

## ARTICLE IV

### SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

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#### 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 with 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 two (2) employees.
- K. **Medical or Dental Clinic** - Not less than three (3) spaces per doctor, plus one (1) additional space for each two (2) employees.
- L. **Roadside Service Facilities (Service Stations, Repair Shops or Similar Uses)** - Not less than five (5) spaces for 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 two (2) employees. For drive-in restaurants, one (1) space per one hundred (100) square feet of floor area.
- 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**

The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on 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. The 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. The 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. No less than half of the parking lot shall be paved, and appropriate signage for ingress and egress and striping for parking spaces shall be required. The paved portion of the lot shall be located adjacent to the structure that it serves. (Amended 8/16/04)
- 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*. (Amended 2/9/09)

#### **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 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 4,999 sq. ft.	One (1) Space
5,000 to 9,999 sq. ft.	Two (2) Spaces
10,000 to 14,999 sq. ft.	Three (3) Spaces
15,000 to 19,999 sq. ft.	Four (4) Spaces
Over 20,000 sq. ft.	Four (4) 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. (Amended 10/9/06)

- A. **Carnival or Circus** - May obtain a Temporary Use Permit, in the FAR, C-3, I-1, I-2 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. (Amended 10/9/06)
- 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, I-2 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. Such use 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. **Temporary Dwelling Unit in Cases of Special Hardships** - In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wides excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomenon. The purpose of such temporary placement shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent a hazard to the safety, health, or welfare of the community. An applicant for a Temporary Use 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 temporary structure. Such a permit shall not be valid for more than six (6) months, and may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen (18) months, unless otherwise approved by the Board of Zoning Appeals.
- 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, 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. (Amended 10/9/06)

#### **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. **Accessory-Agricultural Occupations**

These provisions are established to provide supplemental occupations for residents located in a rural environment. All applications requesting approval for this type of home occupation are required to meet the provisions set forth in Section 8.060, C, and any other safeguards the Board of Zoning Appeals may deem necessary. All accessory-agricultural occupations require approval of a site plan by the Planning Commission and approval by the Board of Zoning Appeals as a Special Exception. Uses permitted as accessory-agricultural occupations shall include, but not limited to auto, truck and farm equipment repair, welding shops, wood working and cabinet shops, manufacture or processing of garments, the sale of farm supplies and equipment (excluding privately owned) and other similar uses that in the opinion of the Board of Zoning Appeals would meet the criteria of an accessory-agricultural occupation.

B. **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 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, D. 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.

C. **Major Home Occupations**

Uses classified as major home occupations are those conducted within home 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 by deliveries or pick-ups from the premises. An increased area for parking will be allowed 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 and their use approved by the Board of Zoning Appeals prior to engaging in the activity, and are required to meet the provisions set forth in Section 8.060, D. Major home occupations shall include barber and beauty shops, teaching of music and dance, small engine and appliance repair (excluding auto and other motorized vehicles), upholstery shops, dressmakers, real estate offices, 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 FALL-OUT SHELTER RESTRICTIONS**

Fall-out shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the District. Areas of underground fall-out shelters extending not more than thirty (30) inches above the general ground level of the graded lot shall not be included in computations of lot coverage by all buildings. 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, however, 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.

#### **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** (Amended 9/19/05)

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 permit at a fee of \$1 per square foot.

- 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. (Amended 8/16/04)
  - 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 nailed 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.
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: (Amended 2/9/09)
  - 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; and
  - c. The minimum spacing of such changeable message signs with a digital display on the interstate system or controlled access highways is two thousand feet (2,000 ft).

