

**ZONING RESOLUTION**  
**FRANKLIN COUNTY, TENNESSEE**

APRIL, 1974

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A RESOLUTION, IN PURSUANCE OF THE AUTHORITY GRANTED BY SECTIONS 13-401 THROUGH 13-416, TENNESSEE CODE ANNOTATED, TO PROVIDE FOR THE ESTABLISHMENTS OF DISTRICTS WITHIN FRANKLIN COUNTY, TENNESSEE: TO REGULATE WITHIN SUCH DISTRICTS THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT OCCUPANCY, THE SIZE OF OPEN SPACES, THE DENSITY OF POPULATION, AND THE USES OF LAND, BUILDINGS, AND OTHER STRUCTURES: TO PROVIDE METHODS OF ADMINISTRATION OF THIS RESOLUTION AND TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF.

BE IT ENACTED BY THE QUARTERLY COURT OF FRANKLIN COUNTY, TENNESSEE, AS FOLLOWS:

## ARTICLE I

### TITLE

This resolution shall be known as the "Zoning Resolution of Franklin County, Tennessee," dated April, 1974. The map herein referred to as the "Zoning Map of Franklin County, Tennessee," dated April, 1974, and all explanatory matter thereon is hereby adopted and made a part of this ordinance.

## ARTICLE II

### PURPOSE

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of Franklin County, including among other things, lessening congestion on the roads or reducing the wastes of excessive amounts of roads; securing safety from fire and other dangers; promoting, adequate light and air, including protecting and encouraging access to sunlight for solar energy systems; preventing, on one hand, excessive concentrations of population and, on the other hand excessive and wasteful scattering of population or settlement; promoting such distribution of land development and utilization as will tend to facilitate and conserve adequate provisions for transportation, water flowage, water and supply, drainage, sanitation, educational opportunity, recreation, soil conservation and fertility, food supply and the protection of both urban and non urban development, property and building values. To protect the environment in order to insure the future quality of the air, the water and the land.

## ARTICLE III

### DEFINITION OF TERMS

Unless otherwise stated, the following words shall, for the purpose of this resolution, have the meanings indicated: The present tense includes the future; singular includes the plural, and the plural the singular; "shall" in all cases is mandatory.

Abuts or Abutting: Lots of land adjoining but separated by a common property line; also, those lots or lands which adjoin if property lines are extended to the center lines of roads.

Access Road: A road providing access to any site, structure, facility, feature, or land use area from any road.

Accessory Structure: A subordinate detached structure, the use of which is incidental to that of a principal structure on the same lot.

4-19-99 Act: The statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

Active Portion: That portion of a waste treatment, processing, storage, or disposal facility where treatment, processing, storage, or disposal operations are being or have been conducted and which has not completed the closure and post closure requirements of rules and regulations promulgated by the State of Tennessee.

Activity: The performance of a function or operation which constitutes the use of land.

Addition (To An Existing Building): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

10-16-00 Adult Bookstore: Means a business which offers as it's principal stock or trade, sexually oriented material, devices, or paraphernalia or specified sexual activities, or any combination or form thereof, whether printed, filmed, recorded or live and which restricts or purports to restrict admission to adults or to any class of adults.

10-16-00 Adult Cabaret: Means an establishment which features as a principal use of it's business, entertainers and/or waiters and/or bartenders who expose to public view of the patrons 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 buttocks, even if partially covered by opaque material or completely covered by translucent material; including swim suits, lingerie, or latex covering. "Adult cabaret" includes a commercial establishment which features entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainers.

- 10-16-00 Adult Entertainment: Means any exhibition of any adult oriented motion picture, live performance, display or dance of any type, which has as a significant or substantial portion of such performance, any actual or simulated performance of specified sexual activities of exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers.
- 10-16-00 Adult Mini-Motion Picture Theater: Means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined in this section, for observation by patrons therein.
- 10-16-00 Adult Motion Picture Theater: Means an enclosed building with a capacity of more persons regularly used for presenting material having as a dominant theme or presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined below, for observation by patrons therein.
- 10-16-00 Adult Oriented Establishment: Includes but not limited to, an adult bookstore, motion picture theater, adult mini-motion picture establishment, adult cabaret, escort agency, sexual encounter center, massage parlor, rap parlor, sauna, and further "adult-oriented establishment" means any premises to which the public patrons or members 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. "Adult-oriented establishment" further includes, without being limited to, any adult entertainment studio or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, model studio, escort service, escort or any other term of like import.

Agriculture: The use of a tract of land of not less than five acres for the growing of crops in the open, pasturage, horticulture or the raising of and keeping of livestock, dairying, apiaries, forestry and horse and pony farms and the raising of poultry as an accessory use, including the structures and buildings necessary for carrying out farming operations and the residence or residences, including not more than two mobile homes, for those owning or operating premises, a member of the immediate family thereof, or persons employed full-time thereon, and the family thereof.

Alley: Any public or private way less than thirty (30) feet in width set aside for public travel.

Apartment: A housing structure containing four (4) or more separate dwelling units.

4-19-99 Appeal: A request for a review of the Building Commissioner's interpretation of a provision of this Resolution or a request for a variance.

Arterial Road or System: A continuous highway or system of highways which connects cities and concurrently absorbs collector traffic.

Attached: An enclosure sharing a common wall, roof or floor.

Automobile Graveyard (Junk Yard): A yard, field or other area used as a space of storage for two (2) or more unserviceable, discarded, worn-out or junked motor vehicles. A motor vehicle is defined as any self propelled vehicle not operated exclusively on tract including motorcycles.

Automobile Storage Area: An off-road area reserved and suitable for automobile storage or parking, providing safe vehicular access to a public road or alley. See definition of Parking Area.

Basement: That portion of a building having its floor subgrade (below ground level) on all sides.

Bale Fill: A sanitary landfill utilized for the disposal of solid waste that has been baled.

Baling Facility: An area used for the baling of solid waste, which includes the building or buildings housing the baling equipment, offices, tipping area, loading area, drives, maneuvering areas, parking areas, and other activities associated with the baling process.

Baling: A method of mechanically compacting and restraining (binding) solid waste to achieve high density and reduce the waste to the smallest practical volume.

6-20-05 Bed and Breakfast Homestay: A home occupation that provides one (1) to three (3) rooms for occasional paying guests on an overnight basis for periods not to exceed fourteen (14) days with one (1) daily meal being available on the premises. A bed and breakfast homestay is allowable only in a building originally constructed as a single-family residential dwelling.

6-20-05 Bed and Breakfast Inn: An operator or owner occupied home that provides four (4) to twelve (12) rooms for paying guests on an overnight basis for periods not to exceed fourteen (14) days with one (1) daily meal being available on the premises. Bed and breakfast inns are subject to approval by the Tennessee Department of Health in addition to all local regulatory requirements.

4-19-99 Bluff: A change in elevation of not less than fifty (50) feet at a slope of not less the 40% (20' horizontal in 50' vertical).

Buffer Zone: The area surrounding the active portion of a land use area determined by horizontal measurement between existing structures or features and the nearest boundary of the active portion of a facility or land use operation.

1-22-08 Building: Any structure built for support or shelter or enclosure for any occupancy or storage, whether stationary or movable, except detached gazebos; portable storage outbuildings utilized for personal residential storage not on a permanent foundation; detached open-type carports made of metal and moveable and open on two or more sides; detached water well enclosures; detached underground emergency shelters.

Building, Elevated: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Bulky Waste: Large items of solid waste such as white goods, furniture, autos or large auto parts, trees, branches, stumps, and other oversized wastes whose large size precludes or complicates their handling, processing, baling, or disposal methods.

4-19-99 Campsite: A separate and dedicated pad or cleared or gravel area for the temporary use by campers, tents, truck mounted campers, tent-trailers or similar recreational uses; or a separate defined area with a permanent structure, such as a cabin, for the temporary recreational use.

4-19-99 Campground: A site or lot with campsites and other amenities related to recreational activities whether for profit or not for profit.

1-22-08 Carport: A roofed building or structure that is entirely open on two or more sides, except for structural supports and primarily used for vehicle or boat storage.

Center Line of Road: That line surveyed and monumented by appropriate governmental authority as the center of a road. If such line has not been surveyed, it shall be that line running midway between the outside curbs or ditches of such road.

6-20-05 Centralized Sanitary Sewer System: A sewage treatment and disposal system approved by the Tennessee Department of Environment and Conservation and operated and maintained by a Public Utility authorized to operate such systems. This includes all conduits, sewers, and all devices and appurtenances by means of which sewage and other waste is collected, pumped, treated, or disposed. This excludes individual Subsurface Sewage Disposal Systems.

10-15-01 Child: A person under seventeen (17) years of age.

10-15-01 Child Care: The wide variety of arrangements made by parents (or guardians) for the care outside of their home for children under seventeen (17) years of age, for less than 24-hour periods, without transfer of legal custody.

10-15-01 Child Care Center: Any place or facility operated by an entity or person which provides child care for thirteen (13) or more children. All required licensing regulations, as administered by the Tennessee Department of Human Services, must be met.

Circulation: The flow of traffic, goods, or people within and through an area.

Coal Surface Mining Operations:

- A. Activities conducted on the surface of lands in connection with a coal surface mine. Such activities include excavation for the purpose of obtaining coal, including such common methods as contour, strip, auger, mountaintop removal, box cut, open pit, and area mining, the uses of explosives and blasting, and loading of coal at or near the mine site; provided, however, that such activities do not include the extraction of coal incidental to the extraction of other minerals where coal does not exceed sixteen and two-thirds percent (16 2/3%) of the tonnage of minerals removed for purposes of commercial use or sale; and
- B. The area upon which such activities occur or where such activities disturb the natural land surface. Such areas also include any adjacent land, the use of which is incidental to any such activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities for haulage and excavations, workings, impoundments, dams ventilation shafts, entry ways, refuse banks, dumps, stockpiles, overburden piles, spoil banks, tailings, holes or depressions, repair areas, storage areas, processing areas, shipping areas, and other areas upon which are sited structures, facilities, or other property or materials on the surface, resulting from or incidental to such activities;

Collector Road: An urban road which collects traffic from minor roads and feeds it into the arterial system.

Commercial Wastes: All solid wastes, which are not special wastes, emanating from establishments engaged in business. This includes but is not limited to, solid wastes originating in stores, offices, markets, office buildings, restaurants, shopping centers, theaters and other commercial sources.

Commercial Waste Management Facility: Any waste management facility that treats, stores, or disposes of wastes not generated within Franklin County, or any waste management facility which is not a Franklin County and/or Franklin County municipality owned and/or operated facility in Franklin County.

Construction/Demolition Waste: Wastes, other than special wastes, resulting from construction, remodeling, repair and demolition of structures and road building. Such wastes include but are not limited to bricks, concrete and other masonry materials, soils, rock and lumber, road spoils, rebar, and paving materials.

- 1-22-08 Convenient Commercial: The retail sale of small convenience food products, drugs and other frequently needed small personal convenience items such as toiletries, tobacco, and magazines as well as the provision of personal convenience services which are typically needed frequently or recurrently, such as barber and beauty care and self service laundromats. The dispensing of petroleum products may be included as accessory to convenience food products retailing. This definition does not include:
1. The on premises consumption of alcoholic beverages.
  2. Entertainment activities such as dancing and music.

County and/or Municipal Owned and/or Operated Facility: Any facility that is owned and/or operated by Franklin County, or any municipality within Franklin County, to provide a service for the inhabitants of Franklin County and the municipalities within Franklin County.

- 10-16-00 County: As used in this part, means either a Class A county or a Class B county as classified in § 57-5-103(b). When county legislative body or county executive is used in this part, it means metropolitan council or metropolitan mayor when applicable to a Class B county.

Coverage: That portion of a lot which, when viewed directly from above, would be covered by a building or any part of a building.

Curb Line: The line formed by the edge of the defined pavement as it intersects with a protruding curb.

- 10-15-01 Day Care: Synonymous with definition of child care, above.

Detached: A building which is surrounded by yards or other open area on the same zone lot.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

Disposal: The discharging, depositing, injecting, releasing, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water.

Domestic Waste: Garbage, refuse and rubbish resulting from the normal housekeeping activities of a residential unit.

Dwelling: A house, mobile home, apartment building, boarding house, tourist home or other structure designed or used primarily for human habitation. For the purpose of this resolution the word "dwelling" shall not include a travel trailer, tent, hotel, motel, or tourist court.

- 9-21-09 Dwelling, Attached: A dwelling unit which is joined to another dwelling unit at one or more sides by sharing a common wall or roof.
- 9-21-09 Dwelling, Detached: A dwelling unit which is not attached or joined to another dwelling unit and is surrounded by yards or open area.

Dwelling Unit: That area in a dwelling structure designed and constructed for the occupancy of one family.

Emergency Shelter: A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fallout, air raids, storms, and other emergencies.

4-16-00 Escort Service: Means a person who, for a fee, commission, profit, payment or other monetary consideration, furnishes or offers to furnish escorts or provides or offers to introduce patrons to escorts;

- (A) "Service-oriented escort bureau" is an escort bureau which:
- (i) Maintains an open office at an established place of business;
  - (ii) Employs or provides only escorts which possess valid permits issued under this part;
  - (iii) Does not use an escort bureau runner; and
  - (iv) Does not advertise that sexual conduct will be provided to a patron.

- (B) "Sexually-oriented escort bureau" is an escort bureau which:
- (i) Does not maintain an open office;
  - (ii) Employs as an employee, agent, or independent contractor, uses an escort bureau runner;
  - (iii) Advertises that sexual conduct will be provided, or that escorts which provide such sexual conduct will be provided, referred, or introduced to a patron;
  - (iv) Solicits, offers to provide or does provide acts of sexual conduct to an escort patron;
  - (v) Employs, contracts with or provides or refers escorts who do not possess valid permits issued under this part;
  - (vi) Does not deliver contracts to every patron or customer; or
  - (vii) Employs, contracts with a sexually-oriented escort or refers or provides to a patron, a sexually-oriented escort.

4-19-99 Existing Construction: Any structure for which the "start of construction" commenced before the effective date of this Resolution.

4-19-99 Existing Structures: See Existing Construction.

Facility: All contiguous land and structures, such other appurtenances and improvements on the land, used for the purpose for which the facility has been approved. A facility may consist of several units.

Family: One or more persons living as a single housekeeping unit.

10-15-01 Family Day Care Home: A home occupation (in an occupied residence) operated by a person for the purpose of receiving therein a minimum of five and a maximum of seven children under seventeen (17) years of age, who are not related (see definition below) to such person and whose parent(s) or guardian(s) are not residents in the same house, for less than 24-hours per day for care, without transfer of legal custody. All required licensing regulations, as administered by the Tennessee Department of Human Services, must be met.

Farming (limited): The cultivation and fertilization of the soil as well as caring for and harvesting the crops.

Flashing Sign: A directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times in use.

Floor: The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor Area Ratio (FAR): The floor area in square feet of all buildings on a lot, divided by the area of such lot in square feet.

1-22-08 Front Yard: The yard extending across the entire width of a lot between the right-of-way line of a public road, or proposed right-of-way for future development shown on an approved and recorded subdivision plat and the nearest part of a principal structure, either existing or proposed. In the case of a corner lot, the regional building commissioner shall identify the front yard(s) for the purpose of compliance with this resolution.

1-22-08 Garage: A structure utilized by the private residential use of the owner or occupant of the lot for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

1-22-08 Gazebo: A detached roofed building or structure, less than 200 square feet in area, that is entirely open on all sides, except for structural supports and primarily used for affording shade and rest.

Ground sign or Billboard: Any sign not attached to any part of any building and which is supported by uprights or braces, placed upon the ground.

10-15-01 Group Day Care Home: Any facility operated by a person, social agency, corporation or institution, or any other group which receives a minimum of eight and a

maximum of twelve (12) children (and up to three additional school-age children who will only be present before and after school, on school holidays, on school snowdays, and during school summer vacation) for less than 24-hours per day for care, without transfer of legal custody. Before a group day care home opens, fire safety and environmental inspectors must approve the facility. All required licensing regulations, as administered by the Tennessee Department of Human Services, must be met.

Group Housing Development: Two (2) or more dwellings located on the same tract in one ownership and constructed as a planned development.

Half-Story: A story under a sloping roof, the finished floor area of which does not exceed one-half of the floor area of the floor immediately below it; or a basement used for human occupancy if the floor area of the part of the basement thus used does not exceed fifty (50) percent of the floor area immediately above.

Height of Building: The distance from the established average sidewalk grade or road grade, or finished grade at the building line, whichever is the highest, to the highest point of a building.

Hazardous Waste: Any wastes defined as hazardous in Tennessee Department of Health and Environment Rule 1200-1-11-.02(1)(1), et. seq.

Home Occupation: An incidental occupation customarily carried on in the residence, utilizing no more than twenty-five (25) percent of the usable floor area of all buildings; provided, (1) no article or service be sold or offered for sale on the premise other than that produced by such occupation, and (2) such occupation shall not require the alteration of buildings, new construction, or equipment and machinery not customarily used in residential areas.

Infectious Waste: Solid wastes which contain or reasonably may contain pathogens with sufficient virulence and quality so that exposure to the waste by a susceptible host could result in an infectious disease. See Tennessee Department of Health and Environment Rule 1200-1-07(2).

Landfill: A facility where wastes are disposed of by burial in excavated pits or trenches or by placement on land and covering with soil or other suitable material.

Landscape Treatment: The use of both natural and artificial materials to enhance the physical appearance of a site, to improve its environmental setting, or to screen all or part of one land use from another.

Loading and Unloading Space: An area for the loading and unloading of trucks or other vehicles at least fifty (50) feet in depth, twelve (12) feet in width, (with an overhead clearance of not less than fourteen (14) feet), exclusive of access, platform, or maneuvering area.

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

Lot Lines: The boundaries dividing a given lot from the road, an alley, or adjacent lots.

Lot of Record: A lot whose existence, location, boundaries, and dimensions have been legally recorded in a deed or plat and filed as legal record.

Maneuvering Areas: Driving and turning lanes in the parking area for access to the parking spaces.

10-16-00 Massage Parlor: Means an establishment or place primarily in the business of providing massage or tanning services where one (1) or more of the employees exposes to public view of the patrons 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 buttocks, even if partially covered by opaque material or completely covered by translucent material.

Mining: The extraction of metallic and non-metallic minerals from the earth and includes the land, buildings and machinery associated with the activity of mining.

