assembly in FAR.
Resolution # 06/10/88.	10/9/06	Article 5.052.B	Added "Religious" to Assembly in R-1.
Resolution # 06/10/89.	10/9/06	Article 5.053.B	Added "Religious" to Assembly in R-2.
Resolution # 06/10/90.	10/9/06	Article 5.054.B	Added "Religious" to Assembly in R-3.
Resolution # 06/10/91.	10/9/06	Article 5.055.B	Added "Religious" to Assembly in C-1.
Resolution # 06/10/92.	10/9/06	Article 5.051.C	Added Private Recreational Facilities in FAR.
Resolution # 06/10/93.	10/9/06	Article 4.030	Added Planning Director shall approve temporary uses.
		Article 4.030.A&G	Added "shall be approved by the Planning Commission".
Resolution # 06/10/94.	10/9/06	Article VII (All)	Replaced "Floodplain Zoning District" with "County Flood Damage Prevention Overlay District."
Resolution # 07/06/106.	6/11/07	Article 5.051.A	Changed "no new roads" from variance to special exception and added minimum lot size of 2 acres.
Resolution # 07/10/118.	10/8/07	Article 3.120.10	Added "See Subdivision Regulations Of Tipton County, Tennessee, Appendix B for requirements."
Resolution # 07/10/119.	10/8/07	Article 2.020	Added "elevated storage tanks...excluding wireless communication towers."
		Article 5.052 B&C	B: Modified "Utility facilities" C: Added Wireless Towers
		Article 5.053 B&C	B: Modified "Utility facilities" C: Added Wireless Towers
		Article 5.054 B&C	B: Modified "Utility facilities" C: Added Wireless Towers
		Article 5.055 B	Added to item 3.Utility Facilities, including Wireless Towers.
		Article 5.058 B	Added to item 17. Wireless Communication Towers
		Article 3.120.A	Added "and utility structures (such as, but not limited to elevated storage tanks and telephone junction boxes.)"
Resolution # 08/05/131.	5/12/08	Article 4.270	Added Family Burial Grounds Protection Requirements
Resolution # 08/05/132.	5/12/08	Article 3.120.G.8&9:	Added Wetlands and fire lines, meters, valves, etc.
Resolution # 08/05/133.	5/12/08	App A, Form 1	Matched Checklist with Resolution # 08/05/132.
Resolution # 08/08/141.	8/18/08	App A, Form 1	Modified Site Plan Checklist & Made It Required.
Resolution # 09/02/149.	2/9/09	Entire Document	Replace references of "streets" with "roads."
Resolution # 09/02/150.	2/9/09	Article 2.020	Added/Corrected Definitions (Subdivision, Out-Parcel, Changeable Message Signs and Kennel.)

Form 7

Resolution # 09/02/151. 2/9/09	Article 4.070.A.13	Added Changeable Message Signs to Sign Regs.
Resolution # 09/02/152. 2/9/09	Article 4.160	Removed Inflatable Pools from Pool Regulations.
Resolution # 09/02/153. 2/9/09	Article 6.020.C&D	Corrected Nonconforming Use to State requirements.
Resolution # 09/02/154. 2/9/09	Article 4.015.F	Added Handicapped Parking Requirements from State.
Resolution # 09/02/155. 2/9/09	Article 4.140	Rewrote Adult-Oriented Business Regulations.
Resolution # 09/02/156. 2/9/09	Article 5.053.B.8	Added Condominiums to Uses Permitted in R-2 Zone.
Resolution # 09/03/160. 3/16/09	Article 7.030.B	Reflected New FEMA Panels and FIS to May 4, 2009.
Resolution # 09/06/163. 6/15/09	Article 2.020&3.100	Revised Accessory Buildings Definition and Regulation
Resolution # 09/06/164. 6/15/09	Article 8.070	Removed Last Sentence of Introduction (BZA & PC)
Resolution # 09/08/172. 8/17/09	Article 3.120.G.11	Added septic and permit to site plan and checklist.
Resolution # 09/11/183. 11/16/09	Article 3.120.G.10&3.140	Changed Reference&Added Drainage Design.
Resolution # 10/07/198. 7/12/10	Article 2 & 4.140	Replaced entire Adult Business, put definitions in 4.140.
Resolution # 11/06/230. 6/20/11	Article 3.110	Added "maintain" and changed to "along"
Resolution # 11/09/237. 9/12/11	Article 4.280 & 5.051.C	Added Natural Resource Extraction Regs.
Resolution # 11/11/239. 11/14/11	Article 3.120	Added Site Plan drawing standards (no aerial photo, etc.)
Resolution # 12/02/250. 2/13/12	Article 4.040	Combined Accessory Ag and Major Home Occupations
Resolution # 12/02/251. 2/13/12	Article 5.051.C.13	Removed Accessory Ag Home Occupations
	Article 5.052.C	Added Major Home Occupations
	Article 5.053.C	Added Major Home Occupations
	Article 5.054.C.6	Removed Accessory Ag Home Occupations
Resolution # 12/02/252. 2/13/12	Article 8.060.C&D	Combined C&D into C and removed Accessory Ag.