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

1. Flashing or illuminated 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 is 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 and I-2, Industrial Districts, 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 GENERAL REQUIREMENTS FOR ALL MANUFACTURED OR "MOBILE" HOMES**

- A. All types of manufactured homes must be permitted before they are moved on site. If a manufactured home is moved on site before it is permitted, the fee shall be doubled as a penalty. All types of manufactured homes shall have the same general appearance as is required for site-built homes. All types of manufactured homes shall be required to connect to public utility systems, where available.
- B. All types of manufactured homes will require skirting. Skirting shall be of material suitable for exterior exposure and contact with the ground. Skirting shall be installed in accordance with the skirting manufacturer's installation instructions. Skirting shall be adequately secured to assure stability, to minimize vibration and susceptibility to wind damage, and to compensate for possible frost heave. Skirting shall not include corrugated aluminum, fiberglass or vinyl.
- C. All types of manufactured homes needing repairs must have all repairs completed within sixty (60) working days of the date the home is permitted. If repairs are not completed, all permits issued by Tipton County Planning & Zoning will become void, and the manufactured home shall be removed from the property at the owner's expense.

- D. All types of manufactured homes must meet all applicable codes within sixty (60) days of the date of issuance of permit. If all codes are not met, all permits issued by Tipton County Planning & Zoning will become void, and the manufactured home shall be removed from the property at the owner's expense.
- E. Hitches or towing apparatus', axels and wheels shall be removed and the unit installed on a permanent foundation system in compliance with all applicable requirements of the International Building Code for manufactured homes, excluding manufactured "mobile" homes.
- F. If any type of new manufactured home does not have a certification label or any type of manufactured home is used, the interior of the home must be inspected by Tipton County Building Inspector's Office in conjunction with the exterior inspection. The interior of the home will have to meet all applicable codes such as, but not limited to smoke detectors and ingress-egress requirements, including windows.
1. Certification label must be a permanent label affixed to each transportable section of each manufactured home for sale or lease. This label shall be separate and distinct from the data plate that the manufacturer is required to provide.
  2. The label shall be approximately two (2) inches by four (4) inches in size and shall be permanently attached to the manufactured home by means of four (4) blind rivets, drive screw, or other means that render it difficult to remove without defacing the label. The label shall be etched on 0.32-inch thick aluminum plate. The label number shall be etched or stamped with a 3-letter designation that identifies the production inspection. Each label shall be marked with a six (6) digit number that the label supplier shall furnish. The labels shall be stamped with numbers sequentially.
  3. The label shall read as follows:  
  
As evidenced by this Label No. ABC 000001, the manufacturer certifies to the best of the manufacturer's knowledge and belief that this manufactured home has been inspected in accordance with the requirements of the Department of Housing and Urban Development and is constructed in conformance with the Federal manufactured home construction and safety standards in effect on date of manufacture.
  4. The label shall be located at the tail-light end of each transportable section of the manufactured home approximately one (1) foot up from the floor and one (1) foot in from the road side, or as near that location on a permanent part of the exterior of the manufactured home unit as practicable. The road side is the right side of the manufactured home when one views the manufactured home from the two bar end of the manufactured home.

#### **4.090 DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS**

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 insure rapid drainage and to avoid the possibility of stagnant pools of water. Drainage plans shall be approved by the Director of Public Works.

#### **B. Dimensional Requirements for Parks**

1. Each mobile home park shall have a front yard setback of fifty (50) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.
2. Each mobile home park shall provide rear and side yards of not less than thirty and fifteen (30 - 15) feet respectively, exclusive of any required yards for each mobile home space, from the parcel boundary.
3. In instances where a side or rear yard abuts a public road, said yard shall not be less than fifty (50) feet.
4. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
5. 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. Said sign(s) shall contain thereon only the name and address of a park and may be lighted by indirect lighting only.
6. The site for a mobile home park shall comprise of an area of not less than ten (10) acres.
7. 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 Major Road Plan.)

#### **C. Dimensional Requirements for Mobile Home Spaces**

Each mobile home space shall be of sufficient size that, in addition to the mobile home, 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 harbored on each space so there shall be at least a twenty (20) foot clearance between mobile homes 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 mobile home 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.
6. The mobile home park shall be developed to a density compatible with the district in which it is located; however, the minimum lot area per mobile home space with public water and sewer shall be three thousand six hundred (3,600) square feet. For double wide mobile homes, the minimum lot size shall be six thousand (6,000) square feet. In areas without public waste water service, the minimum lot area shall be seven thousand five hundred (7,500) square feet for single wide mobile homes and ten thousand (10,000) square feet for a double wide mobile home, unless a higher density is approved by the Tipton County Health Department 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.