6-20-05 Mixed Use: Commercial, educational, medical, and residential uses (in any combination) on any one lot or in any one structure as regulated in the Zoning Resolution.

Mobile Home or House Trailer: A detached residential dwelling designed for transient use when utilized with a motor vehicle, and considered as a dwelling with sanitary and utility connections. This definition does not include modular, prefabricated units transported to the dwelling site.

Mobile Home Park: A place or tract of land upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes are located on a single lot or tract of land not subdivided.

4-19-99 Multi-family dwelling: A residential housing unit designed and constructed for the occupancy of two or more families.

New Construction: Structures for which the "start of construction" commenced on or after the effective date of this resolution.

Nonconforming Use: The use of a structure or of land that does not conform with the provisions of this resolution for the district in which it is located.

Off-Site Sign: A sign which directs attention to a business commodity or service to be, or being conducted, sold, rented, leased, or otherwise offered for disposition elsewhere than on the premise.

On-Site Sign: Any sign other than an off-site sign.

Opening for Ingress and Egress: Designated points in a parking area for the orderly entrance and exit from the parking area from or onto a public road.

Parking Area: An amount of land at least three hundred (300) square feet in area, to provide parking and driveway space adequate to accommodate one automobile in a parking area.

Parking Space: One vehicular parking space at least two hundred and forty (240) square feet in area and, at least ten (10) feet in width.

4-19-99 Person: Any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

Point of Access: On a public road, a driveway cut not exceeding twenty-five (25) feet in width, except as otherwise provided in this resolution.

Portable Electric Sign: An illuminated sign which directs attention to a business, commodity or service and is mounted on wheels or frame for moving from location to location.

Principal Activity: An activity which fulfills a primary function of an establishment, institution, household, or other entity.

Principal Building: A building which contains the principal activity or use located on a zone lot on which it is situated.

4-19-99 Principal Structure: A structure in which is conducted, or in which is intended to be conducted, the primary or main use of the lot on which it is situated. In any residential district any dwelling shall be deemed the principal structure on the lot on which the same is situated. Carports and garages if permanently attached to the principal structure shall be deemed a part of the principal structure. Awnings, covered porches, covered patios, or similar attachments shall be deemed a part of the principal structure with regard to meeting any yard requirement.

6-18-07 Private Road Subdivision: Any platted, approved, and recorded subdivision, as defined in the Franklin County Subdivision Regulations and Tennessee Code Annotated with private roads; and with all lots within the subdivision being five (5) acres or greater in area; and has on the plat the words "Private Road Subdivision."

Projecting Sign: Any sign extending over the public sidewalk or into the road right-of-way.

Public Utilities: A mutual company or a political subdivision or municipal corporation of the State of Tennessee, or its lessors or operating agents, engaged in the ownership, control, operation or management of any plant, equipment or property for the provisions of providing electricity, water, sanitary sewer, gas, oil, and telephone service.

Quarry: Any pit or excavation made for the purpose of searching for or removal of any soil, earth, clay, marl, sand, gravel, limestone, marble or other such non-metallic mineral.

10-16-00 Rap Parlor: Means an establishment or place primarily in the business of providing nonprofessional conversation or similar service for adults.

1-22-08 Rear Yard: The yard extending across the entire width of a lot between the rear lot line and the nearest part of a principal structure, either existing or proposed. In the case of a corner lot or an irregularly shaped lot, the Building Commissioner shall identify the rear yard for the purpose of compliance with this resolution.

Recreational Use: A public or privately owned facility designed and intended for leisure time pursuits such as picnicking, boating, swimming, hiking and open space utilized for organized games. This does not include commercial facilities such as movie theaters or auditoriums.

Recreational Vehicle: A vehicle which is:

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

Registration: A process by which a facility is granted a permit to operate under conditions set forth in the application for the permit. The use of the words "registration" and "permit" are synonymous and may be used interchangeably.

10-15-01 Related: As pertaining to Day Care provisions, any children under age nine of the following relationships by marriage, blood, or adoption: children, step-children, grandchildren, siblings, step-siblings, nieces, and nephews of the primary caregiver.

1-22-08 Residential Subdivision: A subdivision in which any buildable lot is less than five acres.

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

Road: Any public or private way set aside for public travel which is thirty (30) feet or more in width. The word "road" shall include the words "road," "highway," and "thoroughfare."

Roof Sign: Any sign erected, constructed, or maintained upon the roof of any building.

1-22-08 Rural Subdivision: A subdivision in which all buildable lots are five acres and greater.

Rules: Refers to any county, municipal regional, state, or federal regulation, law, act, ordinance or other devise which applies to any facility, operation, or use of any land within Franklin County. The use of the words "rules", "laws", or "regulations" are synonymous and may be used interchangeably.

Sanitary Landfill: A method of disposing of wastes into or on land without creating nuisances or hazards to the public health and safety or to the environment by utilizing the principals of engineering to confine the waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer(s) of an approved material.

10-16-00 Sauna: Means an establishment or place primarily in the business of providing:

(A) A steam bath; or

10-16-00 (B) Massage services.

Screening: Structures or evergreen vegetation maintained for the purpose of concealing from view the area behind such structures or evergreen vegetation. When a use is required to be separated from an adjoining lot or district by screening, such screening shall be of sufficient size and design to conceal such use from the adjoining lot or district; provided, however, that no structure used for screening shall exceed the height of eight (8) feet.

Separation Centers: A facility for the collection of domestic wastes from individual households designed to encourage waste stream reduction by separating recyclable materials such as metals, glass, paper, cardboard, plastics, whiteware, wood, compostable materials, potentially hazardous materials, tires, batteries, etc.

6-20-05 Service Station: Any Premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, and minor repairs are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body work is conducted.

10-16-00 Sexual Conduct: Means the engaging in or the commission of an act of sexual intercourse, oral-genital contact, or the touching of the sexual organs, pubic region, buttocks or female breast of a person for the purpose of arousing or gratifying the sexual desire of another person.

10-16-00 Sexual Encounter Center: Means a business or commercial enterprise that, as one (1) 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 and/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 buttocks, even if partially covered by opaque material or completely covered by translucent material.

10-16-00 Sexual Gratification: Means "sexual conduct" as defined in this part.

10-16-00 Sexual Stimulation: Means to excite or arouse the prurient interest or to offer or solicit acts of "sexual conduct" as defined in this part.

Shopping Center: A group of compatible commercial establishments planned, developed, and managed as a unit, with an automobile storage area provided on the property; the center must also be related in location, size, and type of shops to its trade area.

1-22-08 Side Yard: The yard extending along a side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of a principal structure, either existing or proposed. In the case of a corner lot or an irregularly shaped lot, the Building Commissioner shall identify the rear yard for the purpose of compliance with this resolution.

Sign: Any structure or part thereof or device attached thereto, painted on, or in any other manner represented on a building or other structure, which is used to announce, direct attention to, or advertise, and is visible from outside a building which displays any writing (including device, symbol, or trademark); flay (including banner or pennant); or any other figure of similar character.

Sign Area: The area of the sign, excluding the structural elements lying outside the limits of such sign and not forming an integral part of the display.

Sign Within a Building: Any of the characteristics in paragraph 30 constitutes a sign within a building only when illuminated and located in a window.

Solid Waste: Any garbage, refuse, including without limitation, recyclable materials when they become discarded as further defined by Tennessee Code 68-31-103(7).

Special Wastes: Sludges, bulky wastes, pesticide wastes, infectious wastes, industrial wastes, hazardous wastes, liquid wastes, friable asbestos wastes, combustion wastes, and other solid wastes that are either difficult or dangerous to manage and require extraordinary management.

Specified Anatomical Areas: Means:

- (A) Less than completely and opaquely covered:
  - (i) Human genitals;
  - (ii) Pubic region;

- (iii) Buttocks; and
- (iv) Female breasts below a point immediately above the top of the areola; and

10-16-00 (B) Human male genitals in a discernibly turgid state, even if completely opaquely covered.

10-16-00 Specified Sexual Activities: Means:

- (A) Human genitals in a state of sexual stimulation or arousal;
- (B) Acts of human masturbation, sexual intercourse or sodomy; or
- (C) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

10-16-00 Specified Services: Means massage services, private dances, private modeling, acting as an "escort" as defined in this part, and any other live "adult entertainment" as defined in this part.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or any portion of a building used for human occupancy between the topmost floor and the roof. A basement not used for human occupancy shall not be counted as a story.

1-22-08 Structure: Any constructed or erected material or combination of materials requiring space, including but not limited to, buildings, stadiums, radio towers, sheds, storage dens, fallout shelters, swimming pools, fences, and signs, except detached gazebos; portable storage outbuildings utilized for personal residential storage not on a permanent foundation; detached open-type carports made of metal and moveable and open on two or more sides; detached water well enclosures; detached underground emergency shelters.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement: Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) damage occurring. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Swampland: Low land that can be flooded during heavy rains and/or collects water during rains. This area can further be defined as any area in Franklin County as depicted but not limited to TVA Topographic Maps (7.5 Minute Series; Contour Intervals 10 to 20 feet).

4-19-99 Temporary: A use that by design or intention is of short and limited duration or a structure whose use is of short and limited duration by design or intention. The use shall not continue for more than one-hundred twenty (120) days without a pause of not less than thirty (30) days. The structure shall not remain on the same lot for more than one-hundred twenty (120) days without a pause of not less than thirty (30) days. For uses and structures not deemed temporary by the Building Commissioner, a property owner may apply to the Franklin County Board of Zoning Appeals under the Administrative Review process.

Temporary Sign: Any sign which is by reason of construction or purpose intended to be displayed for a short period of time. Unless specifically stated elsewhere in this resolution, a period of six (6) months is the maximum time limit for the display of a temporary sign.

Total Floor Area: The area of all floors of a building, including finished attic, finished basement, and covered porches used for habitation.

Travel Trailer: A vehicular portable structure (pick-up, piggy-back, or motorized camper, converted bus, tent-trailer, or trailer designated as a travel trailer by the manufacturer) designed as a temporary dwelling for travel and recreational purposes only.

6-16-08 Variance: A grant of relief from the requirements of this Resolution as specified in Article XIV, Sections 4.3 and 6 which permits construction in a manner otherwise prohibited by this Resolution where specific enforcement would result in unnecessary hardship.

Wall Sign: Any sign of any surface or plane that may be affixed parallel to or printed on the wall of any building.

1-22-08 Yard: Open space on the same lot with one or more principal structures unoccupied, and unobstructed by buildings from the ground to the sky, except as otherwise provided in this resolution or the minimum space required between any proposed or contemplated structure and the property boundary.

1-22-08 Yard Depth: The shortest distance between the right-of-way line of a public road and the nearest part of a principal structure on a lot, either existing or proposed.

## ARTICLE IV

### GENERAL PROVISIONS

Except as herein provided, no structure or land shall be used and no structure or parts thereof shall be erected, moved, or altered, unless for a use permitted by and in conformity with the regulations for the district in which it is located.

1. Continuance of Nonconforming Uses and/or Structures. Any existing structure or uses as of June 1974 or date of enactment of applicable amendment which does not conform to the provisions of this resolution or subsequent amendment thereto may be continued with these limitations:
  - 1.1 A nonconforming use may be changed to another nonconforming use of the same or higher classification upon approval by the Franklin County Board of Zoning Appeals.
  - 1.2 A nonconforming use shall not be reestablished after discontinuance of two (2) years except where a special hardship has hampered normal operation of the use as deemed by the Franklin County Board of Zoning Appeals.
  - 1.3 A nonconforming use of land shall be restricted to the lot occupied by such use as of the effective date of this ordinance.
  - 1.4 A nonconforming use of a structure shall not be enlarged to include either additional land or structures, except on appeal to and permission granted by the Franklin County Board of Zoning Appeals and subject to approval of the Franklin County Regional Planning Commission.
  - 1.5 A nonconforming use may be extended throughout those parts of a structure which were manifestly arranged or designed for such use prior to the time of enactment of this resolution, but shall not be extended to additional structures on the same lot or another lot, except on appeal to and permission granted by the Franklin County Board of Zoning Appeals and subject to approval of the Franklin County Regional Planning Commission.
  - 1.6 A nonconforming use shall not be structurally altered except on appeal and granted permission from the Board of Zoning Appeals. This provision shall not be construed to prevent normal maintenance required for structural safety.
2. Number of Structures and Uses Associated with a Lot.
  - 2.1 No part of a yard or other open space, or automobile storage area, or loading and unloading space, required about or in connection with any structure for the purpose of complying with this resolution, shall be included as a part of a yard, or other open space,

or automobile storage area, or loading or unloading space similarly required for any other structure.

- 4-19-99 2.2 With the exception of group housing developments, including mobile home parks, only one principal structure and its customary accessory structures shall hereafter be erected on any parcel or lot in a residential zoned district. Only one principal structure and its customary accessory structures shall hereafter be erected and on any parcel less than 5 acres in size in an Agricultural zoned district.
- 9-19-11 2.3 No building shall be erected on a lot which does not abut at least one road which has been accepted as a public thoroughfare for at least thirty (30) feet or to a lot with an easement of at least thirty (30) feet in width to a road which has been accepted as a public thoroughfare. In case of lots having easements to an accepted public thoroughfare, no more than three (3) lots will be allowed to share all or any part of their easement with other lots. [To allow up to three lots to share easements (four lots, including the parent parcel with road frontage)].
- 6-18-07 2.4 No building shall be erected on a lot in a "Private Road Subdivision" which does not abut at least one road for at least fifty (50) feet. This section shall not apply to properties abutting a cul-de-sac for at least thirty (30) feet, or to those with an unshared ingress/egress easement of at least thirty (30) feet in width to a road which has been accepted as a public thoroughfare or road within a "Private Road Subdivision".

### 3. Emergency Shelters

Emergency shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and coverage regulations of the district. Such shelters may contain or be contained in other structures or may be constructed separately; and in addition to shelter use, may be used for any principal or accessory use permitted in the district, subject to the district regulations of such use, but shall not be used for principal or accessory use prohibited expressly or by implication in the district.

### 4. Minimum Lot Area.

No existing yard or lot shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this resolution shall meet at least the minimum requirements established by this resolution. This section shall not apply when a portion of a lot is acquired for a public purpose, or in projects approved under cluster residential development provisions.

### 5. Front Yard Abutting A Private Road.

6-18-07

Front yard or front setbacks for all Private Road Subdivisions shall be as specified in the Zoning Resolution with an additional twenty-five (25) feet from the centerline of the private roadway.

6. Obstruction to Vision at Road Intersection.

On a corner lot within the area formed by the center line of intersecting roads and a line joining points on such center lines at a distance of one hundred (100) feet from their intersection, there shall be no obstruction to vision between a height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each road at the center line thereof. This section shall not be deemed to prohibit any necessary retaining wall.

7. Automobile Storage.

An automobile storage area shall be provided on each lot in which any of the following uses are hereafter established. Such parking area shall meet the following minimum requirements.

7.1 Amusement Places (Auditoriums, Stadiums, Theaters, or Similar Uses). One parking area for the number of employees; plus one third the number of patron seats.

7.2 Churches. Five (5) parking areas for the first thirty (30) individual seating spaces; plus one parking area for every twenty (20) individual seating spaces, thereafter.

7.3 Dining Places (Restaurants, Tea Rooms, Night Clubs, Coffee Shops, or Similar Uses). Three (3) square feet of automobile storage area for every square foot of customer service area; plus one parking area for every four (4) employees.

7.4 Dwellings. Two (2) parking areas for every dwelling unit.

7.5 Funeral Homes or Mortuaries. One parking area for every six (6) seats; or in the case of no fixed seats, one parking area for every one hundred (100) square feet of chapel area; plus one parking area for every funeral vehicle and one for every resident family.

7.6 Hospitals. One parking area for every six (6) beds; plus one (1) parking area for every doctor; plus one (1) parking area for every two (2) nurses and other employees.

7.7 Hotels. One (1) parking area for every guest room; plus one (1) parking area for every three (3) employees.

7.8 Industrial or Manufacturing Establishments. One (1) parking area for every three (3) employees; plus one (1) parking area for every business vehicle.

7.9 Motels or Cabins. One (1) parking area for every unit; plus one (1) parking area for every three (3) employees.

- 7.10 Medical or Dental Clinics. Three (3) parking areas for every doctor; plus one (1) parking area for every two (2) employees.
- 7.11 Office, Professional, or Public Buildings. Four (4) square feet of automobile storage area for every square foot of office space; plus one (1) parking area for every three (3) employees.
- 7.12 Passenger Terminals. Three (3) square feet of automobile storage area for every square foot of commercial floor area; plus one (1) parking area for every three (3) employees.
- 7.13 Recreational Areas (Bowling Alleys, Swimming Pools, Skating Rinks, or Similar Uses). Four (4) square feet of automobile storage area for every square foot of floor area devoted to recreational use.
- 7.14 Retail Business or Personal Service Establishment. Four (4) square feet of automobile storage area for every square foot of customer service area; plus one (1) parking area for every three (3) employees.
- 7.15 Roadside Service Facilities (Service Stations, Repair Shops, or Similar Uses). One (1) parking area for every gasoline pump; plus one (1) parking area for every car wash room, every grease rack, every mechanic's stall, or similar area; plus one (1) parking area for every two (2) employees.
- 7.16 Shopping Centers. Four (4) square feet of automobile storage area for every square foot of building area; plus one (1) parking area for every business vehicle.
- 7.17 Wholesale Businesses or Warehousing. One (1) parking area for every three (3) employees; plus one (1) parking area for every business vehicle.
- 7.18 Other Structures or Uses Customarily Requiring Automobile Storage Areas. One (1) parking area for every one hundred (100) square feet of floor area occupied.
- 7.19 Parking Angle. Where ninety (90) degree parking is planned or required, a width of sixty-five (65) lineal feet shall be provided for two (2) tiers of automobiles separated by a two-way aisle.

8. Other Automobile Storage Requirements.

- 8.1 If a required automobile storage area cannot be provided on the same lot with a principal use, the Franklin County Board of Zoning Appeals (ARTICLE XIV) may permit such space on other property not in a residential district to be used; provided, that it lies within four hundred (400) feet of the main entrance to such principal use. Except, that one-half of the automobile storage area required for a church, theater, or

other place of assembly, whose peak attendance is at another time, may be assigned to another use.

8.2 Off-road loading bays shall be provided and maintained in new construction, alterations, and changes of use according to the following minimum requirements:

8.2(1) Office buildings and hotels or motels shall provide one (1) off-road loading and unloading bay.

