

ARTICLE V
ZONING DISTRICTS

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5.010 CLASSIFICATION OF DISTRICTS

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

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

*Refer to Article VII, Floodplain Overlay District.

5.020 TIPTON COUNTY ZONING MAP

The location and boundaries of the zoning districts by this resolution are bounded and defined as shown on the map entitled the Official Zoning Map of Tipton County, Tennessee. The zoning map and any amendment thereto shall be

dated with the effective date of the resolution that adopts same. Certified prints of the adopted zoning map and zoning map amendments shall be maintained in the office of the Tipton County Building Inspector and shall be available for inspection by the public at all reasonable times, as long as this resolution remains in effect.

5.030 TIPTON COUNTY GROWTH BOUNDARY MAP

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

5.040 ZONING DISTRICT BOUNDARIES

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

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

5.050 SPECIFIC DISTRICT REGULATIONS

The following regulations shall apply in the ten (10) zoning districts established in Section 5.010, of this resolution:

5.051 FAR, FORESTRY, AGRICULTURE, RESIDENTIAL DISTRICT

A. District Description

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

In the FAR District, there shall be no new roads built for the sole purpose of creating a division of land, unless otherwise approved as a Special Exception through the Board of Zoning Appeals under a minimum condition that the Minimum Lot Size for the property shall be no less than two (2.0) acres. Additional condition may be imposed on the property in question. (Amended 6/11/07)

B. Uses Permitted

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

1. Forestry and Agricultural services, except solid or liquid waste disposal.
2. Detached single-family dwellings.
3. Single-Wide Mobile Home.
4. Agricultural processing, except cotton ginning.
5. Crop and animal raising.
6. Group home for physically or mentally handicapped persons (minor).
7. Fisheries and related services.
8. Church or other places of religious assembly. (Amended 10/9/06)
9. Utility facilities necessary for the provision of public services.
10. Publicly owned recreational facilities.
11. Public schools, libraries, and fire stations.

12. Public and informational signs as regulated in Article IV, Section 4.070.
13. Animal husbandry services, veterinarian services, animal hospital services and poultry hatchery services.
14. One roadside stand for the sale of agricultural and forestry products, provided that such stand does not exceed an area of six hundred (600) square feet and that is located not closer than thirty-five feet from the edge of the roadway.
15. Family Burial Grounds as defined in Article II, Section 2.020.
16. Customary home occupation (minor only) as regulated in Article IV, Section 4.040. (Amended 1/9/06)
17. The storage of a maximum of 3 Inoperable Motor Vehicles, as defined in Article II, Section 2.020, being located at least ten (10) feet away from and side and/or rear lot line, and not in any required front yard. (Amended 4/11/05)

C. Uses Permitted as Special Exceptions

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

1. Riding stable and kennels.
2. Marinas.
3. Travel trailer parks.
4. The surface and subsurface mining or quarrying of natural mineral resources and/or the storage of natural mineral resources.
5. Private schools, colleges, and libraries.
6. Governmental buildings and community centers.
7. Cemeteries.
8. Airports and private airstrips.
9. Wireless Communication towers.
10. Bed and Breakfast Operations.
11. Family and Group Day Care Homes.

12. Private Recreational Facilities, such as Golf Courses as regulated in Article IV, Section 4.200 or as defined in Article II, Section 2.020. (Amended 10/9/06)
13. Customary home occupation (Accessory-Agriculture or Major) as regulated in Article IV, Section 4.040. (Amended 1/9/06)

D. Uses Prohibited

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

E. Dimensional Regulations

All uses permitted in the FAR, Forestry, Agriculture, Residential District, shall comply with the following requirements, except as provided in Article VI.

1. **Minimum Lot Size**

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

2. **Minimum Yard Requirements**

| | |
|--------------------------------------|---------|
| Front Yard Setback (Arterial Roads) | 60 feet |
| Front Yard Setback (All Other Roads) | 35 feet |
| Side Yard Setback | 15 feet |
| Rear Yard Setback | 30 feet |

3. **Maximum Lot Coverage**

The area occupied by all structures, including accessory structures, shall not exceed fifteen (15) percent of the total area of any lot.