No mobile home park shall be permitted unless such park is served by a public water supply.

D. General Requirements

1. Roads within the mobile home park shall be paved to a width of not less than twenty-two (22) feet 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. All mobile home spaces within the park shall abut an access road.
3. Each mobile home space shall be provided with the connection to a sanitary sewer line or to a sewer system approved by the Tipton County Health Department and Board of Zoning Appeals.
4. 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.
5. Cabanas, travel trailers, and other similar enclosed structures are prohibited.
6. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses including customary home occupations within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.

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 mobile home 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 total parcel of land 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 mobile homes or parking.

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 and size of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
3. The proposed use of buildings shown on the site plan.
4. The location and size of all mobile home spaces.
5. The location of all points of entry and exit for motor vehicles and internal circulation pattern.
6. The location of all off-road parking facilities.
7. The location of park and recreation areas.
8. The name and address of the applicant, and name of the park.
9. North point, graphic scale, date, vicinity map, and names of the owners of record of all adjoining land.
10. Such other architectural, engineering, and topographic data as may be required to permit the Tipton County Health Department, the Planning Director, Director of Public Works, and the Board of Zoning Appeals to determine if the provisions of these regulations are being complied with, shall be submitted with the site plan.
11. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.

12. 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 Tipton County Health Department will be submitted to the Tipton County Planning Director, and 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 utility districts.
2. The Tipton County Planning Director shall, after review, recommend approval or disapproval of the proposed mobile home park to the Board of Zoning Appeals, which then may authorize the issuance of a permit for construction of the park as approved, or state the conditions under which approval for construction may be granted.
3. An annual fee to operate a mobile home park shall be based on the number of mobile home 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 twenty-five (\$25) dollars, plus an additional five (\$5) dollars per space approved whether occupied or not.
4. Under no circumstance shall any portion of the mobile home park as a 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 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 storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or road and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition. Such enclosed storage area shall be located no closer than three hundred (300) feet from any road or road right-of-way or property line. In addition, a buffer strip as regulated in Article III, Section 3.110 shall be required surrounding the enclosed storage area.
- 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.

- 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 70 dbA, measured at one (1) minute intervals over a fifteen (15) minute period during normal business hours.
- M. All racetracks in operation shall be reviewed for compliance every two (2) years by appearing before the Board of Zoning Appeals.
- N. And any 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)".

- 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 Tipton County Highway Department 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. 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.
- E. 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.
- F. 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.
- G. 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.
- H. 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.
- 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 ESTABLISHMENTS** (Amended 7/12/10)

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 sensitive 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 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 unclothed 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-2, Restricted 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 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 ordinance is to establish general guidelines for the siting of towers and antennas. The goals are to:

- Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the community.
- Encourage strongly 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 impact on the community is minimal.

- Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.
- To enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.

A. Authority

1. District Height Limitations

The requirements set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas.

2. Public Property

Antennas or towers located on property owned, leased or otherwise controlled by the governing authority shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antennas or the governing authority has approved the tower.

3. Amateur Radio: Receive--Only Antennas

This ordinance 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.

4. Pre-Existing Towers and Antennas

Any tower or antenna on for which a permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance. Any such towers or antennas shall be referred to in this ordinance as "pre-existing towers" or "pre-existing antennas". Any antennas to be added to an existing tower will have to comply with any and all regulations set forth in this ordinance.

B. Requirements

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 sufficient radius of unimproved land around the tower to ensure its collapse will be contained within that unoccupied area. The radius shall be determined by measuring the proposed height of the tower and adding any additional height required accommodating all proposed antennas and other appurtenances, plus an additional ten (10) feet. Applicant shall provide proof of ownership, lease or permanent easement rights for the designated collapse area for any guyed towers, and area designed for monopole towers minus the collapse area.