8.2(2) Retail, wholesale, and industrial operation with gross floor area in square feet of:

5,000 - 40,000 - 1 bay  
40,001 - 100,000 - 2 bays  
100,001 - 170,000 - 3 bays  
170,001 - 250,000 - 4 bays  
over - 250,000 - 1 additional bay for each 100,000

8.2(3) Each bay shall be an area fifty (50) feet by twelve (12) feet with a fourteen (14) foot height clearance located within a building or outside and shall be located completely off the road.

9. Vehicular Access Control.

9.1 In a residential or industrial district, the nearest edge of a point of access shall not be permitted within thirty (30) feet of the curb line (or road line when there is no curb) of any public road intersection.

9.2 In a commercial district, the nearest edge of a point of access shall not be permitted within twenty (20) feet of the curb line (or road line when there is no curb) of any public road intersection.

9.3 In nonresidential districts, vehicular service uses may be permitted points of access exceeding twenty-five (25) feet but not exceeding thirty-five (35) feet in width; provided, that they do not exceed fifty (50) percent of their respective road frontage.

9.4 On lots with less than one hundred (100) feet of road frontage, there shall be only one (1) point of access per adjoining road; however, on lots with more than one hundred (100) feet, there shall be not more than two (2) points of access per adjoining road.

10. Signs.

10.1 Signs Permitted in All Districts.

- 10.1(1) Signs of duly constituted governmental bodies including warnings at crossroads.
- 10.1(2) Flags or emblems of political, civic, philanthropic, educational, or religious organizations.
- 10.1(3) Temporary signs, totaling not over two (2) square feet of surface area on any lot, appertaining to campaigns, drives, or events of political, civic, philanthropic, educational, or religious organizations, provided, that such surface area may exceed two (2) square feet for a single period of not more than seven (7) days in any quarter calendar year.
- 10.1(4) Memorial plaques, cornerstones, historical tablets, and the like.
- 10.1(5) Signs not visible off the lot upon which they are situated.
- 10.1(6) Signs posted in conjunction with door bells or mail boxes not exceeding nine (9) square inches of surface area.
- 10.1(7) Signs required by law or governmental order, rule, or regulation, unless specifically prohibited, limited, or restricted.
- 10.1(8) Small unilluminated signs, not exceeding one and one-half (1 1/2) square feet in surface area, displayed strictly for the direction, safety, and convenience of the public, including signs which identify rest rooms, parking area entrances or exits, freight entrances, and the like.
- 10.1(9) Address signs, not more than one for each road frontage or each principal use on a lot and not exceeding seventy-two (72) square inches in surface area, showing only the numerical address designations of the premise upon which they are situated.
- 10.1(10) One sign of not more than six (6) square feet pertaining to the sale, lease, hire, or rental of property on which the sign is displayed; provided, that if said property faces more than one road, one sign shall be allowed on each frontage. Each such sign shall be located not nearer than ten (10) feet to an adjoining premise, and not nearer than five (5) feet to a road line.
- 10.1(11) One unilluminated sign of not more than four (4) square feet for purposes of charitable, educational, or religious institutions.
- 10.1(12) One temporary sign not to exceed six (6) square feet in area indicating the name of the contractors, engineers, and/or architects of a project during a construction period.
- 1-20-09 10.1(13) On site signs for churches or other places of worship not exceeding thirty-two (32) square feet are allowed in all zoned districts.

10.2 Signs Prohibited in All Classified Districts.

10.2(1) Signs on any vacant lot or parcel or land lying between two (2) residential structures or uses where said structures or uses are less than one hundred (100) feet apart or located within fifty (50) feet of any residential use in the same block frontage.

10.2(2) Off-site signs within one hundred (100) feet of any public school ground or public park.

10.2(3) Except for public safety, signs within three hundred (300) feet of railroad crossings.

10.2(4) Signs using flashing, blinking lights, and/or signs using variations in intensity of illumination and containing revolving or moving parts, and employing the words "stop," "help," "danger," or any other word implying distress or requesting sudden action on the part of the observer.

10.2(5) Banners of any material placed so as to cross or partially be above any public road, sidewalk, alley or other thoroughfare.

11. Landscape Treatment. Landscaping or screening shall be required, if deemed necessary by the Franklin County Regional Planning Commission, not to exceed ten (10) percent of the total site area.

12. Plot Plan Requirements.

The purpose of these provisions are to prevent undesirable site development which would unduly create inadequate circulation and unnecessary congestion; to obtain maximum convenience, safety, economy, and identity in relation to adjacent sites; and to provide maximum flexibility for expansion, change in use, and adaptation to individual needs. Thus, applicants for zoning compliance certificates must submit scale drawings, according to the particular types of development proposals, to the Franklin County Regional Planning Commission in accordance with the following procedures:

1-19-10 12.1 Proposals for the construction or location of a single principal structure on a lot (with the exception of single-family, two-family, and three-family dwellings) shall be submitted at scale and must exhibit required automobile storage areas, loading and unloading spaces, maneuvering areas, openings for ingress and egress to public roads, and landscape treatment in accordance with General Provisions previously outlined in this resolution. One copy of all graphics shall be reduced to an 8-1/2 x 11 inch size and submitted. Preferred paper size is 11" x 17". Plot plans shall also exhibit the following:

- 12.1(1) The boundaries of the property, with all dimensions including bearings and distances, and acreage or square footage of the lot.
- 12.1(2) The location, dimensions, height, and use of all existing and proposed – buildings.
- 12.1(3) Roadway access points, adjacent road right-of-ways with surface description, driveways with surface description, sidewalks with surface description.
- 12.1(4) Off road parking spaces, including handicap spaces, with surface description, loading areas with surface description, outdoor storage areas with surface description, waste storage areas with material description, fences with material description, and landscaped areas with material description.
- 12.1(5) A north arrow and graphic scale (preferable scale is 1” = 20’ or other appropriate scales for the project).
- 12.1(6) Names and addresses of applicant and property owner.
- 12.1(7) Location and sizes of all existing and proposed freestanding sign(s).
- 12.1(8) Description and delineation of flood zone with FIRM reference.
- 12.1(9) Location, description, and dimensions of recorded easements, existing and proposed utilities.
- 12.1(10) Franklin County, TN Property Map Number and Parcel Number.
- 12.1(11) Zoning district and Minimum Setback Lines.
- 12.1(12) The location of exterior lighting and types of illumination sources, adequate to determine its character and enable review of possible hazards and disturbances to the public and adjacent properties.
- 12.2 Proposals for group housing developments, including mobile home parks, and for planned shopping centers shall follow separate provisions subsequently outlined in this resolution.
- 12.3 The above applications must be supported by any other information or data as might be deemed necessary by the Franklin County Planning Commission.
- 4-19-99 12.4 Proposals for additions to existing commercial, industrial, or structures that have previously received Plot Plan approval from the Franklin County Regional Planning Commission, where the proposed addition does not exceed 40% of the existing gross floor area and does not exceed 1200 sf (gross), shall be submitted to the Building Commissioner for Plot Plan Review in accordance with General Provisions previously outlined in this resolution.
- 4-19-99 12.5 Proposals for the construction of additions and/or expansion to cases previously approved by the Franklin County Board of Zoning Appeals shall be submitted to the Building Commissioner along with any information required by the Building

Commissioner in accordance with General Provisions previously outlined in this resolution. Additions shall not exceed 1200 s.f. and 40% of the total structure permitted under the previously approved Use Permitted on Appeal.

4-19-99 12.6 The Franklin County Regional Planning Commission reserves the right to require of the applicants or property owners that a surety bond or letter of credit be submitted and approved to insure that specific physical improvements are completed in the time allowed and to the specification required, as stated in the conditions for full approval.

13. It is understood and agreed that when title to any property owned by a governmental entity is transferred from that governmental entity back to private ownership, the real estate involved will automatically become subject to the zoning resolution and regulations of Franklin County, Tennessee, and shall be governed by this, the Franklin County, Tennessee Zoning ownership throughout its history.

14. Temporary Use Regulations.

The following regulations are necessary to govern the operation of certain necessary uses nonpermanent in nature. Specified temporary uses shall be subject to a review and approval by the Franklin County Board of Zoning Appeals. Application for a Temporary Use Permit shall be made to the Building Commissioner. Said application shall contain a graphic description of the property to be utilized and a plot plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, 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 which follow and to the regulations of any district in which such uses are located:

14.1 Construction Project Office: 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 three (3) 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.

14.2 Real Estate Sales Office: In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the Planning Commission under the Franklin County Subdivision Regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted two (2), six (6) month extensions. Such office shall be removed upon completion of sales of the lots therein, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

14.3 Temporary Dwelling Units in Case of Medical Hardships: In any district except the R-1, a Temporary Use Permit may be issued to place a mobile home on a lot which

already contains a residential structure, provided that the purpose of such temporary placement shall be to make it possible for a resident of either structure to provide assistance to a person who requires daily assistance due to physical or mental disability, and provided further that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community. Issuance of a Temporary Use Permit is subject to the review and approval of the Franklin County Board of Zoning Appeals.

An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from a physician certifying that the specific disability requires assistance from someone in close proximity as evidence of such disability and a permit from the Franklin County Health Department (Environmentalist) approving the sewage disposal system of the proposed temporary structure.

Such permit may be initially issued for eighteen (18) months. A permit may be renewed for one (1) year at a time, subject to producing a new statement from a physician certifying that the assistance is still required due to the disabling condition. The temporary permit shall be revoked and the structure removed immediately upon expiration of the permit or upon a change in the conditions under which such permit was issued.

The person requiring assistance due to the disabling condition may be a resident of either the temporary or permanent structure. The temporary residence shall be treated as an accessory structure.

- 14.4 Temporary Manufacture of Road Materials: In any district, except the R-1, a Temporary Use Permit may be issued upon approval by the Franklin County Board of Zoning Appeals to operate manufacturing plants which are necessary in order to produce the materials required for the construction of approved public roads where the Board finds that such a use is not potentially noxious, dangerous, or offensive. In the exercise of its approval, the Board of Zoning Appeals may impose such conditions upon the proposed plants as it may deem advisable in the furtherance of the general purposes of this Resolution.

Such a permit may be initially issued for a nine (9) month period. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of twenty-four (24) months.

- 4-19-99 14.5 Temporary Sale of Fireworks: In any district, except R-1, R-3, A-1, and A-2, a Temporary Use Permit may be issued by the Building Commissioner for the sake of fireworks for a period not to exceed thirty (30) days. Structures utilized for such sales shall be removed immediately upon expiration of the permit. Such structures must be set back from the front property line a minimum of thirty (30) feet. Adequate off-road parking must be provided by the applicant so as to prevent traffic congestion and hazardous conditions for traffic. Location/use shall not be located nearer than one

hundred (100) feet from any residence, place of worship, school, or hazardous materials. No more than two signs and/or banners shall be displayed. Signs and/or banners shall not exceed three (3) feet in height nor shall signs and/or banners exceed twelve (12) feet in length. Flashing or alternating lights shall not be permitted. Satisfactory temporary sanitary facilities must be provided. All other state, federal and county regulations must be met.

- 4-19-99 15. Exception on Heights Limits: The height limitations of this resolution shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, windmills, chimneys, smokestacks, derricks, conveyors, silos, flag poles, radio towers, masts and antennae.
  
- 4-19-99 16. Erosion Control: Erosion control procedures and practices may be required by the Franklin County Regional Planning Commission to regulate storm water runoff to promote erosion control.
  - 4-19-99 16.1 Erosion control plan be submitted and approved.
    - 4-19-99 16.1(1) Erosion and sediment control measures equal to or exceeding measures required in Erosion and Sediment Control Handbook (TDEC 1992) must be in place and functional before earth moving operations begin and must be constructed and maintained throughout the construction period.
    - 4-19-99 16.1(2) Minimize the exposure time of cleared surface area.
    - 4-19-99 16.1(3) Install, establish, and maintain stable perennial vegetation on all exposed soil.
  - 4-19-99 16.2 Copies of TN Permit on file (if applicable).
  
- 10-15-01 17. Development Standards for the Installation of Communication Towers and Stations:

The purpose of this section is to establish general guidelines for the citing and installation of communication equipment such as towers and antennae. The intent of these standards are to minimize the total number of towers throughout the County; strongly encourage co-location of antennae; encourage uses of towers and antennae to locate and configure them, to the extent possible, in areas where the adverse impact on the community is minimal; enhance the ability of providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently. The following standards shall be used as a guide in evaluating whether the proposed installation of communication towers and antennae have properly minimized their objectionable characteristics:

  - 10-15-01 17.1 Site and landscaping plans drawn to legible scale with details; including the site located on a property map with property map number and parcel number listed.

- 10-15-01 17.2 A written report including a description of the tower with technical reasons for its design.
- 10-15-01 17.3 An inventory and map identifying the location of existing and proposed tower sites owned and operated by the applicant. The inventory shall also include information on the height and design of each existing tower as well as those proposed.
- 10-15-01 17.4 Documentation establishing the structural integrity of the tower's proposed uses certified by a professional engineer licensed in the State of Tennessee competent in such design; the general capacity of the tower and information necessary to insure that American National Standard Institute (ANSI) standards are met.
- 10-15-01 17.5 A written statement of intent whether excess space on the tower will be leased and the number of co-locators permitted on the tower.
- 10-15-01 17.6 Written evidence of "Determination of No Hazard" from the Federal Aviation Administration (FAA) as well as all required FCC permit information.
- 10-15-01 17.7 Written evidence as to why this site was selected and why co-location is not an alternative.
- 10-15-01 17.8 Written evidence that the site complies with requirements of the National Environmental Policy Act (NEPA) in regard to impact on wildlife, endangered species, historical sites, Indian religious sites, floodplains, wetlands, high intensity white lights in residential neighborhoods and frequency emissions in excess of FCC guidelines.
- 10-15-01 17.9 Towers shall be located on a lot so that a fall radius from the base of the tower or any adjoining property line or supporting structure of another tower is a minimum of 100 percent of the proposed tower height to ensure its collapse will be contained within an unoccupied area. No variance shall be granted from this requirement.
- 10-15-01 17.10 Except as specifically required by the FAA or the FCC, communication tower structures shall be colors of gray or silver only to reduce their visual impacts and not be illuminated and shall not use strobe lights.
- 10-15-01 17.11 Any proposed tower shall be structurally designed so as to encourage co-location by future additional users.
- 10-15-01 17.12 No advertising or display is permitted on any communication tower.

- 10-15-01 17.13 Any on-site accessory structure shall only be used for the storage of necessary on-site equipment and/or electronics.
- 10-15-01 17.14 Landscaping and vegetative buffers should be installed to reduce visibility from the road and surrounding property.
- 10-15-01 17.15 The tower base, all guy wires, and equipment areas shall be enclosed with a fence no less than six (6) feet in height to prevent uncontrolled access. Fencing shall be locked and maintained in good condition.

ARTICLE V

ESTABLISHMENT OF DISTRICTS

1. Classification of Districts.

1.1 For the purpose of this Resolution, Franklin County, Tennessee (excluding incorporated municipalities) is hereby divided into twelve (12) districts as follows:

- R-1 Residential (single family residential)
- R-2 Residential (general residential)
- R-3 Residential (rural residential)
- 6-20-05 MU Mixed Use Districts.
- C General Commercial
- 10-16-00 C-1 Restricted Commercial
- I Industrial
- I-1 Industrial, Special
- A-1 Agricultural, Light
- A-2 Agricultural, Medium
- A Agricultural
- 6-16-08 F Floodplain Overlay

1.2 The boundaries of these districts are hereby established as shown on the "Regional Zoning Map of Franklin County, Tennessee," dated April, 1974 and as amended (hereafter referred to as the County Zoning Map), which is on file in the office of the Planning and Zoning Department. The floodplain overlay districts are identified as referenced in Article XI, Section 3.2 of this Resolution.

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1.3 Unless otherwise indicated on the county zoning map, the district boundaries follow lot lines, the center lines of roads or alleys, railroad rights-of-way, or the corporate limit lines as they existed at the time of enactment of this resolution.

## ARTICLE VI

### PROVISIONS GOVERNING RESIDENTIAL DISTRICTS

#### 1. R-1 Single Family Residential Districts (Low Density)

Intent: To provide a low density residential environment having good access to schools, public water, sewerage, and other community services, but well separated from heavy traffic and other incompatible activities.

Within R-1 Single Family Residential Districts as shown on the County Zoning Map, the following regulations shall apply:

##### 1.1 Uses Permitted.

1.1(1) Single family dwellings except mobile homes.

1.1(2) Public elementary and high schools and private elementary and high schools with conventional academic curriculums similar to those in public elementary and high schools.

1.1(3) The taking of boarders or the renting or leasing of rooms by the family resident on the premise; provided, that not over twenty-five (25) percent of the total floor area is used for such purpose.

1.1(4) Public and private parks, playgrounds and playfields, country clubs and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district.

1.1(5) Customary home occupations conducted within the principal structure, but only by a person resident of the premise; provided, that not more than one person, not a resident of the premises, is employed.

1.1(6) One unilluminated temporary on-site sign not exceeding one hundred (100) square feet in area, with no dimension exceeding twelve (12) feet, at each major approach to a subdivision advertising the sale of houses or lots. The display of such sign shall be limited to a period of one year; any remaining nonconforming sign may be removed by the county at the expense of the owner.

1.1(7) One unilluminated temporary on-site sign not exceeding sixteen (16) square feet in area, advertising the sale of farm or garden products for the duration of the harvest season.

1.1(8) Limited farming uses.

1.1(9) Accessory uses or structures customarily incidental to the above permitted uses.

1.2 Uses Permitted on Appeal.

Churches or places intended for worship by a religious body and any other similar uses or structures; subject to such conditions as the Franklin County Board of Zoning Appeals may require to preserve and protect the character of the area in which the proposed use is located.

1.3 Uses Prohibited.

1.3(1) Mobile homes, billboards, and similar advertising structures; uses not specifically permitted; or uses not specifically permitted on appeal.

1.4 Lot Area, Lot Width, and Building Area. The principal structure or structures shall be located to comply with the following requirements.

1.4(1) Lot Area, Lot Width, Rear and Side Yards.

"For uses not served by sanitary sewers the minimum lot area for a dwelling shall be 20,000 sq. ft. and not less than the area required by the Franklin County Health Department (Environmentalist). The minimum lot width, minimum rear yard, and minimum side yard requirement shall be as specified for uses served by sanitary sewers."