4. **Height Requirements**

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

5. **Parking Space Requirements**

As regulated in Article IV, Section 4.010.

6. **Landscaping**

The front yard, excluding necessary driveways, shall be landscaped and not used for the storage of tractor-trailer trailers (attached or not) for a period exceeding seventy-two (72) hours nor automobile storage.

7. **Accessory Structures**

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

5.052 R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT

A. **District Description**

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

B. **Uses Permitted**

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

1. Detached single-family dwellings, excluding single-wide mobile homes.
2. Group home for physically or mentally handicapped persons (minor)
3. Customary home occupation (minor only) as regulated in Article IV, Section 4.040.
4. Forestry and Agricultural uses, on parcels of five (5.0) acres or greater, as defined in Article II, Section 2.020.
5. Churches and Other Places of Religious Assembly. (Amended 10/9/06)
6. Utility facilities necessary for the provision of public services. (Amended 10/8/07)

C. Uses Permitted as Special Exception

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

1. Educational institutions.
2. Public recreation facilities.
3. Wireless Communication Towers. (Amended 10/8/07)
4. Cemeteries.
5. Governmental office buildings and community centers.
6. Day Care Home.

D. Uses Prohibited

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

(Amended 4/11/05)

E. Dimensional Regulations

All uses permitted in the R-1, Single-Family Residential District, shall comply with the following requirements, except as provided in Article VI.

1. **Minimum Lot Size**

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

2. **Minimum Yard Requirements**

| | |
|--------------------------------------|---------|
| Front Yard Setback (Arterial Roads) | 50 feet |
| Front Yard Setback (All Other Roads) | 35 feet |
| Side Yard Setback | 15 feet |
| Rear Yard Setback | 30 feet |

3. **Maximum Lot Coverage**

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

4. Height Requirements

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

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Landscaping

The front yard, excluding necessary driveways, shall be landscaped and not used for the storage of tractor-trailer trailers (attached or not) for a period exceeding seventy-two (72) hours nor automobile storage.

7. Accessory Structures

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

5.053 R-2, MULTI-FAMILY RESIDENTIAL DISTRICT

A. District Description

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

B. Uses Permitted

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

1. Detached Single Family Dwelling, excluding single-wide mobile homes
2. Duplex Dwelling (Site Plan Approval Required, See Article III, Section 3.120)

3. Apartment Dwelling (Site Plan Approval Required, See Article III, Section 3.120)
4. Group Home for physically or mentally handicapped persons.
5. Customary Home Occupation (minor only) as regulated in Article IV, Section 4.040.
6. Churches and Other Places of Religious Assembly. (Amended 10/9/06)
7. Utility facilities necessary for the provision of public services. (Amended 10/8/07)
8. Condominiums (Site Plan Approval Required, Stormwater Analysis Required and any other provisions required by Title 66, Chapter 27 Tennessee Code). (Amended 2/9/09)

C. Uses Permitted as Special Exceptions

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

1. Education Institutions
2. Public recreation facilities
3. Wireless Communication Towers (Amended 10/8/07)
4. Cemeteries
5. Governmental office buildings and community centers

D. Uses Prohibited

In the R-2, Multi-Family Residential District, all uses except those uses or their accessory uses specifically permitted or upon approval as a special exception by the Board are prohibited including inoperable motor vehicles. (Amended 4/11/05)

E. Dimensional Regulations

All uses permitted in the R-2, Multi-Family Residential District, shall comply with the following requirements, except as provided in Article VI.

1. **Minimum Lot Size**

Minimum Area per Dwelling Unit **See Chart Next Page
 Minimum Lot Width at Building Setback Line 100 feet

2. **Minimum Yard Requirements**

| | |
|--------------------------------------|---------|
| Front Yard Setback (Arterial Roads) | 50 feet |
| Front Yard Setback (All Other Roads) | 35 feet |
| Side Yard Setback | 15 feet |
| Rear Yard Setback | 30 feet |

3. **Maximum Lot Coverage**

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

4. **Height Requirements**

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

5. **Parking Space Requirements**

As regulated in Article IV, Section 4.010.