3. Lot area used for site of tower shall be a ratio of length not to exceed width of lot more than four (4) times.
4. There shall be maneuverable room for maintenance vehicles on the property.
5. 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 pad locked at all times when tower is not being maintained. Maintenance shall be the responsibility of the leasee of the property on which the tower resides.
6. Grounds immediately surrounding tower site and ground inside fenced area shall be maintained at all times. Site is to be maintained in compliance with the current Tipton County Zoning laws.
7. 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 trimmed at all times to prevent an interference which may occur.
8. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.
9. On site buildings shall be used for storage of necessary on site equipment only and shall be built of concrete block.
10. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
11. Road or easement to the tower site shall be maintained by the owner of the tower or the owner of the property and shall be maintained by said party until notice is given to the Planning and Zoning Department that said tower is no longer in use. This road or easement shall be a private road that is used as access to the tower and shall never under any circumstances become a county accepted or maintained road. If several users share the tower, the expense of the road shall be the responsibility of the leasee of the property on which the tower resides.
12. 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 inspections are to be called for by the user and/or their contractor. All inspections are to be approved before any tower or antenna can be used. Inspection procedures can be obtained in the Planning and Zoning Department.

13. Lighting of towers is prohibited, unless required by the Federal Aviation Administration (FAA) and/or the Federal Communications Commission (FCC). When lighting is required by the FAA, the lighting shall be in the form of Dual Lighting, which consists of red lights for nighttime and high or medium intensity flashing white lights for daytime and twilight, as stated in Chapter 4, Section 42.d of FAA requirements.
14. 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. If such governments and regulations are changed, then the owners of the tower and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owners' expense.
15. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment compatible. An inventory and map of all existing towers, public and private airports, heliports and landing strips within one (1) mile of the proposed site shall be submitted with application for special exception request. The inventory shall include information on the location, height and design of each tower and/or type of aircraft facilities.
16. 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 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 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 claim 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 other limiting factors that render existing towers and structures unsuitable.
17. Any antenna or tower not operated for a continuous period of twelve (12) 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 from the building inspector. If said tower is not removed within the ninety (90) day period, penalties and costs shall be imposed by the Director of Planning and Zoning and prior approval by the Board of Zoning Appeals shall be rescinded.
18. Approval by the Board of Zoning Appeals shall be valid for a period not to exceed twelve (12) months. If start of construction of the actual tower has not begun within twelve (12) months, approval shall expire and the applicant will be required to resubmit plans.
19. A building permit shall be required before any construction of a tower or antenna shall begin. Said permit shall be based on two (2) percent of the actual cost of the construction of tower or antenna, including all associated equipment. A document submitted by the developer shall be notarized and submitted at the time of issuance of permit enabling planning and zoning staff to establish cost of permit.
20. 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. Site Plan Requirements

A site plan of the purposed tower site shall be submitted to the Tipton County Planning Commission, after review from the Tipton County Board of Zoning Appeals, and shall include the following information, but shall not be limited to:

1. Name, address, telephone number, and contact person of the proposed user.
2. Name, address, telephone number, and contact person of construction drawings.
3. Name, address and telephone number of property owner.
4. Name, address and telephone number of construction tower contractor.
5. Legal description of proposed property to be used for tower site.
6. Vicinity map of proposed area in conjunction with the county.
7. Access to the proposed site and description.
8. Type of tower proposed, tower height and area of collapsing.
9. Surrounding property owners' names and all buildings on purposed site.
10. Any public utilities shown and all public utility easements described.

11. Scale of plat.
12. Existing public roads and right-of-ways.
13. Excavation, grading, concrete and structural steel notes, if any.
14. Staking, erosion and sediment control plans.
15. Radio frequency coverage.
16. Setbacks.
17. Parking, landscaping, buffer strips, if required, and adjacent uses.
18. If a buffer is required, appropriate licensed professionals shall seal all documentation of the site plan.
19. Required fall zone shall be shown.
20. Site Plan shall remain on file in the Planning, Zoning and Codes Department.
21. Any and all other information deemed by the governing authority to be necessary to assess compliance with this ordinance.
22. List the current estimated cost of construction of the tower or antenna, including all associated equipment.
23. Any and all other information deemed by the governing authority to be necessary to assess compliance with this ordinance.

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.

E. Setbacks and Separation

The following setbacks and separation requirements shall apply to all towers and antennas for which a special use permit is required; provided however, that the governing authority may reduce the standard setbacks and separation requirements, if the goals of this resolution would be better served, thereby.