Minimum lot area for dwelling 20,000 sq. ft.

Minimum lot width at the building line:

For residences..... 80 feet

For institutional uses..... 250 feet

For other permitted uses..... 200 feet

Minimum rear yard..... 30 feet

Minimum side yard..... 15 feet

Minimum lot width of building

line on cul-de-sac lots..... 80 feet

For uses served by sanitary sewers:

Minimum lot area for dwelling 20,000 sq. ft.

Minimum lot width at building line:

For residences..... 80 feet

For institutional uses..... 250 feet

For other permitted uses..... 200 feet

Minimum rear yard..... 30 feet

Minimum side yard:

For one- or two-story building..... 15 feet

4-19-00 For uses located on parcels abutting lakes, rivers, or bluff boundaries:  
Minimum side yard that abuts the lake, river, or bluff.....10 feet  
Minimum rear yard that abuts the lake, river, or bluff.....10 feet

1.4(2) Front Yards. All principal and accessory structures shall be set back from the right-of-way lines of roads the minimum distance shown below, according to their classifications as indicated on the latest official municipal-regional thoroughfare plan:

Arterial Roads ..... 60 feet  
Other Roads ..... 35 feet

1.4(3) Building Area. On any lot or tract, the area occupied by all structures, including accessory structures, shall not exceed forty (40) percent of the total area. Accessory structures shall not cover more than twenty (20) percent of any rear yard.

1.5 Height. Principal structures shall not exceed three (3) stories nor thirty-five (35) feet in height, except for churches which must increase each side yard width over the required minimum by five (5) feet for every five (5) feet or fraction thereof of additional height. No accessory structure shall exceed two (2) stories in height.

1.6 Location of Accessory Structures.

1.6(1) Accessory structures shall be located at least five (5) feet from all lot lines.

4-19-00 1.6(2) In Addition, no accessory structure shall be erected or located any closer to the road than allowed by the front setback line.

2. R-2 General Residential Districts (Medium Density).

Intent: To provide a medium density residential environment having good access to schools, public water, sewerage, and other community services, but well separated from heavy traffic and other incompatible activities.

Within R-2 General Residential Districts as shown on the county zoning map, the following regulations shall apply:

2.1 Uses Permitted.

2.1(1) Any use permitted in R-1.

- 2.1(2) Single and multiple family dwellings, mobile homes; modular (factory preconstructed) dwellings and required accessory structures.
- 2.1(3) The taking of boarders or the renting or leasing of rooms by the family resident on the premise; provided, that not over fifty (50) percent of the total floor area is used for such purposes.
- 2.1(4) Group housing developments and mobile home parks, in accordance with provisions set forth in Section 2.6 of this Article.

2.2 Uses Permitted on Appeal.

2.2(1) Churches and other places of worship; schools offering general education courses; railroad rights-of-way; municipal, county, state, or federal uses except storage facilities; public utilities, except storage facilities; cemeteries; philanthropic institutions and clubs, except clubs, the chief activities of which are customarily carried on as business; and any other similar uses or structures; subject to such conditions as the Franklin County Board of Zoning Appeals may require in order to preserve and protect the character of the district in which the proposed use is located.

2.2(2) Limited commercial activities as an accessory use provided that:

2.2(2.1) It is conducted in an accessory structure.

2.2(2.2) The activity is clearly subordinate to the principal land use.

2.2(2.3) The activity is conducted in the rear yard.

2.2(2.4) Any expansion of the accessory structure is subject to the approval of the Zoning Board of Appeals.

2.2(2.5) The number of employees not residing on the same lot as the accessory structure housing the limited commercial activity shall not exceed two.

2.2(2.6) The activity must be free from offensive noise, vibration, odorous matter, dust, smoke, explosions, toxic or noxious matter, and other objectionable influences which would be injurious to neighboring properties.

2.3 Uses Prohibited.

Billboard and similar commercial advertising structures; uses not specifically permitted nor permitted on appeal.

2.4 Lot Area, Lot Width, and Building Area.

The principal structure or structures shall be located to comply with the following requirements.

2.4(1) Lot Area, Lot Width, Rear and Side Yards

For uses not served by sanitary sewers the minimum lot area for a dwelling shall be .5 acre and not less than the area required by the Franklin County Health Department. The minimum lot width, minimum rear yard, and minimum side yard requirement shall be as specified for uses served by sanitary sewers.

For uses served by sanitary sewers:

- Minimum lot area for dwelling..... .5 acre
- Minimum lot area for each additional dwelling unit ..... 5,000 sq. ft.
- Minimum lot width at building line:
  - For residences ..... 130 feet
  - For institutional uses ..... 250 feet
  - For other permitted uses ..... 100 feet
- Minimum front yard ... (arterial ..... 50 feet
  - other ..... 35 feet
- Minimum rear yard ..... 30 feet
- Minimum side yard:
  - For one- or two-story building ..... 25 feet
  - For three-story building ..... 20 feet
  - For roadside portions of corner lots plus Fifty (50) percent ..... Minimum

- 4-19-99 For uses located on parcels abutting lakes, rivers, or bluff boundaries:
  - Minimum side yard that abuts the lake, river, or bluff.....10 feet
  - Minimum rear yard that abuts the lake, river, or bluff.....10 feet

- 4-19-99 2.4(2) Accessory structures shall be located at least ten (10) feet from all lot lines.

- 4-19-99 2.4(3) Accessory structures utilized for limited commercial activities shall be located at least fifteen (15) feet from all lot lines.

4-19-99 2.4(4) In Addition, no accessory structure shall be erected or located any closer to the road than allowed by the front setback line.

4-19-99 2.5 Height.

Principal structures shall not exceed three (3) stories nor thirty-five (35) feet in height, except for churches which must increase each side yard width over the required minimum by five (5) feet for every five (5) feet or fraction thereof of additional height. No accessory structure shall exceed two (2) stories in height.

2.6 Group Housing Developments and Mobile Home parks.

This section is intended to provide a maximum flexibility in design and to ensure a minimum standard of site development for group housing, mobile home parks, or other projects involving the location of two or more residential structures on a single lot or tract of land, not subdivided.

"Mobile home parks involving more dwelling per acre than permitted by the Franklin County Health Department (Environmentalist) for a subsurface sanitary disposal system are a medium to high density residential use much like apartments and require public or package sanitary sewerage.

2.6(1) Procedures for Approval.

A permit for a group housing development or mobile home park shall be issued by the County Building Commissioner only as authorized by the Franklin County Board of Zoning Appeals. The board shall so authorize said permit only after application and review in accordance with the requirements of this section, and after the board determines that the proposed location meets the intent of this resolution and that the indicated development standards in paragraph 2.6(2) will be followed.

2.6(1.1) Information Required.

2.6(1.11) General Location Sketch Map at a scale not smaller than 1" = 1000', showing:

- The approximate boundaries of the site.
- External (public) access roads or roads in relation to the site.
- Surrounding development (i.e., general residential, commercial, and industrial areas) within one mile of site.
- Any public water and sewer systems in relation to site.

2.6(1.12) Site Plan drawn to a scale no smaller than 1" = 200', showing:

- Topographic contours at five (5) foot intervals, and drainage ways.
- The location and dimensions of proposed internal roads, structures, mobile home spaces, and off-road parking spaces.
- Points of access to public roads.
- The location and size of available water and sewer lines.
- The location and dimensions of any easements.

2.6(1.2) Review Procedure.

Preliminary review. Three copies of the proposal containing the information required above shall be submitted to the Franklin County Board of Zoning Appeals at least ten (10) days in advance, for preliminary review. The Board of Zoning Appeals or Planning Commission shall conduct a preliminary review within sixty (60) days of the application and either give tentative approval subject to conditions defined to meet the intent of these regulations or reject the proposal with the reasons stated to the applicant in writing within fifteen (15) days following the meeting. The board may refer the proposal to the Franklin County Regional Planning Commission for its review and recommendation.

Note: The site plan may be submitted at a later date up to one year after the location has been given preliminary approval.

Final review. After preliminary approval of the complete proposal, the board shall schedule a final review at public hearing at a date no earlier than the applicant can be reasonably expected to be ready. Public notice of the hearing shall be published in a newspaper of general circulation in Franklin County at least ten (10) days in advance of the hearing date.

2.6(2) Required Development Standards. The following shall apply:

2.6(2.1) Location.

2.6(2.11) The site shall comprise a single lot or tract of land, except where divided by public roads.

2.6(2.12) The site shall abut a public road.

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2.6(2.13) A single permanent residential structure, other than mobile homes, shall be permitted within the mobile home park to be used by the owner operator or an employee of the mobile home park.

2.6(2.2) Dimensions.

2.6(2.21) The minimum front yards on a public road shall be twenty-seven (27) feet.

2.6(2.22) The minimum yards adjoining another zoning district shall be twenty-five (25) feet.

2.6(2.3) Design.

Internal Driveways

2.6(2.31) The minimum driveway width of right-of-way exceeding five hundred (500) feet in length, serving more than fifty (50) dwelling units, shall be sixty (60) feet.

2.6(2.32) The minimum right-of-way width for any other driveway shall be fifty (50) feet.

2.6(2.33) The maximum grade on any driveway shall be ten (10) percent.

2.6(2.34) Where feasible, all road and/or driveway intersections shall be at right angles.

Public Road Access

2.6(2.35) The minimum distance between access points along public road frontage, center line to center line, shall be two hundred (200) feet.

2.6(2.36) The minimum distance between center line of an access point and the nearest curb line or road on a public road intersection shall be one hundred (100)

feet.

Mobile Home Spacing.

- 2.6(2.37) The minimum length of each mobile home space shall be one hundred (100) feet.
- 2.6(2.38) The minimum width of each mobile home space shall be fifty (50) feet.
- 2.6(2.39) The minimum side yard on a mobile home space shall be ten (10) feet and the minimum rear yard shall be twenty (20) feet.

2.6(3) Required Improvements. The following shall be required.

2.6(3.1) Internal Driveways.

- 2.6(3.11) Driveways shall be privately constructed and maintained.
- 2.6(3.12) The driveway base shall consist of sufficient crushed stone or gravel, properly drained or of a depth and sufficient compaction to provide an all weather road.
- 2.6(3.13) The minimum driveway base width of collector drives shall be twenty-four (24) feet. A collector driveway is any drive that connects two or more minor drives with a public road.
- 2.6(3.14) The minimum driveway base width of minor drives shall be twenty (20) feet. A minor drive is any drive that connects two or more individual driveways to a collector driveway or a public road.
- 2.6(3.15) Closed ends of dead-end driveways shall provide a vehicular turnaround at least eighty (80) feet in diameter or an alternate provision to allow any four (4) wheel vehicle to turn around with only one reverse motion required.

### 2.6(3.2) Mobile Home Stands.

Mobile home stands shall be of gravel or concrete and shall have sufficient area to accommodate appurtenances, such as canopies, patios, and porches.

### 2.6(3.3) Utilities.

The development shall be served with public or Package sanitary sewerage and public water on available trunk lines and the proposed water system shall be approved by the TN Department of Environment and Conservation. Septic sewerage disposal shall be permitted only on mobile homes bases having sufficient area to meet the requirements of the Franklin County Health Department (Environmentalist).

### 2.6(3.4) Storage of Waste.

Any central refuse disposal area shall be maintained in such manner as to meet county health requirements, and shall be screened from view.

### 2.6(3.5) Service Building.

2.6(3.51) Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.

2.6(3.52) There shall be at least twenty-five (25) feet separating permanent buildings on the site from any mobile home space.

## 2.7 Cluster Residential Development (Subdivided).

Intent: To permit greater flexibility for creative design and to achieve superior scenic quality and recreational subdivisions which incorporate permanent local open space accessible to all residential lots.

How it works: Instead of the conventional subdivision procedure which results in Homes more or less evenly spaced throughout the site, these provisions allow individual lot and yard requirements to be reduced to permit closer grouping or "clustering" of homes on a portion of the site. Developers, however, cannot construct more dwelling units on the site than the zoning minimum lot size requirements call for, but can reduce lot sizes if the land thus saved is put into permanent open space.

2.7(1) Procedure for Approval.

2.7(1.1) Initial Sketch and Consultation.

Before preparing a formal proposal for cluster residential developments the applicant shall submit six (6) copies to the planning commission as a basis for reaching general agreement on major aspects of the project. The sketch shall indicate, at a scale no smaller than 1"=200':

- boundaries and acreage of the site
- number and building types of dwelling units
- arrangement of roads, structures, and lots
- access to existing roads
- local open space tracts and prospective uses
- any convenience service area
- location and size of water, sewer lines.

2.7(1.2) Plat Approval Procedure.

Proposals for cluster residential developments shall be subject to the Franklin County Subdivision Regulations, shall be prepared and reviewed under the plat approval procedure of that resolution, and shall be in accordance with the provisions of this section.

2.7(2) Development Requirements.

2.7(2.1) This section shall apply to residential structures excluding mobile homes.

2.7(2.2) Minimum number of dwelling units per subdivision  
..... 40.

2.7(2.3) Maximum Density.

The average number of dwelling units per acre of buildable land (not including land for road right-of-way) shall not exceed sixteen (16). Maximum buildable acreage shall consist of seventy-five (75) percent of the total residentially-zoned acreage available, with twenty-five (25) percent of said total to be allocated for road right-of-way regardless of the acreage actually required.

2.7(2.4) Minimum lot size, width or yard requirements  
..... None.

2.7(2.5) Structure location requirements.

-Minimum distance between structure and road  
right-of-way line  
..... 30 feet.

-Minimum spacing between structures  
..... 20 feet.

2.7(2.6) Convenient commercial services.

Food and drug stores, beauty and barber shops, coin laundries or similar commercial facilities only, may be permitted within developments of one hundred (100) units or more for the purpose of serving local residents.

Such facilities must be designed as an integral part of the development, and external advertising or other characteristics which alter the residential scenic quality, noise level, or traffic load shall not be permissible. Commercial facilities shall not be established before residential construction commences.

2.7(2.7) Utilities.

The development shall be serviced with public or package sanitary sewerage and public water on trunk lines not less than eight (8) inches and six (6) inches respectively.

2.7(2.8) Local open space.

2.7(2.81) Minimum local open space requirement.

Plats proposed for approval under the provisions of this section shall include local open space tracts of size, location, shape and topography which will meet the intent of this section. (Franklin County Subdivision Regulations). The minimum amount of local open space to be allocated shall not be less than the aggregate amount by which building lots are reduced from regular minimum lot size requirements.

2.7(2.82) Permitted local open space uses.

Only the following land uses may be set aside as common land for local open space to recreational uses:

-Private recreational facilities, such as golf courses or swimming pools, which are limited to the use of the owners or occupants of the lots located within the subdivision.

-Historic building sites or historical sites, parks and parkway areas, extensive areas with tree cover, low and along streams or areas of rough terrain, such areas are expensive and have natural features worthy of scenic preservation.

2.7(2.83) Legal requirements for operation and maintenance.

Local open space, at the option of the developer, may be retained by him or deeded by him to a homeowners association or other organization approved by the planning commission.

When such tracts are retained by the developer, plans for improvement and maintenance of these tracts must be approved by the planning commission, and deed covenants, made to assure continuing use of the tracts for local open space purposes.

When such tracts are to be deeded to a homeowners association, the developer shall provide:

1. The legal framework for a homeowners association, consisting of articles of incorporation and by-laws which guarantees as a minimum:

-that the homeowners association will be responsible for liability insurance, local taxes, maintenance of recreational or other facilities pertaining to the local open space.

-that when more than fifty (50) percent of the lots within the subdivision are sold, there shall be a

special meeting of the homeowners association within sixty (60) days.

2. Deeds to individual lots within the subdivision, which shall convey mandatory membership in the homeowners association, and include as a minimum the following provisions:

- responsibility for paying a pro rata share of the cost of homeowners association operation.

- agreement that the assessment levied by the association can become a lien on the property if not paid.

- agreement that the association shall be able to adjust the assessment to meet changed needs.

- guarantee of permanent unrestricted right to utilize lands and facilities owned by the association.

3. R-3 Rural Residential Districts.

Intent: To provide suitable areas for low density residential development characterized by an open appearance. These areas also include community facilities, public utilities, and open uses which serve specifically the residents of these areas, or which are benefited by an open residential environment without creating objectionable or undesirable influence upon residential developments. Such developments shall be provided with public potable water.

Within R-3 Rural Residential Districts, as shown on the County Zoning Map, the following regulations shall apply:

- 3.1 Uses Permitted.

- 3.1(1) Any use permitted in R-1 Single Family Residential Districts.

- 3.1(2) The noncommercial raising of domestic livestock for personal pleasure or personal use as incidental to the above permitted uses.

- 3.1(3) All applicable local and state health regulations pertaining to the raising and keeping of domestic livestock are incorporated as part of this resolution.

3.2 Uses Permitted on Appeal.

Churches or places intended for worship by a religious body and other similar uses or structures; subject to such conditions as the Franklin County Board of Zoning Appeals may require to preserve and protect the character of the area in which the proposed use is located.

3.3 Uses Prohibited.

3.3(1) Mobile homes; billboards and similar advertising structures; the raising and keeping of hogs; livestock feed yards; uses not specifically permitted; or uses not specifically permitted on appeal.

3.4 Lot Area, Lot Width, and Building Area.

3.4(1) Lot Area, Lot Width, Rear and Side Yards.

The minimum lot area required shall be two (2) acres and in no case less than the area required by the Franklin County Health Department (Environmentalist) for sanitary waste disposal utilizing septic tanks.

Minimum lot area for dwelling .....	2 acres
Minimum lot width at building line	
For residences .....	100 feet
For institutional uses .....	250 feet
For other permitted uses .....	200 feet
Minimum rear yard .....	50 feet
Minimum side yard .....	30 feet
For roadside portions of corner	
lots .....	Minimum plus fifty percent

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For uses located on parcels abutting lakes, rivers, or bluff boundaries:  
Minimum side yard that abuts the lake, river, or bluff.....10 feet  
Minimum rear yard that abuts the lake, river, or bluff.....10 feet

3.4(2) Front Yards. All principle and accessory structures shall be set back from the right-of-way lines of roads the minimum distance shown below, according to their classification as indicated on the latest official municipal-regional thoroughfare plan:

Arterial Roads .....	75 feet
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Other Roads ..... 60 feet

3.4(3) Building Area. On any lot or tract, the area occupied by all structures, including accessory structures shall not exceed twenty-five (25) percent of the total area.