6. **Landscaping**

The front yard, excluding necessary driveways, shall be landscaped and not used for the storage of tractor-trailer trailers (attached or not) for a period exceeding seventy-two (72) hours nor automobile storage.

7. **Accessory Structures**

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

** The following area requirements shall apply:

| <u>Number of Dwelling Units</u> | <u>With Public Water & Sanitary Sewers</u> | <u>With Public Water, but Without Public Wastewater*</u> |
|--|--|--|
| 1 | 15,000 Sq. Ft. | 20,000 Sq. Ft. |
| 2 | 20,000 Sq. Ft. | 30,000 Sq. Ft. |
| 3 | 22,000 Sq. Ft. | 40,000 Sq. Ft. |
| 4 | 25,000 Sq. Ft. | 50,000 Sq. Ft. |
| More Than 4 Units | 25,000 Sq. Ft., Plus 5,000 Sq. Ft. For Each Unit Over 4. | Not Permitted, Unless On-Site Treatment Units (i.e., Package Plants) Are Used, 50,000 Sq. Ft., Plus 5,000 Sq. Ft., for Each Unit Over 4. |

NOTES:

*The Board of Zoning Appeals may increase the lot size requirement if a soils analysis of percolation tests as required by the Tipton County Environmentalist indicate a potential problem with subsurface sewage disposal.

*Dwelling units not served by public water nor sanitary sewers are subject to the approval by the Tipton County Environmentalist.

5.054 R-3, RESIDENTIAL MOBILE-HOME DISTRICT

A. District Description

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

B. Uses Permitted

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

1. Detached Single-Family Dwellings
2. Mobile Home Parks Subject to the Provisions of Article IV, Section 4.090.
3. Customary Home Occupations (minor only) as Regulated in Article IV, Section 4.040. (Amended 1/9/06)
4. Churches and Other Places of Religious Assembly. (Amended 10/9/06)
5. Utility facilities necessary for the provision of public services. (Amended 10/8/07)

C. Uses Permitted as Special Exceptions

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

1. Educational Institutions
2. Public Recreational Facilities
3. Wireless Communication Towers (Amended 10/8/07)
4. Cemeteries
5. Governmental Office Buildings and Community Centers
6. Customary home occupation (Accessory-Agriculture or Major) as regulated in Article IV, Section 4.040. (Amended 1/9/06)

D. Uses Prohibited

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

(Amended 4/11/05)

E. Dimensional Regulations

All uses permitted in the R-3, Residential Mobile-Home District, shall comply with the following requirements, except as provided in Article VI.

1. **Minimum Lot Size**

Minimum Area per Dwelling Unit (with public sewer) 10,000 Sq. Ft.

Minimum Area per Dwelling Unit (without public sewer) 1 Acre

Minimum Lot Width at Building Setback Line 80 feet

Mobile Home Parks 10 Acres

2. **Minimum Yard Requirements**

Front Yard Setback (Arterial Roads) 50 feet

Front Yard Setback (All Other Roads) 35 feet

Side Yard Setback 15 feet

Rear Yard Setback 30 feet

3. **Maximum Lot Coverage**

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

4. **Height Requirements**

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

5. **Parking Space Requirements**

As regulated in Article IV, Section 4.010.

6. **Landscaping**

The front yard, excluding necessary driveways, shall be landscaped and not used for the storage of tractor-trailer trailers (attached or not) for a period exceeding seventy-two (72) hours nor automobile storage.

7. **Accessory Structures**

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

5.055 C-1, RURAL COMMERCIAL DISTRICT

A. **District Description**

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

B. **Uses Permitted**

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

1. Agriculturally oriented commercial
2. Educational institutions
3. Utility facilities necessary for the provision of public services, including Wireless Communication Towers (Amended 10/8/07)
4. Churches and other places of religious assembly (Amended 10/9/06)
5. Governmental buildings and community centers
6. Medical facilities
7. Individual retail stores, professional and services offices such as real estate offices, beauty and barber shops.

8. Service stations, food marts and automobile repair establishments, subject to the provisions of Article IV, Section 4.060.
9. Customary home occupations as regulated in Article IV, Section 4.040.