## **APPENDIX B**

## **VESTED PROPERTY RIGHTS**

(Amended 5/11/15)

As enacted by the Tennessee General Assembly in Public Chapter No. 686, Vested Property Rights Act of 2014, statutory requirements have been established relative to development standards and vested property rights for landowners and developers. These statutory requirements are enumerated in Appendix B, Vested Property Rights.

### A. Definitions of Vested Property Rights

Applicant – means a landowner or developer or any party, representative, agent, successor, or heirs of the landowner or developer.

Construction – means the erection of construction materials in a permanent manner, and includes excavation, demolition, or removal of an existing building.

Development Plan – means both a preliminary development plan and a final development plan.

Development Standards – means all locally adopted or enforced standards applicable to the development of property including, but not limited to planning: storm water requirements; layout; design; local infrastructure construction standards, off-site improvements, lot size, configuration, and dimensions. NOT included are standards required by federal or state law, or building construction safety codes.

Final Development Plan – means a plan approved by the local government describing with reasonable certainty the use of property. Such plan may be in the form of, but not limited to, a planned unit development plan; subdivision plat; general development plan; subdivision infrastructure construction plan; final engineering site plan; or any other land-use approval designated utilized. Unless otherwise expressly provided by the county, such a plan shall include the boundaries of the site; significant topographical features affecting the development of the site; locations of improvements; building dimensions; and the location of all existing and proposed infrastructure on the site. Neither a sketch plan nor other document that fails to describe with reasonable certainty the use and development scheme may constitute a final development plan.

Preliminary Development Plan – means a plan submitted to facilitate initial public feedback, and secure preliminary approvals from local government. It serves as a guide for all future improvements.

Site Preparation – means excavation, grading, demolition, drainage, and physical improvements such as water and sewer lines, footings, and foundations.

B. Vesting Rights and Periods

Vested property rights are established for any preliminary development plan, final development plan (where no preliminary development plan is required), or building permit issued to allow construction of a building to commence where there is no local requirement for prior approval of a preliminary development plan.

During the vesting period, the locally adopted development standards in effect on the date of approval remain the development standards applicable to that property or building during the vesting period as follows:

1. **Building permit projects (no preliminary plan approval)** – The vesting period commences on the date of building permit issuance and remains in effect for the period authorized by the building permit.
2. **Development plan project** – The vesting period applicable to a development plan is three years, beginning on the date of approval of the preliminary development plan; provided the applicant obtains final development plan approval, secure permits, and commences site preparation within the three (3)-year vesting period.

If the applicant obtains approval of a final development plan, secures permits, and commences site preparation within the three (3)-year vesting period, then the vesting period is extended an additional two (2) years (to a total of five (5) years) to commence construction from the date of preliminary plan approval. During the two year period, the applicant shall commence construction and maintain any necessary permits to remain vested.

If construction commences within the five (5)-year vesting period following preliminary development plan approval, the development standards in effect on the date of approval remain in effect until final completion of the project, provided however, that the vesting period shall not exceed ten (10) years unless the county grants an extension through an ordinance or resolution; and provided further that the applicant maintain all necessary permits during the ten (10)-year period.

3. **Multi-phase projects** – A separate vesting period applies for projects proceeding in two or more sections or phases (as set forth in the development plan). The development standards in effect on the date of approval of the preliminary development plan for the first section or phase remain in effect for all subsequent sections or phases; provided the total vesting period does not exceed fifteen (15) years unless the county grants an extension through a resolution; and provided that the applicant maintain all necessary permits during the fifteen (15)-year period.



<u>Type of Project</u>	<u>Effective Date</u>	<u>Vesting Period</u>	<u>Total Vesting Period to Maintain Vesting Rights</u>	<u>Required Actions Obtain:</u>
<b><u>Building Permit (No Development Plan Required)</u></b>	Date of Issuance of Building Permit	Period Authorized by the Building Permit	Period Authorized by the Building Permit	Complete Construction within period authorized by the building permit
<b><u>Preliminary Development Plan</u></b>	Date of Issue	3 Years	3 Years	Final Development Plan Approval, Secure Permits, and Commence Site Preparation
<b><u>Final Development Plan</u></b>	3 Years from Date of Preliminary Plan Approval	2 Years	5 Years	Complete Construction, Maintain Permits
	5 Years from Date of Preliminary Plan Approval	5 Years	10 Years	Complete Construction, Maintain Permits
<b><u>Multi-Phase or Sections</u></b>	Date of Issue of Preliminary Development Plan	Separate Vesting Period for Each Phase or Section	15 Years	Complete Construction for Each Phase; Maintain Permits

A vested property right attaches to and runs with the applicable property and confers upon the applicant the right to undertake and complete the development and use such property under the terms and conditions of a development plan, including any amendment thereto or under the terms and conditions of any building permit that has been issued with respect to the property.