3.5 Height. Principle structures shall not exceed three (3) stories or thirty-five (35) feet in height, except for churches which must increase each side yard width over required minimum by five (5) feet for every five (5) feet or fraction thereof of additional height. No accessory structure shall exceed two (2) stories in height.

3.6 Location of Accessory Structures.

3.6(1) Accessory structures (excluding those housing domestic livestock) shall be located at least ten (10) feet from all lines.

3.6(2) Accessory structures housing domestic livestock shall be located at least forty (40) feet from any property line and three hundred (300) feet from any residential dwelling.

4-19-99 3.6(3) In Addition, no accessory structure shall be erected or located any closer to the road than allowed by the front setback line.

#### 4. R-1C Single Family Cluster Residential Districts (Low Density)

1-22-08 Intent: To provide a low density Cluster Residential environment with greater flexibility for creative design; and to achieve superior scenic quality and recreational subdivisions which incorporate permanent local open space accessible to all residential lots; and having good access to schools, public water, sewerage, and other community services, but well separated from heavy traffic and other incompatible activities.

How it works: Instead of the conventional subdivision procedure which results in homes more or less evenly spaced throughout the site, these provisions allow individual lot and yard requirements to be reduced to permit closer grouping or "clustering" of homes on a portion of the site. Developers, however, cannot construct more dwelling units on the site than the zoning minimum lot size requirements call for, but can reduce lot sizes if the land thus saved is put into permanent open space.

Within R-1C Single Family Cluster Residential Districts as shown on the County Zoning Map, the following regulations shall apply:

4.1 Uses Permitted.

- 4.1(1) Single family dwellings except mobile homes.
- 4.1(2) The taking of boarders or the renting or leasing of rooms by the family resident on the premise; provided, that not over twenty-five (25) percent of the total floor area is used for such purpose.
- 4.1(3) Public and private parks, playgrounds and playfields, country clubs and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district.
- 4.1(4) Customary home occupations conducted within the principal structure, but only by a person resident of the premise; provided, that not more than one person, not a resident of the premises, is employed.
- 4.1(5) One unilluminated temporary on-site sign not exceeding thirty-two (32) square feet in area, with no dimension exceeding twelve (12) feet, at each major approach to a subdivision advertising the sale of houses or lots. The display of such sign shall be limited to a period of one year; any remaining nonconforming sign may be removed by the county at the expense of the owner.
- 4.1(6) One unilluminated temporary on-site sign not exceeding sixteen (16) square feet in area, advertising the sale of farm or garden products for the duration of the harvest season.
- 4.1(7) Limited farming uses.
- 4.1(8) Accessory uses or structures customarily incidental to the above permitted uses.

4.2 Uses Permitted on Appeal.

Churches or places intended for worship by a religious body and any other similar uses or structures; subject to such conditions as the Franklin County Board of Zoning Appeals may require to preserve and protect the character of the area in which the proposed use is located.

4.3 Uses Prohibited.

- 4.3(1) Mobile homes, multi-family dwellings, billboards, and similar advertising structures; uses not specifically permitted; or uses not specifically permitted on appeal.

4.4 Cluster Development Procedure for Approval.

4.4(1) Initial Sketch and Consultation.

Before preparing a formal proposal for cluster residential developments the applicant shall submit six (6) copies to the planning commission as a basis for reaching general agreement on major aspects of the project. The sketch shall indicate, at a scale no smaller than 1"=200':

- boundaries and acreage of the site
- number and building types of dwelling units
- arrangement of roads, structures, and lots
- access to existing roads
- local open space tracts and prospective uses
- any convenience service area
- location and size of water, sewer lines.

4.4(2) Plat Approval Procedure.

Proposals for cluster residential developments shall be subject to the Franklin County Subdivision Regulations, shall be prepared and reviewed under the plat approval procedure of that resolution, and shall be in accordance with the provisions of this section.

- any convenience service area
- location and size of water, sewer lines.

4.4(3) Development Requirements.

4.4(3.1) This section shall apply to single-family residential structures only.

4.4(3.2) Minimum number of dwelling units per subdivision..... 20.

4.4(3.3) Maximum Density.

The average number of dwelling units per acre of buildable land (not including land for road right-of-way) shall not exceed eight (8). Maximum buildable acreage shall consist of seventy-five (75) percent of the total residentially-zoned acreage available, with twenty-five (25) percent of said total to be allocated for road right-of-way regardless of the acreage actually required.

4.4(3.4) Minimum lot size or width requirements..... None.

4.4(3.5) Front Yards.

All principal and accessory structures shall be set back from the right-of-way lines of roads the minimum distance shown below, according to their classifications as indicated on the latest official municipal-regional thoroughfare plan:

Arterial Roads ..... 60 feet  
Other Roads ..... 30 feet

4.4(3.6) Minimum rear yard..... 10 feet

4.4(3.7) Minimum side yard..... 10 feet

4.4(3.8) Utilities.

The development shall be serviced with public or package sanitary sewerage and public water on trunk lines not less than eight (8) inches and six (6) inches respectively.

4.4(3.9) Minimum local open space requirement.

Plats proposed for approval under the provisions of this section shall include local open space tracts of size, location, shape and topography which will meet the intent of this section and the Franklin County Subdivision Regulations. The minimum amount of local open space to be allocated shall not be less than the aggregate amount by which building lots are reduced from regular minimum lot size requirements.

4.4(4.0) Permitted local open space uses.

Only the following land uses may be set aside as common land for local open space to recreational uses:

- Private recreational facilities, such as golf courses or swimming pools, which are limited to the use of the owners or occupants of the lots located within the subdivision

- Historic building sites or historical sites, parks and parkway areas, extensive areas with tree cover, low and along streams or areas of rough terrain, such areas are expensive and have natural features worthy of scenic preservation.

4.4(4.1) Legal requirements for operation and maintenance.

Local open space, at the option of the developer, may be retained by him or deeded by him to a homeowners association or other organization

approved by the planning commission. When such tracts are retained by the developer, plans for improvement and maintenance of these tracts must be approved by the planning commission, and deed covenants, made to assure continuing use of the tracts for local open space purposes. When such tracts are to be deeded to a homeowners association, the developer shall provide:

1. The legal framework for a homeowners association, consisting of articles of incorporation and by-laws which guarantees as a minimum:
  - that the homeowners association will be responsible for liability insurance, local taxes, maintenance of recreational or other facilities pertaining to the local open space.
  - that when more than fifty (50) percent of the lots within the subdivision are sold, there shall be a special meeting of the homeowners association within sixty (60) days.
2. Deeds to individual lots within the subdivision, which shall convey mandatory membership in the homeowners association, and include as a minimum the following provisions:
  - responsibility for paying a pro rata share of the cost of homeowners association operation.
  - agreement that the assessment levied by the association can become a lien on the property if not paid.
  - agreement that the association shall be able to adjust the assessment to meet changed needs.
  - guarantee of permanent unrestricted right to utilize lands and facilities owned by the association.

#### 4.5 Height.

Principal structures shall not exceed three (3) stories nor thirty-five (35) feet in height, except for churches which must increase each side yard width over the required minimum by five (5) feet for every five (5) feet or fraction thereof of additional height. No accessory structure shall exceed two (2) stories in height.

#### 4.6 Location of Accessory Structures.

4.6(1) Accessory structures shall be located at least five (5) feet from all lot lines.

4.6(2) In Addition, no accessory structure shall be erected or located any closer to road than allowed by the front setback line.

## ARTICLE VII

### 6-20-05 PROVISIONS GOVERNING MIXED USE DISTRICTS

#### 1. Mixed Use Districts.

Intent: To provide a higher density residential and limited commercial mixed use environment having good access to schools, public water, centralized sanitary sewer system, fire protection, and other community services. To encourage infill and redevelopment of commercial, residential and mixed use development. To promote the preservation and adaptive reuse of existing buildings that contribute to the historical or architectural character of the district. Allow flexibility in development standards to recognize the challenge of developing small scale mixed use buildings that are a similar scale to surrounding residential development. To support the existing roads through redevelopment and land divisions where practical and feasible.

Criteria for Mixed Use Districts:

1. Shall be served by Centralized Sanitary Sewer System.
2. Shall consist of fifty (50) acres or greater in area, controlled by a single entity.
3. Shall be considered fronting on an arterial road.
4. Shall be served by public potable water system.
5. Shall have fire hydrants for fire protection purposes.
6. Shall be within a Planned Growth Area as designated on the Official Growth Plan Map of Franklin County.
7. Any subsequent additions for rezoning to existing MU-Mixed Use zoned districts shall meet criteria 1 through 6 above.

Within Mixed Use Districts as shown on the County Zoning Map, the following regulations shall apply:

#### 1.1 Uses Permitted.

- 1.1(1) Single family dwellings except mobile homes.
- 1.1(2) Multi-family dwellings.
- 1.1(3) Mixed-use structures containing residential dwelling units and other permitted uses.
- 1.1(4) Group Housing and Cluster Residential Development (Subdivided) in accordance with provisions set forth in Article VI, Section 2.6 and 2.7 (with the exception that no minimum number of lots is required per 2.7(2.2)).

- 1.1(5) Retail specialty shops including, but not limited to, the sale of gifts, antiques, flowers, books, jewelry, wearing apparel, tobacco and related supplies;
- 1.1(6) Craft shops making articles exclusively for sale at retail on the premises;
- 1.1(7) Convenient commercial uses.
- 1.1(8) Restaurants, caterers, and take-out food businesses;
- 1.1(9) Business offices including, but not limited to, security and commodity brokerage, real estate sales, travel agency, employment counseling, insurance sales, advertising, mailing and stenographic services;
- 1.1(10) Studios for dance, art, music, photography, radio or television;
- 1.1(11) Professional offices for lawyers, engineers, architects, landscape architects, or accountants.
- 1.1(12) Public elementary and high schools and private elementary and high schools with conventional academic curriculums similar to those in public elementary and high schools.
- 1.1(13) The taking of boarders or the renting or leasing of rooms by the family resident on the premise; provided, that not over twenty-five (25) percent of the total floor area is used for such purpose.
- 1.1(14) Public and private parks, playgrounds and playfields, country clubs and neighborhood and municipal buildings and uses in keeping with the character and requirements of the district.
- 1.1(15) Customary home occupations conducted within the principal structure, but only by a person resident of the premise; provided, that not more than one person, not a resident of the premises, is employed.
- 1.1(16) One unilluminated temporary on-site sign not exceeding sixteen (16) square feet in area, advertising the sale of farm or garden products for the duration of the harvest season.
- 1.1(17) Limited farming uses.
- 1.1(18) Accessory uses or structures customarily incidental to the above permitted uses.
- 1.1(19) Recreational uses not involving a profit oriented activity.

- 1.1(20) Medical facilities; or practitioners of the healing arts.
- 1.1(21) Bed and Breakfast Homestay.
- 1.1(22) Cemetery.
- 1.1(23) Movie theaters, except drive-ins.

1.2 Uses Permitted on Appeal.

- 1.2 (1) Higher education facilities.
- 1.2 (2) Churches or places intended for worship by a religious body and any other similar uses or structures; subject to such conditions as the Franklin County Board of Zoning Appeals may require to preserve and protect the character of the area in which the proposed use is located.
- 1.2 (3) Public and semi-public uses. Public Utilities.
- 1.2 (4) Recreational use involving a profit orientated activity.
- 1.2 (5) Day care facilities.
- 1.2 (6) Funeral home.
- 1.2 (7) Bed and Breakfast Inn.
- 1.2 (8) Assisted-care facility.
- 1.2 (9) Nursing home.
- 1.2 (10) Car wash facility.
- 1.2 (11) Self-service storage facility.
- 1.2 (12) Service stations.

1.3 Uses Prohibited.

- 1.3(1) Mobile homes; billboards and similar advertising structures; Industrial Uses; Adult Oriented Uses; uses not specifically permitted; or uses not specifically permitted on appeal.

1.4 Lot Area, Lot Width, and Building Area. The principal structure or structures shall be located to comply with the following requirements.

1.4(1) Lot Area, Lot Width, Rear and Side Yards.

- 9-21-09 Minimum lot area for detached dwellings or structures..... 5,000 sq. ft.  
Minimum lot area for attached dwellings or structures..... 2,500 sq. ft.  
Minimum lot width at building line:  
For detached dwellings..... 50 feet  
For attached dwellings..... 30 feet  
For institutional uses..... 250 feet  
For other permitted uses..... 50 feet  
Minimum rear yard for structures..... 20 feet  
Minimum side yard:  
For structures used as detached dwellings .....10 feet  
For attached dwellings.....0 feet  
For all other structures.....0 feet

For uses located on parcels abutting lakes, rivers, or bluff boundaries:  
Minimum side yard that abuts the lake, river, or bluff.....10 feet  
Minimum rear yard that abuts the lake, river, or bluff.....10 feet

1.4(2) Front Yards. All principal and accessory structures shall be set back from the right-of-way lines of roads the minimum distance shown below, according to their classifications as indicated on the latest official municipal-regional thoroughfare plan:

- Arterial Roads ..... 40 feet  
Collector Roads ..... 20 feet  
Minor Roads ..... 20 feet

1.4(3) Building Area. On any lot or tract, the area occupied by all structures, including accessory structures, shall not exceed eighty (80) percent of the total area. Accessory structures shall not cover more than twenty (20) percent of any rear yard.

1.5 Height. Principal structures shall not exceed three (3) stories nor thirty-five (35) feet in height, except for churches or educational uses. No accessory structure shall exceed two (2) stories in height.

1.6 Location of Accessory Structures.

1.6(1) Accessory structures shall be located at least five (5) feet from all lot lines.

1.6(2) In addition, no accessory structure shall be erected or located any closer to the road than allowed by the front setback line.

1.7 Procedures for Approval for Mixed Use Structures.

1.7(1) Mixed Use structures shall be required to submit a Plot Plan per Article IV, section 12 of this Resolution.

## ARTICLE VIII

### PROVISIONS GOVERNING COMMERCIAL DISTRICTS

#### 3-13-00 1. General Commercial Districts.

Intent: To provide for major retail and service areas at locations of superior accessibility on thoroughfares of width and design capable of safely handling the large volumes and turning movements of traffic associated with these commercial facilities.

Within Commercial Districts, as shown on the official zoning map, the following regulations shall apply:

#### 1.1 Uses Permitted.

1-22-08 1.1(1) Retail and service uses such as convenience goods, general merchandise, and apparel stores; business and personal service establishments; commercial entertainment and recreation such as bowling alleys, skating rinks, and marine-oriented uses; storage uses such as oil distributorships and lumber yards; public and semi-public uses; churches or other places of worship; and similar uses.

1.1(2) Manufacturing incidental to retail and wholesale business or service establishments where products are sold on the premise by producers.

1.1(3) Printing and publishing establishments.

1.1(4) Accessory uses or structures customarily incidental to the above permitted uses.

1.1(5) Residential dwelling unit provided it is occupied by the owner or an employee of the above permitted uses and is incidental to such permitted uses.

1.1(6) Separation Centers.

#### 1.2 Uses Permitted on Appeal.

1.2(1) Agricultural uses.

1.2(2) Shopping Mall.

10-16-00 1.2(3) Adult Oriented Uses provided that :

- 10-16-00 1.2(3.1) Any adult oriented establishment must be located on a state or federal numbered highway.
- 10-16-00 1.2(3.2) Any adult oriented establishment must be located a minimum of 1500 feet from any residence, educational facility (public or private), religious institutions, public parks or recreational areas, and daycare facilities. For the purpose of this resolution, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted to the nearest affected structure.
- 10-16-00 1.2(3.3) Any adult oriented establishment must be a minimum of 1500 feet from any R, Residential zoned district (county or municipality). For the purpose of this resolution, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted to the nearest zoning district line.
- 10-16-00 1.2(3.4) Any adult oriented establishment must be a minimum of 1500 feet from any other adult oriented establishment. For the purpose of this resolution the distance between any two adult oriented establishments shall be measured in a straight line, without regard to intervening structures or objects from the closest exterior wall of the structure in which each establishment is located.

1.3 Uses Prohibited.

1.3(1) Industrial uses; junkyards.

1.3(2) Gasoline, oil, or alcohol storage above the ground in excess of seven hundred (700) gallons.

10-16-00 1.3(3) Any use not specifically Permitted or Permitted on Appeal.

1.4 Lot Area.

The minimum lot area shall be ten thousand (10,000) square feet.

1.5 Yards.

1.5(1) Lots shall be considered fronting on either arterial or collector roads. All principal and accessory structures shall be set back from the right-of-way lines of roads the minimum distance shown below, according to their classifications as indicated on the latest official county functional highway classification plan:

Arterial Road .....50 feet  
Collector Roads .....35 feet

1.5(2) On corner lots, all principal and accessory structures shall conform to the setback requirements for the adjoining road with the highest classification.

4-19-99 1.5(3) The minimum yards adjoining a residential zoned district or an agricultural zoned district shall conform to minimum setback requirements set forth below:

Rear.....40 feet.

Sides.....40 feet.

Screening may be required as provided for in Article IV, Section 11.

1.6 Building Area.

Maximum building area shall be forty (40) percent of the total lot area.

1.7 Height.

Buildings shall not exceed three (3) stories nor thirty-five (35) feet in height.

1.8 Limitations on Signs and Advertising Uses.

All signs not relating to the identification of the premises and occupants and to products sold or services rendered on the premises are prohibited.

3-13-00 2. C-1, Commercial Districts, Restricted.

Intent: To provide for major retail and service areas at locations of superior accessibility on thoroughfares of width and design capable of safely handling the large volumes and turning movements of traffic associated with these commercial facilities.

Within Commercial Districts, as shown on the official zoning map, the following regulations shall apply:

2.1 Uses Permitted.

1-22-08 2.1(1) Retail and service uses such as convenience goods, general merchandise, and apparel stores; business and personal service establishments; churches or other places of worship; and similar uses.

2.1(2) Printing and publishing establishments.

2.1(3) Accessory uses or structures customarily incidental to the above permitted uses.

2.1(4) Residential dwelling unit provided it is occupied by the owner or an employee of the above permitted uses and is incidental to such permitted uses.

2.2 Uses Permitted on Appeal.

2.2(1) Agricultural uses.

2.3 Uses Prohibited.

2.3(1) Industrial uses; junkyards.