1. Tower guy and accessory facilities must satisfy the minimum zoning district setback requirements.
2. In zoning districts, other than industrial zoning districts, towers over seventy (70) feet in height shall not be located within one-half (1/2) of a mile from any existing tower that is over seventy (70) feet in height.

#### **4.160 SWIMMING POOL REGULATIONS** (Amended 2/9/09)

The following regulations shall apply to all swimming pools, except inflatable pools:

1. 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 or rear yard and from any other structure, primary or accessory, on the parcel.
2. The swimming pool area shall be completely fenced or walled so as to prevent uncontrolled access by children and pets from the road or adjacent properties. Said fence or wall shall not be less than four (4) feet in height, and openings in the fence shall not permit the passage of a four (4) inch diameter sphere. The fence or wall shall be equipped with self-closing and self-latching gates. Fences shall forever be maintained in good condition so as that the openings shall not permit the passage of a four (4) inch diameter sphere at any time.
3. Private swimming pools are permitted in residential and commercial districts provided that the pool is intended, and is to be used solely for the enjoyment of the occupants and their guests of the property on which it is located.
4. A permit fee of \$50 shall be required for residential swimming pools, and a permit fee of \$100 shall be required for commercial swimming pools.

#### **4.170 DEVELOPMENT STANDARDS FOR CEMETERIES**

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

1. 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 thoroughfare.
2. Any new commercial cemetery shall be located on a site containing not less than five (5) acres.

3. All structures, including monuments, mausoleums or maintenance buildings, shall be setback twenty-five (25) feet from any property line or road right-of-way.
4. All graves or burial lots shall be setback twenty-five (25) feet from any property line or road right-of-way.
5. All required yards shall be landscaped and maintained in good order in accordance with state and local regulations.

#### **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 manufacture'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.
- 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.

#### **4.200 DEVELOPMENT STANDARDS FOR GOLF COURSES**

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. A survey of the entire property drawn to a scale of not less than 1" = 200'.
- B. Topographic lines at 2' intervals.
- C. Show all drainage structures, drainage areas and water retention areas, and provide a stormwater drainage analysis showing less than a ten percent (10%) increase 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.
- 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. Shall require access from a Collector or Arterial status road according to the Tipton County Major Road Plan, and shall have sufficient access to public water.
- D. 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 Board of Zoning Appeals, 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 shall be issued, which shall include as a minimum, the following:

- 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 Public Works Department or the County Road 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 Public Works Department or the County Road 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 LITTER, REFUSE, GARBAGE, JUNK AND DEBRIS CONTROL REGULATIONS**

The following requirements shall apply to all zoning districts for the purpose of controlling the storage, placement, collection of junk, garbage, litter, refuse, rubbish or discarded material. These regulations are promulgated under authority of *Tennessee Code Annotated*, Section 5-1-115.

- A. No owner, occupant or resident of any real property (land and/or building) shall permit or allow garbage, litter, rubbish, refuse or any combination of the preceding elements to accumulate upon or in such real property, or a vacant dilapidated building or structure so as to endanger the health, safety or welfare of other citizens.
- B. The owner, occupant or resident of real property, where refuse accumulates or has accumulated in violation of these regulations, shall take appropriate measures to gather up or otherwise collect and remove the refuse.
- C. Removal of the refuse in accordance with these regulations shall include the transfer of the refuse to an appropriate and lawful landfill or dumpsite, whether public or private.
- D. If the Enforcing Officer determines that a violation of these regulations exists, the Enforcing Officer shall provide notice to the owner of record of the property upon which the conditions creating the violation is located to remedy the condition immediately within ten (10) days. The notice shall be by personal service on the owner or by mailing by United States mail (certified, return receipt requested) to the owner of record at the last known address. If the whereabouts of such person(s) is unknown and the same cannot be ascertained by the Enforcing Officer in the exercise of reasonable diligence, the Enforcing Officer shall serve notice by publishing the same in a newspaper of general circulation in the county once each week for three consecutive weeks. The above notices, whether by mail or published in a newspaper, shall contain, but not be limited to, the following items:
  1. A brief statement identifying these regulations.
  2. The person, office, address and telephone number of the department or person giving notice.