C. **Uses Permitted as Special Exceptions**

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

1. Livestock sales centers and feed lots necessary for their operation.
2. Travel trailer parks.
3. Kennels or animal hospitals.
4. Light / small scale manufacturing uses not specifically listed.
5. Cemeteries.
6. Day Care Centers

D. **Uses Prohibited**

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

E. **Dimensional Regulations**

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

1. **Minimum Lot Size**

Minimum Lot Width at Building Setback Line 100 feet

- a. **Commercial** - No lot or parcel of land shall be reduced in size to produce separate lots, for commercial uses, of less than twenty thousand (20,000) square feet where public water is available. Where no public water is available commercial lots shall be a minimum of one (1) acre in area and the proposed sewage disposal system must be approved by the Tipton County Environmentalist.

- b. **Manufacturing** - No lot or parcel of land shall be reduced in size to provide separate lots for manufacturing uses of less than five (5) acres in area where public water is available and where the method of sewage disposal has been approved by the Tipton County Environmentalist. Where no public water is available, manufacturing uses shall not be permitted in the C-1, Rural Commercial District.

Minimum Yard Requirements

| | |
|--------------------------------------|-----------|
| Front Yard Setback (Arterial Roads) | 50 feet |
| Front Yard Setback (All Other Roads) | 30 feet |
| Side Yard Setback | 5 feet* |
| Rear Yard Setback | 5 feet**. |

*Except where a side yard abuts a residential district, in which case the side yard shall not be less than twenty (20) feet.

**Except where a rear yard abuts a residential district or where a building is to be serviced from the rear, in either case the rear yard shall not be less than thirty (30) feet.

2. **Maximum Lot Coverage**

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

3. **Height Requirement**

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

4. **Parking Space Requirements**

As regulated in Article IV, Section 4.010.

6. **Landscaping And Buffering**

The front yard, excluding necessary driveways, shall be landscaped and not used for automobile storage, as regulated in Article III, Section 3.110.

7. **Accessory Structures**

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

8. **Loading and Unloading Requirements**

As regulated in Article IV, Section 4.020.

5.056 C-2, LIGHT COMMERCIAL DISTRICT

A. **District Description**

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

B. **Uses Permitted**

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

1. Uses permitted in the C-1 District
2. **Retail Trade**
 - a. Building materials, hardware, and farm equipment
 - b. General merchandise
 - c. Food
 - d. Automotive, marine craft, aircraft, and accessories
 - e. Apparel and accessories
 - f. Furniture, home furnishings and equipment
 - g. Restaurants without alcohol
 - h. Drug, antiques, books, sporting goods, garden supplies, jewelry, fuel and ice

3. Churches and mortuaries
4. Professional and business services, such as architects, engineers, accountants and the like
5. Gasoline service stations subject to the provisions of Article IV, Section 4.060
6. Commercial recreation uses
7. Signs and billboards as regulated in Article IV, Section 4.070
8. Finance, insurance and real estate services
9. Personal services, such as dry cleaning and laundromats
10. Repair services
11. Contract construction services
12. Governmental services
13. Educational services
14. Transportation, communication and utility services except airports and solid or liquid waste disposal
15. Shopping centers
16. Medical Facilities
17. Flea Markets (Open Air Markets) (Amended 8/16/04)

C. **Uses Permitted As Special Exceptions**

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

1. Any business or service which, in the opinion of the Board of Zoning Appeals, is of the same general character as the above permitted uses, and subject to such conditions and safeguards as the Board may specify to preserve the character of the district.
2. Travel trailer parks and overnight campgrounds.
3. Mini-storage facilities.
4. Restaurants including alcohol.

D. **Uses Prohibited**

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

E. **Dimensional Regulations**

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

1. **Minimum Lot Size**

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

2. **Minimum Yard Requirements**

| | |
|--------------------------------------|----------|
| Front Yard Setback (Arterial Roads) | 50 feet |
| Front Yard Setback (All Other Roads) | 30 feet |
| Side Yard Setback | 5 feet* |
| Rear Yard Setback | 5 feet** |

*Except where a side yard abuts a residential district, in which case the side yard shall not be less than twenty (20) feet.

**Except where a rear yard abuts a residential district or where a building is to be serviced from the rear, in either case the rear yard shall not be less than thirty (30) feet.