2.3(2) Gasoline, oil, or alcohol storage above the ground in excess of seven hundred (700) gallons.

2.3(3) Uses not specifically permitted.

2.4 Lot Area.

The minimum lot area shall be one-half (1/2) acre.

2.5 Yards.

2.5(1) Lots shall be considered fronting on either arterial or collector roads. All principal and accessory structures shall be set back from the right-of-way lines of roads the minimum distance shown below, according to their classifications as indicated on the latest official county functional highway classification plan:

Arterial Road .....50 feet.  
Collector Roads.....35 feet.

2.5(2) On corner lots, all principal and accessory structures shall conform to the setback requirements for the adjoining road with the highest classification.

2.5(3) The minimum yards adjoining a residential zoned district or an agricultural zoned district shall conform to minimum setback requirements set forth below:

Rear.....40 feet.  
Sides..... 40 feet.

Screening may be required as provided for in Article IV, Section 11.

2.6 Building Area.

Maximum building area shall be forty (40) percent of the total lot area.

2.7 Height.

Buildings shall not exceed three (3) stories nor thirty-five (35) feet in height.

2.8 Limitations on Signs and Advertising Uses.

All signs not relating to the identification of the premises and occupants and to products sold or services rendered on the premises are prohibited.

## ARTICLE IX

### PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

#### 1. Industrial Districts.

Intent: To provide for industrial uses which are in the main, compatible with nearby properties in agricultural, residential, or commercial use. Secondly, to protect industrial land from encroachment by other land uses.

Within Industrial Districts, as shown on the official zoning map, the following regulations shall apply:

##### 1.1 Uses Permitted.

1.1(1) Industrial uses such as the manufacture of textiles and apparel; fabrication and assembly of machinery and other products of metal, wood and other materials; and similar uses; provided they are of a type considered neither unsafe nor objectionable by reason of odor, dust, fumes, smoke, noise, vibration, refuse matter, or water-carried waste.

1.1(2) Wholesaling and storage uses; truck terminals; and public uses necessary to serve the area.

1.1(3) Accessory uses or structures customarily incidental to the above permitted uses.

4-19-99 1.1(4) Reserved.

1.1(5) Public utilities.

1.1(6) Separation Centers.

1.1(7) Baling Facilities.

1.1(8) Concrete batching plants and mixing plants for either portland cement or asphaltic cement.

1-22-08 1.1(9) Residential dwelling unit provided it is occupied by the owner or an employee of the above permitted uses and is incidental to such permitted uses.

##### 1.2 Uses Permitted on Appeal.

Agricultural uses.

1.3 Uses Prohibited.

Uses not permitted.

1.4 Yards.

1.4(1) Lots shall be considered fronting on either arterial or collector roads. All principal and accessory structures shall be set back from the right-of-way lines of roads the minimum distance shown below, according to their classifications as indicated on the latest official municipal-regional thoroughfare plan:

Arterial Roads .....	50 feet
Collector Roads .....	35 feet

1.4(2) On corner lots, all principal and accessory structures shall conform to the setback requirements for the adjoining road with the highest classification.

1.4(3) The minimum side yards and rear yards shall be twenty (20) feet and twenty-five (25) feet, respectively.

1.4(4) The minimum yards adjoining nonindustrial districts shall be thirty-five (35) feet. Screening may be required as provided in Article IV, Section 11.

1.4(5) No yard shall be required for that portion of a lot which fronts on or abuts a railroad right-of-way.

1.5 Limitations On Signs and Advertising Uses.

All signs not relating to the identification of the premises and occupants and to products sold or services rendered on the thoroughfares outside urban areas are prohibited.

2. I-1, Industrial District, Special

Intent: To provide suitable areas and standards for intense or potentially noxious industrial uses, including open land operations, while affording the maximum practicable degree of protection of property values, land, air, and water quality and other environmental factors for the long term future of Franklin County inhabitants.

2.1 Uses Permitted

2.1(1) County and municipal owned and/or operated solid waste management facilities including baling facility, separation center and sanitary landfill facility.

2.1(1.1) Criteria for development of a sanitary landfill facility.

2.1(1.11) In order to provide for the maximum density of waste and reduce the waste to the smallest practical volume in the landfill, all waste other than whiteware waste, demolition waste, and waste removed for the purpose of recycling or composting shall be baled to achieve a minimum average density of nine hundred (900) pounds per cubic yard in preparation for placing in the landfill.

2.1(1.12) Assessments

2.1(1.12) a. A written environmental impact assessment to include the quality of the site and its potential for future development as well as uses.

2.1(1.12) b. A written traffic impact assessment including the potential impact on highways, roads and bridges as well as traffic flow on the anticipated transportation routes.

2.1(1.12) c. A written assessment of the active life span of the facility.

2.1(1.12) d. A statement of the source(s) of the wastes to be disposed.

2.1(1.13) The land will not be useable for any other purposes for the active life of the facility plus a minimum of 30 years of post closure maintenance operations.

2.1(1.14) Access Roads

2.1(1.14) a. Access roads for entering and leaving the facility shall be from a paved surface highway and be designed to support the maximum axle weight of the vehicles traveling on said roads. Access roads and parking areas shall be paved and maintained with a minimum of chip and tar surface.

2.1(1.14) b. Access roads shall be a minimum of thirty (30) feet wide with a fifty (50) foot right of way

with sufficient screening to prevent the dispersal of trash onto adjacent properties.

2.1(1.15) All wastes entering or leaving the facility shall be transported in closed or covered trucks capable of containing the wastes being transported in such manner that no waste matter shall escape during transit.

2.1(1.16) Buffer zones shall be as specified in rules and regulations promulgated by the State of Tennessee.

2.1(2) Concrete batching plants and mixing plants for either portland cement or asphaltic concrete.

1-22-08 2.1(3) Residential dwelling unit provided it is occupied by the owner or an employee of the above permitted uses and is incidental to such permitted uses.

## 2.2 Uses Permitted on Appeal

2.2(1) Commercial solid waste management facilities including baling and/or fill facilities.

2.2(1.1) Criteria for development of a commercial solid waste management facility.

2.2(1.11) In order to provide for the maximum density of waste and reduce the waste to the smallest practical volume in the landfill, all commercial waste to be disposed of within Franklin County shall be baled to achieve a minimum average density of 900 pounds per cubic yard in preparation for placing in the landfill.

2.2(1.12) In order to facilitate inspection and control of the waste disposed of within Franklin County, all such wastes shall be delivered to the bale facility in the unbaled condition and baling shall be performed at the baling facility located within the waste management facility.

2.2(1.13) Assessments

2.2(1.13) a. A written environmental impact assessment to include the quality of the site and its potential for future development as well as

uses.

2.2(1.13) b. A written traffic impact assessment including the potential impact on highways, roads and bridges as well as traffic flow on the anticipated transportation routes.

2.2(1.13) c. A written assessment of the active life span of the facility.

2.2(1.13) d. A statement of the source(s) of the wastes to be disposed.

2.2(1.13) e. A written economic impact assessment.

2.2(1.14) Importation of Wastes

2.2(1.14) a. Imported wastes to be disposed of within Franklin County shall be limited to domestic wastes and commercial wastes only.

2.2(1.14) b. Imported wastes prohibited from disposal within Franklin County shall include, but not limited to, the following: bulky wastes, construction and demolition wastes, infectious wastes, incinerator ash, motor vehicle tires and batteries, special wastes, and hazardous wastes other than those hazardous wastes managed in accordance with this zoning resolution.

2.2(1.15) The land will not be useable for any other purposes for the active life of the facility plus a minimum of 30 years of post closure maintenance.

2.2(1.16) Access Roads

2.2(1.16) a. Access roads for entering and leaving the facility shall be from a paved surface highway and be designed to support the maximum axle weight of the vehicles traveling on said roads. Access roads and parking areas shall be paved and maintained with a minimum of chip and tar surface.

2.2(1.16) b. Access roads shall be a minimum of thirty (30) feet wide with a fifty (50) foot right of way with

sufficient screening to prevent the dispersal of trash onto adjacent properties.

2.2(1.17) All wastes entering or leaving the facility shall be transported in closed or covered trucks capable of containing the wastes being transported in such manner that no waste matter shall escape during transit.

2.2(1.18) Buffer Zone

2.2(1.18) a. A buffer zone of five hundred (500) feet shall be established and maintained throughout the life of the facility between the active portion of the facility and the facility property line.

2.2(1.18) b. The facility property line shall be a minimum of one thousand (1,000) feet from any constantly flowing stream or any body of water with an aerial content of five (5) acres or more.

2.2(1.19) All commercial waste management facilities shall be subject to inspection at all reasonable hours by the Franklin County Sanitation Committee and the Franklin County Board of Commissioners.

2.2(2) Quarry, mining and the commercial extraction of rock, sand, gravel, earth, clay and similar materials.

2.2(2.1) Criteria for development of quarry, mining and the commercial extraction of rock, sand, gravel, earth, clay and similar materials.

2.2(2.11) A plot plan prepared by a registered civil engineer, a registered surveyor or a landscape architect to include the following:

2.2(2.11) a. North point, scale, and date.

2.2(2.11) b. Location and extent of area to be excavated.

2.2(2.11) c. Location and width of all easements or rights-of-way on or abutting the property.

2.2(2.11) d. Location of all structures on the property.

- 2.2(2.11) e. Location of all areas on the property subject to inundation or flood hazard, and the location, width, and direction of flow of all watercourses and flood control channels that may be affected by the excavation.
  - 2.2(2.11) f. Bench marks.
  - 2.2(2.11) g. Existing contours of the total property and up to 100 feet beyond the property boundary. Contour intervals shall be at least two (2) foot intervals.
  - 2.2(2.11) h. Typical cross-sections showing the extent of rock, sand, gravel, earth and clay deposits, and the water table.
  - 2.2(2.11) i. Processing and storage areas.
  - 2.2(2.11) j. Proposed fencing, gates, parking and signs.
  - 2.2(2.11) k. Ingress-egress roads, plus on-site roads and proposed surface treatment and means to limit dust.
  - 2.2(2.11) l. A map showing access routes between the property and the nearest arterial road.
  - 2.2(2.11) m. Areas to be used for ponding.
- 2.2(2.12) An Operational Statement, which shall include:
- 2.2(2.12) a. The approximate date of start of the excavation and the approximate duration of the operation.
  - 2.2(2.12) b. Proposed hours and days of operation.
  - 2.2(2.12) c. Estimated type and volume of the excavation.
  - 2.2(2.12) d. Method of extracting and processing, including the disposition of overburden or top soils.

- 2.2(2.12) e. All equipment proposed to be used in the operation of the facility.
- 2.2(2.13) An environmental assessment to address:
  - 2.2(2.13) a. Operating practices proposed to be used to minimize noise, dust, air contaminants, and vibration.
  - 2.2(2.13) b. Methods to prevent pollution of surface or underground water.
  - 2.2(2.13) c. Surface water run-off and/or drainage.
- 2.2(2.14) A traffic impact assessment of the proposed use to include an off-site county road maintenance assistance or reconstruction plan. This plan must be approved by the County Road Superintendent.
- 2.2(2.15) A Rehabilitation Plan, which shall include:
  - 2.2(2.15) a. A statement of planned rehabilitation, including methods of accomplishment, phasing, and timing.
  - 2.2(2.15) b. A plan indicating the final grade of the excavation; any water features included in the rehabilitation and methods planned to prevent stagnation and pollution; landscaping or vegetative planting; and areas of cut or fill.
  - 2.2(2.15) c. A phasing plan, if the excavation of the site is to be accomplished in phases. This plan shall indicate the area and extent of each phase and the approximate timing of each phase.
  - 2.2(2.15) d. The method of disposing of any equipment or structures used in the operation of the excavation upon completion of the excavation.
  - 2.2(2.15) e. The execution of a bond or similar surety

instrument of not less than two thousand dollars (\$2,000) nor more than five thousand dollars (\$5,000) per acre of active quarry or mining throughout a five (5) year period to restore the lands as prescribed in rehabilitation plan.

- 4-19-99 2.2(3) Scrap processing and junk yard, and automobile graveyards.
- 4-19-99 2.2(3.1) Criteria for development of a scrap processing facility, junk yard and/or automobile graveyard.
- 4-19-99 2.2(3.11) Proof of all required State of Tennessee Permits must be on file.
- 4-19-99 2.2(3.12) A site plan shall be submitted at a scale no smaller than 1"=100', and must exhibit the proposed structures, equipment, appurtenances, required automobile storage areas, loading and unloading spaces, maneuvering areas, openings for ingress and egress to public roads, landscape treatment, and other physical improvements in accordance with General Provisions previously outlined in this resolution.
- 4-19-99 2.2(3.13) The use shall front on an arterial or collector road.
- 4-19-99 2.2(3.14) The area in which the use is located shall be screened and/or fenced with a privacy fence, of a design and height to be approved by the Franklin County Board of Zoning Appeals.
- 4-19-99 2.2(3.15) A drainage plan shall be submitted and approved to insure that storm-water does not have a significant impact on area properties or water quality.

2.3 Uses Prohibited

Uses not permitted.

2.4 Yards

2.4(1) Lots shall be considered fronting on arterial roads. All principal and accessory structures shall be set back from the right-of-way lines of roads the minimum distance shown below, according to their classifications as indicated on the latest official regional thoroughfare plan:

Arterial Roads ..... 50 feet

2.4(2) On corner lots, all principal and accessory structures shall conform to the setback requirements for the adjoining road with the highest classification.

2.4(3) The minimum side yards and rear yards shall be forty (40) feet.

2.4(4) The minimum yards adjoining nonindustrial districts shall be sixty (60) feet. Screening may be required as provided in Article IV, Section 11.

2.4(5) No yard shall be required for that portion of a lot which fronts on or abuts a railroad right-of-way.

## 2.5 Limitations on Signs and Advertising Uses.

All signs not relating to the identification of the premises and occupants and to products sold or services rendered on the thoroughfares outside urban areas are prohibited.

## ARTICLE X

### PROVISIONS GOVERNING AGRICULTURAL DISTRICTS

#### 1. A-1 Light Agricultural Districts.

Intent: To provide suitable areas for low density residential development where continuation of certain farm uses are compatible with this development. The areas are beginning to undergo a transition from rural to residential use and include community facilities, public utilities, and open uses which serve specifically the residents of the area or which are benefited by an open residential environment without creating objectionable or undesirable influences upon residential developments or influences which are incompatible with a rural environment. Such developments shall be provided with public potable water.

Within A-1 Light Agricultural Districts, as shown on the County Zoning Map, the following regulations shall apply:

##### 1.1 Uses Permitted.

1.1(1) Any use permitted in R-1, Single Family Residential Districts.

1.1(2) The raising of domestic livestock as incidental to the above permitted uses subject to the following limitations.

1.1(2.1) At least one acre is provided for each adult horse and at least one-half acre is provided for each adult cow, sheep, goat or hog.

1.1(2.2) Young animals, except hogs, up to weaning age, and hogs up to fifty pounds, shall be limited to three times the number permitted of adult animals of the same species.

1.1(2.3) Only offspring of female animals maintained on the property can be counted as young animals. All other livestock shall be counted as adult animals.

1.1(2.4) Computation of lot area limitation shall exclude one-fourth acre for residential purposes.

1.1(2.5) All applicable local and state health regulations pertaining to the raising and keeping of domestic livestock are incorporated as a part of this resolution.

1.2 Uses Permitted On Appeal.

Churches or places intended for worship by a religious body or any other similar uses or structures; subject to such conditions as the Franklin County Board of Zoning Appeals may require to preserve and protect the character of the area in which the proposed use is located.

1.3 Uses Prohibited.

Mobile homes; billboards and similar advertising structures; livestock feed yards; uses not specifically permitted on appeal.

1.4 Lot Area, Lot Width, and Building Area. The principle structure or structures shall be located to comply with the following requirements.

1.4(1) Lot Area, Lot Width, Rear and Side Yards.

The minimum lot area required shall be two (2) acres and not less than the area required by the Franklin County Health Department (Environmentalist) for sanitary waste disposal utilizing septic tanks.

Minimum lot area for dwelling .....	2 acres
Minimum lot width at building line	
For residences .....	100 feet
For institutional uses .....	250 feet
For other permitted uses .....	200 feet
Minimum rear yard .....	50 feet
Minimum side yard .....	30 feet
For roadside portions of corner lots .....	Minimum plus fifty percent

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For uses located on parcels abutting lakes, rivers, or bluff boundaries:

Minimum side yard that abuts the lake, river, or bluff.....10 feet

Minimum rear yard that abuts the lake, river, or bluff.....10 feet

1.4(2) Front Yards. All principle and accessory structures shall be set back from the right-of-way lines of roads the minimum distance shown below, according to the classification as indicated on the latest official municipal-regional thoroughfare plan:

Arterial Roads .....	75 feet
Other Roads .....	60 feet

1.4(3) Building Area. On any lot or tract, the area occupied by all structures,

including accessory structures shall not exceed twenty-five (25) percent of the total area.

1.5 Height. Principle structures shall not exceed three (3) stories or thirty-five (35) feet in height, except for churches which must increase each side yard width over the required minimum by five (5) feet for every five (5) feet or fraction thereof of additional height. No accessory structure shall exceed two (2) stories in height.

1.6 Location of Accessory Structures.

1.6(1) No accessory structure shall be erected or located in any required front or side yards.

1.6(2) Accessory structures (excluding those housing domestic livestock) shall be located at least ten (10) feet from all lot lines.

1.6(3) Accessory structures housing domestic livestock shall be located at least forty (40) feet from any property line and three-hundred (300) feet from any residential dwelling.

2. A-2 Medium Agricultural Districts

Intent: To provide suitable areas for residential development where continuation of certain farm uses are compatible with this development. The areas are beginning to undergo a transition from predominantly rural agricultural to residential use and include community facilities, public utilities, and open uses which serve specifically the residents of the area or which are benefited by an open residential environment without creating objectionable or undesirable influences upon residential developments or influences which are incompatible with a rural environment. Such developments shall be provided with public potable water.

Within A-2 Medium Agricultural Districts, as shown on the Official Zoning Map, the following regulations shall apply:

2.1 Uses Permitted.

2.1(1) Any use permitted in R-1, Single Family Residential Districts.

2.1(2) The raising of domestic livestock as incidental to the above permitted uses subject to the following limitations.

2.1(2.1) At least one acre is provided for each adult horse and at least one-half acre is provided for each adult cow, sheep, goat, or hog.