3. The cost estimate for remedying the noted conditions, which shall be in conformity with standards of cost in the county.
4. A brief statement informing the recipient of the notice that an appeal to the Tipton County Board of Zoning Appeals may be requested, said request to be received by the Enforcing Officer in writing within ten (10) days of receipt of the notice to the owner or date of the last publication of said notice. Appeals before the Board shall conform to Section 8.070 of the Tipton County Regional Zoning Resolution.
5. The place where the recipient of the notice can return a copy of the notice indicating a request for a hearing.
6. A brief description of the property including the property's location utilizing a road address, if available, road name, and tax map and parcel numerical designations.

E. Failure to Comply

1. If a person fails or refuses to remedy the condition within ten (10) days after receiving the notice, the appropriate department or person shall immediately cause the condition to be remedied or removed at a cost in conformity with reasonable standards and the cost thereof assessed against the owner of the property. The cost shall be a lien upon the property in favor of the county. These costs shall be placed upon the tax rolls of the county as a lien upon the property and shall be collected in the same manner as the county's taxes are collected, when the county causes a notice there of to be filled in the office of the register of deeds of the county in which the property lies, second only to liens of the state, county and municipality for taxes, any lien of the county for special assessments and any valid lien, right or interest in such property duly recorded prior to the filing of such notice. Such notice shall identify the owner of record of the real property, contain the property address, describe the property sufficiently to identify it and recite the amount of the obligation secured by the lien.
2. If the person who is the owner of record is a carrier engaged in the transportation of property or is a utility transmitting communications, electricity, gas, liquids, steam, sewerage or other minerals, the ten (10) day period above shall be twenty (20) days, excluding Saturdays, Sundays and legal holidays.

F. Appeals

The property owner may request a hearing to the Board as permitted in Section A.5.d. Such hearing shall be held at the next meeting of the Board of Zoning Appeals after the request is made unless a later date is agreed to by the owner. Failure to make the demand for a hearing within the time limit specified shall constitute a waiver of the right to a hearing. Following the hearing, the Board may modify, dismiss or confirm the notice. Any person aggrieved by an order or act of the board, agency or commission under the provisions of this subsection may seek judicial review of the order or act. The decision of the court may be appealed according to the Tennessee Rules of Appellate Procedure. During these reviews, the time period established above shall be stayed during the pendency of a hearing.

G. Exceptions

No provision of these regulations shall be construed as applying to any business being operated pursuant to *Tennessee Code Annotated*, Section 68-31-101, et seq.

H. Other Procedures

Any proceedings, other than those listed herein, also shall conform to the provisions of *Tennessee Code Annotated*, Section 39-14-504.

**4.250 Outdoor Firearms Training Facilities**

Outdoor firearms training facilities, excluding skeet shooting. The purpose of these facilities is to safely train individuals in the handling of firearms in an urban or rural setting with minimal impact to adjacent properties. Such facilities shall follow the minimum standards:

- A. A rear setback at a minimum of two hundred (200) feet and a side setback at a minimum of one hundred (100) feet from the property line to the exterior base of the berm.
- B. A berm shall be present at least twenty (20) feet in height at the rear of the berm, at least eight (8) feet in height at the sides of the berm and at least four (4) feet in width at the top of the berm.
- C. Any man-made berm must be designed and certified, by an engineer licensed by the State of Tennessee, as adequate.
- D. Hours of operation shall be limited to daylight hours and decibel levels measured at the property lines shall be limited to seventy-five (75) dB during the hours of operation.
- E. A developer/owner of a firearms facility shall provide documentation that all State and Federal requirements and regulations have been met.
- F. There shall be provided two (2) parking spaces per firing point or firing lane, plus one (1) additional space for each employee.

- G. A site plan shall be provided in accordance with Article III, Section 3.120. In addition, the owner/developer shall provide a safety plan and a sound abatement plan for approval.
- H. 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)** (Amended 8/16/04)

- 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** (Amended 5/12/08)

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 is 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.