C. Termination of Vesting Rights

During the vesting period, the locally adopted development standards which are in effect on the date of approval of a preliminary development plan or the issuance of a building permit, whichever applies, remain the development standards applicable to the property described in such preliminary development plan or permit, except such vested property rights terminate upon a written determination by the county under the following circumstances:

1. When the applicant violates the terms and conditions specified in the approved development plan or building permit; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; provided further, that the county may, upon a determination that such is in the best interest of the community, grant, in writing, an additional time period to cure the violation;
2. When the applicant violates any of the terms and conditions specified in the local resolution; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; provided further, that the county may, upon a determination that such is in the best interest of the community, grant, in writing, an additional time period to cure the violation;
3. Upon a finding by the county that the applicant intentionally supplied inaccurate information or knowingly made misrepresentations material to the issuance of a building permit or the approval of a development plan or intentionally and knowingly did not construct the development in accordance with the issued building permit or the approved development plan or an approved amendment for the building permit or the development plan; or

4. Upon the enactment or promulgation of a state or federal law, regulation, rule, policy, corrective action or other governance, regardless of nomenclature, that is required to be enforced by the county and that precludes development as contemplated in the approved development plan or building permit, unless modifications to the development plan or building permit can be made by the applicant, within ninety (90) days of notification of the new requirement, which will allow the applicant to comply with the new requirement.

A county may allow a property right to remain vested despite such a determined occurrence when a written determination by the county is made that such continuation is in the best interest of the community.

D. Development Standards Enforcement

A vested development standard shall not preclude county enforcement of any development standard when:

1. The county obtains the written consent of the applicant or owner;
2. The county determines, in writing, that a compelling, countervailing interest exists relating specifically to the development plan or property which is the subject of the building permit that seriously threatens the public health, safety or welfare of the community and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the county, by the applicant using vested property rights;
3. Upon written determination by the county of the existence of a natural or man-made hazard on or in the immediate vicinity of the subject property, not identified in the development plan or building permit, and which hazard, if uncorrected, would pose a serious threat to the public health, safety or welfare and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the local government, by the applicant using vested property rights;
4. A development standard is required by federal or state law, rule, regulation, policy, corrective action, order or other type of governance that is required to be enforced by the county, regardless of nomenclature; or
5. A county is undertaking an action initiated or measure instituted in order to comply with a newly enacted federal or state law, rule, regulation, policy, corrective action, permit, order or other type of governance; regardless of nomenclature.

E. Development Plan Amendment

An amendment to an approved development plan by the applicant must be approved by the county to retain the protections of the vested property right. An amendment may be denied based upon a written finding by the county that the amendment:

1. Alters the proposed use;
2. Increases the overall area of the development;
3. Alters the size of any nonresidential structures included in the development plan;

4. Increases the density of the development so as to affect traffic, noise or other environmental impacts; or
5. Increases any local government expenditure necessary to implement or sustain the proposed use.

If an amendment is denied by the county based upon such a written finding, then the applicant may either proceed under the prior approved plan with the associated vested property right or, alternatively, allow the vested property right to terminate and submit a new application. Notwithstanding the foregoing, a vested property right shall not terminate if the county determines, in writing, that it is in the best interest of the community to allow the development to proceed under the amended plan without terminating the vested property right.

F. Waiver Rights Prohibited

A county may not require an applicant to waive the applicant's vested rights as a condition of approval, or as a consideration of approval, of a development plan or the issuance of a building permit.

G. Extension of Rights

The vesting period for an approved construction project may be extended as deemed advisable by the county.

H. Zoning with Vested Property Rights

A vested property right, once established, precludes the effect of any zoning action by a county which would change, alter, impair, prevent, diminish, or otherwise delay the development of the property, while vested, as described in an approved development plan or building permit. With said exception, nothing shall preclude, change, amend, alter or impair the authority of a county to exercise its zoning authority.

I. Development Moratorium

In the event the county enacts a moratorium on development or construction, the vesting period established by this act shall be tolled during the moratorium period.

J. Eminent Domain with Vested Property Rights

A vested property right does not preclude, change, amend, alter or impair the authority of a county to exercise its eminent domain powers as provided by law.