- 2.1(2.2) Young animals, except hogs, up to weaning age, and hogs up to fifty pounds, shall be limited to three times the number permitted of adult animals of the same species.
- 2.1(2.3) Only offspring of female animals maintained on the property can be counted as young animals. All other livestock shall be counted as adult animals.
- 2.1(2.4) Computation of lot area limitation shall exclude one-fourth acre for residential purposes.
- 2.1(2.5) All applicable local and state health regulations pertaining to the raising and keeping of domestic livestock are incorporated as a part of this resolution.

2.2 Uses Permitted on Appeal.

Churches or places intended for worship by a religious body or any other similar uses or structures; subject to such conditions as the Franklin County Board of Zoning Appeals may require to preserve and protect the character of the area in which the proposed use is located.

2.3 Uses Prohibited.

Mobile homes; billboards and similar advertising structures; livestock feed yards; uses not specifically permitted on appeal.

2.4 Lot Area, Lot Width, and Building Area. The principle structure or structures shall be located to comply with the following requirements.

2.4(1) Lot Area, Lot Width, Rear and Side Yards.

The minimum lot area required shall be one (1) acre and not less than the area required by the Franklin County Health Department (Environmentalist) for sanitary waste disposal utilizing septic tanks.

Minimum lot area for dwelling .....	1 acre
Minimum lot width at building line	
For residences .....	100 feet
For institutional uses .....	250 feet
For other permitted uses .....	200 feet
Minimum rear yard .....	50 feet
Minimum side yard .....	30 feet
For roadside portions of corner	

lots ..... Minimum plus  
fifty percent

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For uses located on parcels abutting lakes, rivers, or bluff boundaries:  
Minimum side yard that abuts the lake, river, or bluff.....10 feet  
Minimum rear yard that abuts the lake, river, or bluff.....10 feet

2.4(2) Front Yards. All principle and accessory structures shall be set back from the right-of-way lines of roads and the minimum distance shown below, according to the classification as indicated on the latest official municipal-regional thoroughfare plan:

Arterial Roads ..... 75 feet  
Other Roads ..... 60 feet

2.4(3) Building Area. On any lot or tract, the area occupied by all structures, including accessory structures shall not exceed twenty-five (25) percent of the total area.

2.5 Height. Principal structures shall not exceed three (3) stories or thirty-five (35) feet in height, except for churches which must increase each side yard width over the required minimum by five (5) feet for every five (5) feet or fraction thereof of additional height. No accessory structure shall exceed two (2) stories in height.

2.6 Location of Accessory Structures.

2.6(1) No accessory structure shall be erected or located in any required front or side yards.

2.6(2) Accessory structures (excluding those housing domestic livestock) shall be located at least ten (10) feet from all lot lines.

2.6(3) Accessory structures housing domestic livestock shall be located at least forty (40) feet from any property line and three-hundred (300) feet from any residential dwelling.

3. Agricultural Districts.

Intent: To protect lands suited to agricultural uses, and to provide for an adequate standard of non-agricultural development along thoroughfares outside urban areas.

Within Agricultural Districts, as shown on the official zoning map, the following regulations shall apply:

3.1 Uses Permitted.

3.1(1) Agricultural uses.

3.1(2) Residence or Residences including not more than two mobile homes for those owning and operating agricultural activities. See definition of agricultural.

3.1(3) Roadside stands for sale of produce and handicrafts grown or made primarily on the premises.

3.1(4) General and specialized farming.

3.1(5) Recreational use that does not involve a planned profit generating activity.

4-19-99 3.1(6) Reserved.

3.1(7) Convenient commercial uses.

3.1(8) Temporary portable sawmills.

3.1(9) Separation Centers.

3.1(10) Baling Facilities.

4-19-99 3.1(11) The development of a Residential Subdivision with no more than six (6) lots. Residential Subdivisions with seven (7) or more lots shall be developed in R-1, R-2, R-3, (R-1C), (MU), A-1, or A-2 zoned districts. All such developments shall be provided with public potable water.

3.2 Uses Permitted on Appeal to the Board of Zoning Appeals.

3.2(1) Roadside stands for the sale of produce confined to one building not to exceed nine hundred (900) square feet, one building for refrigeration not to exceed five hundred (500) square feet, and one building for storage not to exceed five hundred (500) square feet; subject to such conditions as the Board of Zoning Appeals deems appropriate to protect the general public and more particularly neighboring property owners, from traffic hazards, health hazards, and unsightliness.

3.2(2) Any other use deemed incidental to the farming profession.

- 4-19-99      3.2(3) Any use permitted in a Residential zoned district, except multiple family dwellings.
- 3.2(4) Public utilities.
- 3.2(5) Recreational use involving a profit orientated activity.
- 6-15-09      3.2(6) Limited commercial and manufacturing activities not incidental to the farming occupation conducted within an accessory structure provided that:
  - 3.2(6.1) It is conducted in an accessory structure.
  - 3.2(6.2) The activity is clearly subordinate to the principal land use.
  - 3.2(6.3) The activity is conducted in the rear yard.
  - 3.2(6.4) Any expansion of the accessory structure is subject to the approval of the Zoning Board of Appeals.
  - 3.2(6.5) The number of employees not residing on the same lot as the accessory structure housing the limited land use activity shall not exceed two.
  - 3.2(6.6) The activity must be free from offensive noise, vibration, odorous matter, dust, smoke, explosions, toxic or noxious matter, and other objectionable influences which would be injurious to neighboring properties.
- 3-13-00      3.2(7) The operation of a Family Day Care Home or a Group Day Care Home, provided that:
  - 3.2(7.1) All applicable Federal, State, and County laws are complied with.
  - 3.2(7.2) Any expansion of the structure is subject to the approval of the Board of Zoning Appeals

3.3 Uses Prohibited.

All uses not permitted herein.

- 4-19-99      3.3(1) Multi-family dwellings, group housing developments and mobile home parks.

3.4 Minimum Yards.

3.4(1) Front .. Dwelling and farm buildings ..... 40 ft.

3.4(2) Side ..... 25 ft.

3.4(3) Except where the lots are sewered by a modern central system and as to such lots thus sewered the minimum side yard shall be fifteen (15) feet.

3.4(4) Rear ..... 40 ft.

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For uses located on parcels abutting lakes, rivers, or bluff boundaries:  
Minimum side yard that abuts the lake, river, or bluff.....10 feet  
Minimum rear yard that abuts the lake, river, or bluff.....10 feet

3.5 Minimum Lot Size.

3.5(1) Area ..... One-half acre

3.5(2) Area per family ..... One-half acre

3.5(3) Width at building line ..... 100 ft.

3.6 Maximum Building Area.

Twenty-five (25) percent of lot.

3.7 Maximum Height.

3.7(1) Forty-five (45) feet ..... or ..... Three and one half stories.

3.8 Accessory Structures.

3.8(1) No accessory structure shall be erected or located in any required front yard.

3.8(2) Accessory structures shall be located at least ten (10) feet from all lot lines.

## FLOODPLAIN DISTRICT

1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES1.1. Statutory Authorization

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

1.2. Findings of Fact

- 1.2(1) The Franklin County Board of County Commissioners wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-04 Edition).
- 1.2(2) Areas of Franklin County are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- 1.2(3) These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

1.3. Statement of Purpose

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

- 1.3(1) Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
- 1.3(2) Require that uses vulnerable to floods, including County facilities, be protected against flood damage at the time of initial construction;
- 1.3(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- 1.3(4) Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
- 1.3(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

## 1.4 Objectives

The objectives of this Resolution are:

- 1.4(1) To protect human life, health and property;
- 1.4(2) To minimize expenditure of public funds for costly flood control projects;
- 1.4(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 1.4(4) To minimize prolonged business interruptions;
- 1.4(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodable areas;
- 1.4(6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize blight in flood areas;
- 1.4(7) To ensure that potential homebuyers are notified that property is in a floodable area; and
- 1.4(8) To maintain eligibility for participation in the National Flood Insurance Program.

## 2. DEFINITIONS

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

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

1. Accessory structures shall not be used for human habitation.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

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

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a

fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered "New Construction".

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

"Area of Shallow Flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. (Such flooding is characterized by ponding or sheet flow.)

"Area of Special Flood-related Erosion Hazard" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

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

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

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage (See "Structure").

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of equipment or materials.

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

"Emergency Flood Insurance Program" or "Emergency Program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

"Erosion" means the process of the gradual wearing away of landmasses. This peril is not per se covered under the Program.

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

"Existing Construction" means any structure for which the "start of construction" commenced before the effective date of the first floodplain management code or Resolution adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or Resolution adopted by the community as a basis for that community's participation in the National Flood Insurance Program (NFIP).

"Existing Structures" see "Existing Construction".

"Expansion to an Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

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

"Flood Elevation Determination" means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

"Flood Elevation Study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of areas of special flood hazard have been designated as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

"Floodplain" or "Flood-prone Area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Flood Protection System" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

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

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

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

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

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

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

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

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

"Historic Structure" means any structure that is:

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

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.

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

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle", unless such transportable structures are placed on a site for 180 consecutive days or longer.

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

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

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Resolution, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"New Construction" means any structure for which the "start of construction" commenced after the effective date of this Resolution or the effective date of the first floodplain management Resolution and includes any subsequent improvements to such structure.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed after the effective date of this Resolution or the effective date of the first floodplain management Resolution and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the floodplain.

"100-year Flood" see "Base Flood".

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Recreational Vehicle" means a vehicle which is:

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

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

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

"Special Hazard Area" means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

"Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure). For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other

structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" The Tennessee Department of Economic and Community Development's, Local Planning Assistance Office as designated by the Governor of the State of Tennessee at the request of the Administrator to assist in the implementation of the National Flood Insurance Program for the state.

"Structure", for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any repairs, reconstruction's, rehabilitation's, additions, alterations or other improvements to a structure, taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.

For the purpose of this definition, "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

"Variance" is a grant of relief from the requirements of this Resolution which permits construction in a manner otherwise prohibited by this Resolution where specific enforcement would result in unnecessary hardship.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Resolution is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

3. GENERAL PROVISIONS

3.1 Application

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

3.2 Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Franklin County, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) 47051CV000A, dated August 4, 2008 and Flood Insurance Rate Map (FIRM), Community Panel Numbers:

47051C0010E	47051C0020E	47051C0030E	47051C0035E
47051C0040E	47051C0041E	47051C0042E	47051C0043E
47051C0044E	47051C0055E	47051C0060E	47051C0063E
47051C0065E	47051C0070E	47051C0100E	47051C0125E
47051C0130E	47051C0131E	47051C0132E	47051C0133E
47051C0134E	47051C0140E	47051C0142E	47051C0145E
47051C0151E	47051C0152E	47051C0153E	47051C0154E
47051C0160E	47051C0161E	47051C0162E	47051C0163E
47051C0164E	47051C0166E	47051C0167E	47051C0168E
47051C0169E	47051C0200E	47051C0205E	47051C0215E
47051C0230E	47051C0234E	47051C0235E	47051C0240E
47051C0242E	47051C0245E	47051C0250E	47051C0275E
47051C0300E	47051C0330E	47051C0340E	47051C0375E
47051C0400E	47051C0425E	47051C0450E	47051C0455E

dated August 4, 2008, along with all supporting technical data, are adopted by reference and declared to be a part of this Resolution.

3.3 Requirement for Development Permit

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

3.4 Compliance

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

3.5 Abrogation and Greater Restrictions

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

3.6 Interpretation

In the interpretation and application of this Resolution, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing

body, and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

### 3.7 Warning and Disclaimer of Liability

The degree of flood protection required by this Resolution is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Resolution does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Resolution shall not create liability on the part of Franklin County, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Resolution or any administrative decision lawfully made hereunder.

### 3.8 Penalties for Violation

Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Franklin County, Tennessee from taking such other lawful actions to prevent or remedy any violation.

## 4. ADMINISTRATION

### 4.1 Designation of Resolution Administrator

The Building Commissioner is hereby appointed as the Administrator to implement the provisions of this Resolution.

### 4.2 Permit Procedures

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

#### 4.2(1) Application stage

4.2(1.1) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where BFE's are available, or to the highest adjacent grade when applicable under this Resolution.

4.2(1.2) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where BFE's are available, or to the highest adjacent grade when applicable under this Resolution.

4.2(1.3) Design certificate from a registered professional engineer or architect that the proposed non-residential floodproofed

building will meet the floodproofing criteria in ARTICLE XI, Section 4.2.

4.2(1.4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2(2) Construction Stage

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

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

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

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

4.3 Duties and Responsibilities of the Administrator

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

- 4.3(1) Review of all development permits to assure that the permit requirements of this Resolution have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- 4.3(2) Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
- 4.3(3) Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.

- 4.3(4) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
- 4.3(5) Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with ARTICLE XI, Section 4.2.
- 4.3(6) Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been floodproofed, in accordance with ARTICLE XI, Section 4.2.
- 4.3(7) When floodproofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with ARTICLE XI, Section 4.2.
- 4.3(8) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Resolution.
- 4.3(9) When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Resolution.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in ARTICLE XI, Section 2 of this Resolution). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in ARTICLE XI, Section 4.2.

- 4.3(10) All records pertaining to the provisions of this Resolution shall be maintained in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Resolution shall be maintained in a separate file or marked for expedited retrieval within combined files.

## 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

### 5.1 General Standards

In all flood prone areas the following provisions are required:

- 5.1(1) New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- 5.1(2) Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- 5.1(3) New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;
- 5.1(4) New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;
- 5.1(5) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- 5.1(6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- 5.1(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- 5.1(8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- 5.1(9) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Resolution, shall meet the requirements of "new construction" as contained in this Resolution; and,
- 5.1(10) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Resolution, shall be undertaken only if said non-conformity is not further extended or replaced.

## 5.2 Specific Standards

These provisions shall apply to ALL Areas of Special Flood Hazard as provided herein:

- 5.2(1) Residential Construction. Where base flood elevation data is available, new construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls and to ensure unimpeded movement of floodwater shall be provided in accordance with the standards of ARTICLE XI, Section 4.2.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in ARTICLE XI, Section 2 of this Resolution). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in ARTICLE XI, Section 4.2.

- 5.2(2) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential building, when BFE data is available, shall have the lowest floor, including basement, elevated or floodproofed no lower than one (1) foot above the level of the base flood elevation.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in ARTICLE XI, Section 2 of this Resolution). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in ARTICLE XI, Section 4.2.

Buildings located in all A-zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in ARTICLE XI, Section 4.2.

- 5.2(3) Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

5.2(3.1) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.

5.2(3.1.1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

5.2(3.1.2) The bottom of all openings shall be no higher than one foot above the finish grade; and

5.2(3.1.3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

- 5.2(3.2) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and
- 5.2(3.3) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of ARTICLE XI, Section 5.2 of this Resolution.

5.2(4) Standards for Manufactured Homes and Recreational Vehicles

- 5.2(4.1) All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
- 5.2(4.2) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
  - 5.2(4.2.1) When base flood elevations are available the lowest floor of the manufactured home is elevated on a permanent foundation no lower than one (1) foot above the level of the base flood elevation; or,
  - 5.2(4.2.2) Absent base flood elevations the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements) at least three (3) feet in height above the highest adjacent grade.
- 5.2(4.3) Any manufactured home which has incurred "substantial damage" as the result of a flood or that has substantially improved must meet the standards of ARTICLE XI, Section 5.2(4) of this Resolution.
- 5.2(4.4) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- 5.2(4.5) All recreational vehicles placed on identified flood hazard sites must either:
  - 5.2(4.5.1) Be on the site for fewer than 180 consecutive days;
  - 5.2(4.5.2) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking

system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions.

- 5.2(4.5.3) The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements of this Section above if on the site for longer than 180 consecutive days.

### 5.2(5) Standards for Subdivisions

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

- 5.2(5.1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- 5.2(5.2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- 5.2(5.3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- 5.2(5.4) Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty lots and/or five acres in area.

### 5.3 Standards for Areas of Special Flood Hazard with Established Base Flood Elevations and With Floodways Designated

Located within the Areas of Special Flood Hazard established in ARTICLE XI, Section 3.2, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- 5.3(1) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase of the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.

- 5.3(2) New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of ARTICLE XI, Section 5.

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

Located within the Areas of Special Flood Hazard established in ARTICLE XI, Section 3.2, where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

- 5.4(1) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- 5.4(2) New construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with ARTICLE XI, Section 5.2.

5.5 Standards for Streams without Established Base Flood Elevations or Floodways (A Zones)

Located within the Areas of Special Flood Hazard established in ARTICLE XI, Section 3, where streams exist, but no base flood data has been provided (A Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

- 5.5(1) When base flood elevation data or floodway data have not been provided in accordance with ARTICLE XI, Section 3, then the Administrator shall obtain, review and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State or other source, in order to administer the provisions of ARTICLE XI, Section 5. ONLY if data is not available from these sources, then the following provisions (5.5(2) & 5.5(3)) shall apply:
- 5.5(2) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- 5.5(3) In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site.

Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of ARTICLE XI, Section 5.2, and “Elevated Buildings”.

#### 5.6 Standards For Areas of Shallow Flooding (AO and AH Zones)

Located within the Areas of Special Flood Hazard established in ARTICLE XI, Section 3.2, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- 5.6(1) All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1') foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of ARTICLE XI, Section 5.2, and “Elevated Buildings”.
- 5.6(2) All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely flood-proofed to at least one (1') foot above the specified FIRM flood level, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified, the lowest floor, including basement, shall be floodproofed to at least three (3) feet above the highest adjacent grade. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Resolution and shall provide such certification to the Administrator as set forth above and as required in ARTICLE XI, Section 4.2.
- 5.6(3) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.
- 5.6(4) The Administrator shall certify the elevation or the highest adjacent grade, where applicable, and the record shall become a permanent part of the permit file.

#### 5.7 Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the areas of special flood hazard established in ARTICLE XI, Section 3.2. Are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of ARTICLE XI, Sections 4 and 5.1 shall apply.

#### 5.8 Standards for Unmapped Streams

Located within Franklin County, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams the following provisions shall apply:

- 5.8(1) In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
- 5.8(2) When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or floodproofed to elevations established in accordance with ARTICLE XI, Section 4.

## 6. VARIANCE PROCEDURES

The provisions of this section shall apply exclusively to Areas of Special Flood Hazard within the unincorporated areas of Franklin County, Tennessee.