3. **Maximum Lot Coverage**

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

4. **Height Requirement**

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

5. **Parking Space Requirements**

As regulated in Article IV, Section 4.010.

6. **Landscaping And Buffering**

The front yard, excluding necessary driveways, shall be landscaped and not used for automobile storage, as regulated in Article III, Section 3.110.

7. **Accessory Structures**

a. With the exception of signs, accessory structures shall not be erected in any required front yard.

- b. Accessory structures shall be located at least five (5) feet from any side and/or rear lot line, and from any other building on the same lot.

8. **Loading and Unloading Requirements**

As regulated in Article IV, Section 4.020.

5.057 C-3, HIGHWAY COMMERCIAL DISTRICT

A. **District Description**

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

B. **Uses Permitted**

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

1. Uses Permitted in the C-1 and C-2 Districts
2. Restaurants, Night Clubs including alcohol, except adult-oriented establishments.
3. Commercial Entertainment Facilities open to the public, except adult oriented establishments.
4. Medical Facilities
5. Hotels, motels and tourist courts
6. **Wholesale Trade**
 - a. Motor vehicles and automotive equipment
 - b. Drugs, chemicals and allied products
 - c. Dry goods and apparel
 - d. Groceries and related products
 - e. Farm products

- f. Electrical goods
- g. Hardware, plumbing, heating equipment and supplies
- h. Machinery, equipment, and supplies
- i. Mini-storage facilities

C. Uses Permitted As Special Exceptions

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

- 1. Any business or service that in the opinion of the Board of Zoning Appeals, is of the same general character as the above permitted uses, and subject to such conditions and safeguards as the Board may specify to preserve the character of the district.
- 2. Travel trailer parks and overnight campgrounds.

D. Uses Prohibited

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

E. Dimensional Regulations

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

1. Minimum Lot Size

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

2. Minimum Yard Requirements

| | |
|--------------------------------------|-----------|
| Front Yard Setback (Arterial Roads) | 50 feet |
| Front Yard Setback (All Other Roads) | 30 feet |
| Side Yard Setback | 5 feet* |
| Rear Yard Setback | 5 feet**. |

*Except where a side yard abuts a residential district, in which case the side yard shall not be less than twenty (20) feet.

**Except where a rear yard abuts a residential district or where a building is to be serviced from the rear, in either case the rear yard shall not be less than thirty (30) feet.

3. **Maximum Lot Coverage**

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

4. **Height Requirement**

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

5. **Parking Space Requirements**

As regulated in Article IV, Section 4.010.

6. **Landscaping And Buffering**

The front yard, excluding necessary driveways, shall be landscaped and not used for automobile storage, as regulated in Article III, Section 3.110.

7. **Accessory Structures**

a. With the exception of signs, accessory structures shall not be erected in any required front yard.

b. Accessory structures shall be located at least five (5) feet from any side and/or rear lot line, and from any other building on the same lot.

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

5.058 I-1, LIGHT INDUSTRIAL DISTRICT

A. **District Description**

This district is intended to allow a restricted range of low-impact industrial uses, as well as certain wholesale and retail trade and services, in areas suitable for such development. It provides small towns and rural areas with the opportunity to expand and grow through thoughtful planning without placing an undue burden on the surrounding area. These regulations are designed with consideration given to potential future growth through availability or reasonable ease of access to public water capable of providing fire protection and the presence of a paved County road; with a view of encouraging restricted growth in rural areas while maintaining an environment safe from public nuisance or harmful exposure; and with a view of promoting growth while retaining the rural characteristics of each district.

B. Uses Permitted

Within the Light Industrial (I-1) districts, the following uses are permitted, subject to review and approval of the site plan by the Planning Commission. The site plan must conform with Article III, Section 3.120 of this Resolution:

1. Wholesale Trade limited to:
 - a. Motor vehicles and automotive equipment - wholesale, except auto junk yards.
 - b. Drugs, chemicals and allied products - wholesale.
 - c. Dry goods and apparel - wholesale.
 - d. Groceries and related products - wholesale.
 - e. Electrical goods - wholesale.
 - f. Machinery, equipment and supplies - wholesale.
 - g. Other wholesale trade, NEC* limited to:
 - i. Tobacco and tobacco products - wholesale.
 - ii. Beer, wine, and distilled alcoholic beverages - wholesale.
 - iii. Paper and paper products - wholesale.
 - iv. Furniture and home furnishings - wholesale.
 - v. Lumber and construction materials - wholesale.
 - vi. Other wholesale trade, NEC.*
2. Retail Trade limited to:
 - a. Building materials, hardware and farm equipment limited to:
 - i. Lumber and building materials, retail
 - ii. Hardware and farm equipment, retail.

3. Business Services - limited to:
 - a. Dwelling and Other Building Services
 - b. Warehousing and storage services - limited to:
 - i. Household Goods Warehousing and Storage
 - c. Other business services - limited to:
 - i. Research, development and testing
 - ii. Equipment rental and leasing services
 - iii. Automobile and truck rental services
3. Contract, construction services
5. Commercial Feed Lots (As defined in Article II)
6. Off Road, ATV Tracks or Trails
7. Governmental and Public Institutional Uses, except for solid waste disposal
8. Philanthropic Uses
9. Agricultural Related Activities, except for:
 - i. cotton ginning and processing
10. Manufacturing limited to:
 - a. Apparel and other finished products made from fabrics, leather and similar materials - manufacturing, except for:
 - i. leather tanning and finishing
 - ii. Fur goods
 - b. Lumber and Wood Products (except furniture) - manufacturing, limited to:
 - i. wooden containers - manufacturing
 - c. Furniture and fixtures - manufacturing
 - d. Printing, publishing and allied industries

11. Railroad, rapid rail transit and road railway transportation.
12. Motor Vehicle Transportation
13. Aircraft transportation
14. Marine craft transportation
15. Highway and road right-of-way
16. Automobile parking
17. Wireless Communication Towers (Amended 10/8/07)
18. Other transportation, communication and utilities, NEC*
19. Signs, as permitted in Article IV, Section 4.070.
20. Airports
21. Accessory uses and structures customarily incidental to any permitted use.
22. Mobile and/or Manufactured Home Sales (Amended 8/16/04)
23. Flea Markets (Open Air Markets) (Amended 8/16/04)

*NEC = Not Elsewhere Coded

C. Uses Permitted as Special Exceptions

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

1. Industrial uses which use moving water, such as rivers, as a primary source for production, including non-governmental electric power generating facilities.

D. Uses Prohibited

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

E. Dimensional Regulations

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

1. Minimum Lot Size

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

2. Minimum Yard Requirements

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

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

3. Maximum Lot Coverage

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

4. Height Requirement

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

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Loading and Unloading Requirements

As regulated in Article IV, Section 4.020.

7. Accessory Structures

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

8. Landscaping and Buffering

As regulated in Article III, Section 3.110.

5.059 I-2, Restricted Industrial District

A. District Description

This District shall be utilized to place industrial uses, including those understood to be of a hazardous or obnoxious nature, which are deemed necessary or desirable for the economic development of Tipton County. Areas zoned I-2 will not conflict with existing or planned residential or commercial areas, and grouping of like uses together is encouraged. Access, such as the presence of at least an arterial-class road, and utilities, including public water capable of providing fire protection and public sewer, if available, that are adequate to support the permitted uses are important considerations in establishing I-2 districts. Because of the nature and intent of this district, these regulations shall limit the permitted use categories.

B. Uses Permitted

Within the Restricted Industrial (I-2) Districts, the following uses are permitted, subject to review and approval of the site plan by the Planning Commission. The site plan must conform with Article III, Section 3.120 of this Resolution:

1. Uses Permitted in the I-1 District
2. Wholesale Trade

3. Retail Trade limited to:
 - a. Building materials, hardware and farm equipment:
 - b. Other retail trade, limited to:
 - i. Farm and garden supplies;
 - ii. Beer, wine, and distilled alcoholic beverages.

4. Manufacturing - limited to:
 - a. Food and Kindred products - manufacturing, except for meat products - manufacturing
 - b. Lumber and wood products (except furniture)
 - c. Printing, publishing and allied industries - manufacturing
 - d. Paper and allied products - manufacturing, limited to:
 - i. converted paper/paperboard products - manufacturing
 - ii. paperboard containers and boxes - manufacturing
 - iii. building paper and building board - manufacturingexcept for:
 - i. pulp - manufacturing
 - e. Chemicals and allied products - manufacturing, limited to:
 - i. plastics materials and synthetic resins, synthetic rubber, synthetic and other manmade fibers (except glass) - manufacturing
 - ii. drug - manufacturing
 - f. Rubber and miscellaneous plastic products - manufacturing, limited to:
 - i. miscellaneous plastic products - manufacturing
 - g. Stone, clay and glass products, manufacturing
 - h. Primary metal industries - manufacturing
 - i. Fabricated metal products - manufacturing, except for:
 - i. ordinance and accessories

j. Professional, scientific and controlling instruments; photographic and optical goods; watches and clocks - manufacturing

k. Miscellaneous manufacturing, except for:

i. fur dressing and dyeing

5. Utilities limited to:

a. Electric utilities

b. Gas Utilities, limited to:

i. Gas pipeline right-of-way

ii. Gas pressure control stations

c. Water utilities and irrigation

d. Other transportation, communication and utilities, NEC*

6. Accessory uses and structures customarily incidental to any permitted use.

C. Uses Permitted as Special Exceptions

Following review and approval of the site plan by the Planning Commission, the Board of Appeals may approve the following uses after a public hearing is held. The site plan must conform with Article III, Section 3.120 of this Resolution.

1. Lots or yards for salvage operations as defined in Article II, and subject to the provisions of Article IV, Section 4.100.

2. Utilities limited to:

a. Gas utility uses limited to:

i. Natural or manufactured gas storage and distribution points.

ii. Other gas utilities, NEC*.

b. Sewerage disposal uses

c. Solid Waste disposal, treatment or storage

d. Hazardous Waste disposal, treatment or storage

e. Sanitary landfills, commercial or public as regulated in Article IV, Section 4.130

- 3. Manufacturing, limited to:
 - a. Food and Kindred products - manufacturing limited to: meat products - manufacturing
- 4. Commercial feed lots (As defined in Article II).
- 5. Agricultural processing, limited to:
 - i. cotton ginning and processing
- 6. Adult Oriented Businesses
- 7. Non-Governmental electric power generating facilities
- 8. Accessory uses and structures customarily incidental to the above permitted use.

*NEC = Not Elsewhere Coded

D. Uses Prohibited

In the I-2, Restricted Industrial District, all uses, except those to their accessory uses specifically permitted or permitted upon appeal as a special exception by the Board are prohibited.

E. Dimensional Regulations

All uses in the I-2, Restricted Industrial District, shall comply with the following requirements, except as provided in Article VI.

1. Minimum Lot Size

| | |
|--|----------|
| Minimum Lot Area | 1 Acre |
| Minimum Lot Area for Salvage Yards | 25 Acres |
| Minimum Lot Width at Building Setback Line | 150 Feet |

2. Minimum Yard Requirements

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

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

3. Maximum Lot Coverage

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

4. Height Requirements

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

5. Parking Space Requirements

As regulated in Article IV, Section 4.010.

6. Loading and Unloading Requirements

As regulated in Article IV, Section 4.020.

7. Accessory Structures

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

8. Landscaping And Buffering

As regulated in Article III, Section 3.110.

5.060 A-1, Airport Overlay District

A. District Description

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

B. Zones

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

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

4. Horizontal Zone - is established, being the area defined by: two semi-circles, each having a radius point located 200 feet beyond the runway ends and on the runway centerline extended, the radius of each semi-circles. The horizontal zone does not include the non-precision instrument approach zones and the transition zones.
5. Conical Zone - is established as the area that commences at the periphery of the horizontal zone and extends outward a distance of 4,000 feet, one (1) foot vertically for each twenty (20) feet horizontally. The conical zone does not include the non-instrument approach zones and transition zones.

C. Height Limitations

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

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

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

D. Use Restrictions

Notwithstanding any other provision of this resolution, no use may be made of land within any airport approach surface zone, horizontal surface zone or transitional surface zone, in such a manner as to create electrical interference with radio communication between the airport and the aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport, or otherwise endanger the landing, taking off or maneuvering of aircraft. Except as otherwise provided in this section, it shall be unlawful to put land located within an airport approach zone, horizontal surface zone, conical surface zone or transitional surface zone to any use hereby forbidden in such zone.

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

E. Non-Conforming Uses

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

F. Variances

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

G. Permits

1. Future Uses - No material change shall be made in the use of land, and no structure or tree shall be erected, altered, planted to otherwise established, in any airport approach surface zone, horizontal surface zone, conical surface zone or transitional surface zone, unless a permit has been applied for and granted. Each application shall indicate the purpose for which the permit is desired, with sufficient information to determine whether the resulting use, structure or tree would conform to the prescribed regulations.
2. Existing Uses - Before any existing use, structure or tree may be placed, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted within any airport approach surface zone, horizontal surface zone, conical surface zone or transitional surface zone, a permit must be secured authorizing such replacement, change or repair. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a non-conforming use, structure or tree to be made or become higher or a greater hazard to air navigation, than t is when the application for a permit is made. Except as indicated, all applications for a permit for replacement, change or repair of an existing use, structure or tree shall be granted.

H. Hazard Marking and Lighting

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

I. Appeals

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

J. Enforcement

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

K. Amendments

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

5.070 DEVELOPMENT STANDARDS FOR PLANNED RESIDENTIAL DEVELOPMENTS

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

B. Procedure for Approval

1. Initial Sketch and Consultation

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

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

2. Plat Approval Procedure

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

C. Development Requirements

1. Maximum Density

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

2. Minimum Lot Size, Width or Yard Requirements

None.

3. Structural Location Requirements

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

| | |
|---|---------------|
| Arterial Road | 50 ft. |
| Collector Road | 35 ft. |
| Minor Road | 35 ft. |
| Minimum Spacing Between Structures | 20 ft. |

4. Utilities

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

D. Specific Standards And Criteria For Planned Residential Developments

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

1. Design and Preservation of Common Open Space

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

- a. Common open space must be usable for recreational purposes or must provide visual, aesthetic and environmental amenities. The uses authorized for the common open space must be appropriate to the scale and character of the planned residential development, considering its size, density, expected population, topography, and the number and type of dwellings to be provided.
- b. Common open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements to be located in the common open space must be appropriate to the uses that are authorized, and must conserve and enhance the amenities of the common open space having regard to its topography and the intended function of the common open space.
- c. The development phasing sequence which is part of the outline plan must coordinate the improvement of the common open space, the construction of the building, structures and improvements in the common open space, the construction of public improvements and the construction of residential dwellings in a planned residential development, but in no event shall occupancy permits for any phase of the final development plan be issued unless and until the open space which is part of that phase has been dedicated or conveyed and improved.
- d. No common open space of a planned residential development shall be conveyed or dedicated by the developer or any other person to any public body, homeowners association or other responsible party unless the Tipton County Regional Planning Commission has determined that the character and quality of the tract to be conveyed makes it suitable for the purpose for which it is intended. The Planning Commission may give consideration to the size and character of the dwellings to be constructed within the planned residential development, the topography and existing trees, the ground cover, and other natural features, the manner in which the open space is to be improved and maintained for recreational or amenity purposes, and the existence of public parks or other public recreational facilities in the vicinity.

- e. All land shown on the outline plan as common open space must be either:
 - (1) Conveyed to a public body, if said public body agrees to accept conveyance and to maintain the common open space and any buildings, structures or improvements which have been placed on it; or
 - (2) Conveyed to a homeowners association or some party responsible for maintaining common buildings, areas and land within the planned residential development. The common open space must be conveyed subject to covenants. The Planning Commission shall approve only those provisions of the covenants which restrict the common open space to the uses specified on the outline plan and which provide for the maintenance of the common open space in a manner which assures its maintenance for its intended purpose.

2. Accessibility of Site

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

3. Off-road Parking

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

4. Pedestrian Circulation

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

5. Privacy

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

E. Legal Requirements for Operation and Maintenance

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

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