### 6.1 Board of Appeals

- 6.1(1) The Franklin County Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.
- 6.1(2) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
- 6.1(3) In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Resolution, and:
  - 6.1(3.1) The danger that materials may be swept onto other property to the injury of others;
  - 6.1(3.2) The danger to life and property due to flooding or erosion;
  - 6.1(3.3) The susceptibility of the proposed facility and its contents to flood damage;
  - 6.1(3.4) The importance of the services provided by the proposed facility to the County;
  - 6.1(3.5) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
  - 6.1(3.6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

- 6.1(3.7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- 6.1(3.8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- 6.1(3.9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
- 6.1(3.10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- 6.1(4) Upon consideration of the factors listed above, and the purposes of this Resolution, the Board of Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Resolution.
- 6.1(5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

## 6.2 Conditions for Variances

- 6.2(1) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
- 6.2(2) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Resolutions.
- 6.2(3) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.
- 6.2(4) The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

## 7. LEGAL STATUS PROVISIONS

### 7.1 Conflict with Other Resolutions

In case of conflict between this Resolution or any part thereof, and the whole or part of any existing or future Resolution of Franklin County, Tennessee, the most restrictive shall in all cases apply.

7.2 Validity

If any section, clause, provision, or portion of this Resolution shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Resolution which is not of itself invalid or unconstitutional.

7.3 Effective Date

This Resolution shall become effective immediately after its passage, by Franklin County, Tennessee, the public welfare demanding it.

## ARTICLE XII

### EXCEPTIONS AND MODIFICATIONS

#### 1. Lot of Record.

1.1 Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this resolution does not own sufficient land to enable him to conform to the yard or other requirements of this resolution, an application may be submitted to the Franklin County Board of Zoning Appeals for a variance from the terms of this resolution, in accordance with ARTICLE XIV, Section 4. Such lot may be used as a building site; provided, however, that the yard and other requirements of the district are complied with as closely as in the opinion of the Regional Board of Zoning Appeals is possible.

1.2 No lot shall be so reduced in area that the yards and open spaces will be smaller than prescribed by this resolution; and no yard, court, or open space provided around any building for the purpose of complying with these provisions shall again be considered as a yard, court, or other open space for another building.

2. The front yard requirements of this resolution for dwelling shall not apply to any lot where the average depth of existing front yards on developed lots located within two hundred (200) feet of each side of such lot and within the same block and zoning district and fronting on the same road as such lot is less than the minimum required front yard depth. In such case the minimum front yard shall be the average of the existing front yard depths on the developed lots.

#### 3. Adjoining Substandard Lots of Record.

Where two (2) or more substandard lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a large tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

#### 4. Exception on Height Limits.

The height limitations of this resolution shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, silos, smoke stacks, derricks, conveyors, flag poles, radio towers, masts, aerials, and the like.

#### 5. Agricultural Use of Land.

This resolution shall not be construed as authorizing the requirement of building permits nor providing for any regulation of the erection, construction, or reconstruction of any building or

other structure on lands now devoted to agricultural uses or which may hereafter be used for agricultural purposes, except on agricultural lands adjacent or in proximity to state federal aid highways, public airports, or public parks, provided, however, such building or structure is incidental to the agricultural enterprise. Nor shall this resolution be construed as limiting or affecting in any way or controlling the agricultural uses of land.

## ARTICLE XIII

### ENFORCEMENT

#### 1. Building Commissioner.

The provisions of this resolution shall be administered and enforced by a County Building Commissioner appointed by the County Board of Commissioners, and he shall have the power to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this resolution. The County Building Commissioner is accountable to the County Board of Commissioners through the County Executive Officer who shall administratively supervise his activities. The duties assigned below are minimum requirements and do not exclude additional assignments by the County Executive Officer. Duties may be delegated by the Building Commissioner to County Employees under his direct supervision on a partial or full time bases.

##### 1.1 Duties.

- 1.1(1) Approve and issue all Building Permits and maintain files of related documentation.
- 1.1(2) Conduct inspections of buildings, structures, and uses of land to determine compliance with the terms of this Zoning Resolution.
- 1.1(3) Maintain current and permanent records of the Franklin County Zoning Resolution, including, but not limited to, all Zoning Maps, amendments, special uses, variances, appeals and records of hearings thereon.
- 1.1(4) Have available in book or pamphlet form the compiled text of the Zoning Resolution and amendments thereto.
- 1.1(5) Have available in map form current zoning maps showing the zoning districts, divisions and classifications in effect in Franklin County.
- 1.1(6) Receive, file and forward to the Board of Zoning Appeals applications for variances, special use permits, and appeals of rulings by the Building Commissioner.
- 1.1(7) Meet with the Franklin County Board of Zoning Appeals and provide such clerical and technical assistance as may be required for its operation.
- 1.1(8) Meet with the Franklin County Regional Planning Commission and provide such clerical and technical assistance as may be required for its operation.
- 1.1(9) Document and maintain permanent files of all meeting minutes of the

Franklin County Board of Zoning Appeals and the Franklin County Regional Planning Commission as well as records of all official public hearings held by both agencies.

1.1(10) Provide reliable information concerning land use, zoning, subdivision regulations, planning, and related matters to interested parties such as prospective developers, present and potential landowners, civic organizations, and governmental agencies.

4-19-99 1.1(11) Approve additions and/or expansions to cases previously reviewed and approved by the Franklin County Regional Planning Commission, as described in Article IV, Section 12.4 and other provisions of this resolution. These approvals shall be countersigned by the Secretary of the Franklin County Regional Planning Commission.

4-19-99 1.1(12) Approve additions and /or expansions to cases previously reviewed and approved by the Franklin County Board of Zoning Appeals, except Limited Commercial uses, as described in Article IV, Section 12.5 and other provisions of this resolution. These approvals shall be countersigned by the Secretary of the Franklin County Board of Zoning Appeals.

1-22-08 1.1(13) Have available the Fee Schedule, as adopted and approved by the Franklin County Board of Commissioners; and it is understood that all applicants for the various services provided by the Planning and Zoning Department will be obligated to pay the appropriate fee at time of application, unless specifically exempted. The specific exemptions are:

Educational facilities  
Governmental facilities  
Religious facilities  
Public Utilities

## 2. Building Permits and Certificates of Occupancy.

### 2.1 Building Permit Required.

2.1(1) It shall be unlawful to commence excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, including accessory structures, to use a building or structure or to change the use of a building or structure, or to commence the excavation or filling of land until the Building Commissioner has issued for such work a building permit containing a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this resolution. Application for a

building permit shall be made in writing to the Building Commissioner on forms provided for that purpose.

It shall be unlawful for the Building Commissioner to approve the plans or issue a building permit for any excavation or filling or construction until he has inspected such plans in detail and found them to be in conformity with this resolution. To this end, the building permit for excavation, filling, construction, moving or alteration shall be accompanied by development plans as required below. Such plans shall be sufficient in detail to enable the Building Commissioner to ascertain whether the proposed excavation, filling, construction, moving, or alteration is in conformance with this resolution.

2.1(2) It is understood and agreed that all mobile home park owners shall pay one permit fee at the time that a mobile home (trailer) park space is constructed. No additional fee shall be paid thereafter, even though the mobile homes occupying said mobile home space may be changed from time to time.

## 2.2 Issuance of a Building Permit.

In applying to the Building Commissioner for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, and location of all buildings to be erected, altered, or moved and of any buildings already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Commissioner for determining whether the provisions of this resolution are being observed. If the proposed excavation or construction as set forth in the application is in conformity with the provisions of this resolution, the Building Commissioner shall, within three (3) days, issue a building permit for such excavation and/or construction. If a building permit is refused, the Building Commissioner shall state such refusal in writing with the cause.

2.2(1) The issuance of a building permit shall in no case be construed as waiving any provision of this resolution.

2.2(2) A building permit shall become void twelve (12) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

4-19-99 2.3 A Septic Tank Permit, Certificate of Verification, or proof of disposal of sanitary waste in a Tennessee approved manner is required prior to the issuance of a Building Permit.

1-22-08 2.4 Compliance with the Franklin County Subdivision Regulations and with the provisions of Tennessee Code Annotated governing “subdivisions” of property is required prior to the issuance of a Building Permit.

3. Compliance Inspection.

After the footing proposed location of a structure has been staked out it is the responsibility of the owner and/or agent to contact the Planning/Zoning Office for an initial inspection. It is the owner's responsibility to contact the Planning/Zoning Office upon completion to insure continued compliance with this resolution. The owner is responsible to correct all deficiencies or will be held in violation of this Resolution.

4. Penalties.

Any person violating any provision of this resolution shall be guilty of a misdemeanor and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense; payment of fine shall not constitute compliance.

4-19-99 All fees are doubled if construction has started before obtaining a zoning compliance/building permit. Regular fees are paid if an application is filed within ten (10) days of notification. After start of construction, variances shall have an application fee of five-hundred (\$500.00) dollars.

5. Remedies.

In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of this resolution, the building commissioner or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the occupancy or use of such building, structure, or land.

6. Refunds.

3-13-00 An applicant may receive refunds, if requested, upon review of and approval by an agreement of :

1. The Franklin County Executive and The Chairman of the Franklin County Board of Zoning Appeals.

OR

2. The Franklin County Executive and the Chairman of the Franklin County Regional Planning Commission.

## ARTICLE XIV

### BOARD OF ZONING APPEALS

1. Creation and Appointment.

A Franklin County Board of Zoning Appeals (hereafter referred to as the board) is hereby established in accordance with Sections 13-406 of the Tennessee Code. The Board of Zoning Appeals shall consist of five (5) members, two (2) of which may be Franklin County Planning Commissioners. The county court shall appoint members and may fix their compensation and their terms, which shall be so arranged that the term of one member will expire each year. The county court may remove any member upon cause. Vacancies shall be filled for an unexpired term in the same manner as the case of original appointment.

2. Procedure.

Meetings of the board shall be held at the call of the chairman, and at such other times as the board may determine. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question; if absent or failing to vote, the board shall explain its actions. The minutes shall be immediately filed in the office of the board (Planning and Zoning Department) and shall be a public record.

3. Appeals, How Taken.

An appeal to the board may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, other board, or bureau affected by any decision of the building commissioner based in whole or in part upon the provisions of this resolution. Such appeal shall be taken by filing with the board a notice of appeal, specifying the grounds thereof.

The building commissioner shall transmit to the board all papers constituting the record upon which the action appealed was taken. The board shall fix a reasonable time for the hearing of the appeal; give proper notice of a public hearing before the board at least ten (10) days prior to the date set for the public hearing; provide written notice to the parties of interest, mailed five (5) days prior to the date set for the hearing; and decide same within a reasonable time. At the hearing, any person or party may appear and be heard in person, by agent, or by attorney.

4. Powers.

The board shall have the following powers and duties:

4.1 Administrative Review.

To hear and decide approvals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, implication, determination, or refusal made by the Building Commissioner or other administrative official in the carrying out or enforcement of any provision of this resolution; and to interpret the county zoning map and resolution.

4.2 Special Exceptions.

To hear and decide, in accordance with the provisions of this resolution, requests for special exceptions or for decisions upon other special questions upon which the board is authorized by this resolution to pass.

4.3 Variances.

To hear and decide applications for variances from the terms of this resolution, but shall grant variances only where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which at the time of adoption of this resolution was a lot of record, or where by reason of exceptional topographic situations or conditions of a piece of property the strict application of the provisions of this resolution would result in practical difficulties to or undue hardship upon the owner of such property; provided that such a relief may be granted without substantial detriments to the public good and without substantially impairing the intent and purposes of this resolution.

5. Procedure for Authorizing Uses Permitted on Appeal (Special Exceptions). The following is established to provide procedures for review of a proposed use by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this Resolution, or whether a review is requested by the Building Commissioner to determine whether a proposed use is potentially noxious, dangerous or offensive.

5.1 Application: An application shall be filed with the Board of Zoning Appeals for review by the landowner or agent. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, plot plan information as required by other provisions of this resolution, and any other material pertinent to the request which the Board may require.

5.2 Approval Standards: The issuance of a special exception shall not be considered an entitlement, and shall be granted by the Board of Zoning Appeals only if the Board

finds that all of the following standards are met. The burden of proof in demonstrating that the standards have been met shall be on the applicant. No special exception shall be granted if the Board finds that any one (1) or more of the following standards are not met.

5.2(1) Nature of Use. The nature and characteristics of the proposed use are consistent with the activity type authorized as a conditional use or special exemption in the zoning district in which located.

5.2(2) Purpose Compliance. The proposed use conforms to the purposes and intent of this Zoning Resolution and the zoning district in which located.

5.2(3) Ordinance Compliance. The proposed use complies with all applicable regulations, including any specific standards for the proposed use set forth in this resolution.

5.2(4) Compatibility. The proposed use is compatible with adjacent uses, in terms of use, building height, bulk, scale, setbacks, open spaces, landscaping, drainage, access and circulation.

5.2(5) Traffic Impact. The proposed uses does not adversely affect the safety and convenience of vehicular and pedestrian circulation in the area, and will not result in a significant increase in traffic on any local residential road.

5.2(6) Parking Adequacy. The proposed use provides adequate and convenient off-road parking and loading facilities, and will not result in overflow parking on adjacent residential roads.

5.2(7) Hazard Protection. The proposed use reasonably protects persons and property from erosion, flooding, fire, noise, vibration, odor or similar hazards.

5.3 Standards for Review: Except where otherwise noted, the Board shall use the following standards to aid in the review of a special exception.

5.3(1) Identification and delineation of existing features on the property, such as: areas of special flood hazard; ponding areas; landfills and/or dumps and/or other waste disposal sites (active and inactive); sinkholes; and cemeteries/graveyards.

5.3(2) Development and post-development drainage plans, if required.

5.3(3) Verification of approval of all applicable environmental and/or use permits; local, state and federal.

- 5.3(4) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access for emergency response.
- 5.3(5) Off-road parking and loading areas where required, with particular attention to the items in 5.3(4) above, and the economic, noise, vibrations, glare, or odor effects of the special exception on adjoining properties and properties generally in the district.
- 5.3(6) Refuse and service areas, with particular reference to the items in 5.3(4) and 5.3(5) above.
- 5.3(7) Utilities, with reference to locations, availability, and compatibility.
- 5.3(8) Screening and Buffering with reference to type, dimensions and character.
- 5.3(9) Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
- 5.3(10) Required yard and other open space.
- 5.3(11) General compatibility with adjacent properties and other properties in the district.
- 5.4 Findings of Fact: Any Board approval of a special exception use shall state the section of the resolution under which the use was considered, and findings of facts relating to the approval standards. In the case of a denial of a special exception use request, the findings shall specifically identify the reasons that one (1) or more of the approval standards were not met.
- 5.5 Conditions of Approval: The Board may impose such conditions or restrictions upon a special exception use as necessary in order to ensure that the approval standards are met and to eliminate or minimize the injurious effect of such use upon surrounding properties. The Board may also establish expiration dates as a condition of approval. Any Board decision to approve a special exception use shall clearly state the specific conditions imposed.
- 5.6 Restrictions. In the exercise of its approval, the Board may impose such reasonable conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this resolution.
- 5.7 Validity of Plans. All approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.

5.8 Time Limit. All applications reviewed by the Board shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

6. Procedure for Authorizing Variances. The purpose of this procedure is to modify the strict application of the specific requirements of this resolution in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary to overcome some obstacle which is preventing an owner from using his property under this resolution.

6.1 Application: After denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Board of Zoning Appeals.

6.2 Standard for Variances. The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

6.2(1) That by reason of exceptional narrowness, shallowness, or shape of a particular piece of property at the time of enactment of this resolution, or by reason of exceptional topographic conditions or other exceptional and extraordinary situation or condition of such piece of property, the strict application of any regulation contained within this resolution would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property.

6.2(2) That the variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.

6.2(3) That the variance will not authorize activities in a zone district other than those permitted by this resolution.

6.2(4) That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the property is located, or a substantial impairment to the intent and purpose of the zoning district wherein such property is located or of the general provisions of this resolution.

6.2(5) That the proposed variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public roads, or increase the danger of fire, or endanger the public safety.

6.2(6) That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after

the effective date of this resolution.

- 6.3 Nonconformity Does Not Constitute Grounds for Granting of a Variance. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- 6.4 Prohibition of Use Variances. Under no circumstances shall the Board of Appeals grant a variance to allow a "USE" not permissible under the terms of this resolution in the district involved, or any use expressly or by implication prohibited by the terms of this resolution in said district.
- 6.5 Conditions and Restrictions by the Board. The Board may impose such reasonable conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the provisions set out in 6.2(4) above to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this resolution. The Board may establish expiration dates as a condition or as a part of the variances.
- 6.6 Time Limit. All applications reviewed by the Board shall be decided within thirty (30) days of the designated hearing, and the applicant shall be provided with either a written notice of approval or denial.

## ARTICLE XV

### AMENDMENTS

1. Introduction of Amendments.

The county court may amend the regulations, restrictions, boundaries, or any provision of this resolution. Any member of the county court may introduce such amendment, or any official, board, or any other person may present a petition to the county court requesting an amendment or amendments to this resolution without payment of a fee except as described in Paragraph 4 of this article.

2. Review by the Planning Commission.

No amendment shall become effective unless it is first submitted for approval, disapproval, or suggestions to the planning commission. At least twenty (20) minutes at the beginning of the new business portion of the Planning Commission meeting scheduled for review of a proposed amendment will be allowed for statements or comments concerning the proposed amendment, by visitors. If the Planning Commission within sixty (60) days of such submission disapproves the amendment, it shall require the favorable vote of a majority of the entire membership of the county court to become effective. Failure of the Planning Commission to either approve or disapprove the amendment within sixty (60) days of its submission shall be deemed approval.

3. Notice of Public Hearing.

Before enacting this resolution or any amendment thereto, the county court shall publish a notice of such request for an amendment together with the notice of time set for a public hearing by the county court on the requested change. Said notice shall be published one time in a newspaper of general circulation in Franklin County, Tennessee. Said hearing by the county court shall take place not sooner than fifteen (15) days nor later than sixty (60) days after the publication of such notice.

4. Fee.

1-22-08 A fee as set by the Franklin County Board of Commissioners shall be paid with any request to amend the Franklin County Zoning Map that is related to or directly affects only a specific individual, corporation or organized group. This fee is due and payable at the time of filing the request and is to be used by Franklin County to defray cost resulting from such request and any subsequent amendment of the Franklin County Zoning Map.

ARTICLE XVI

LEGAL STATUS PROVISIONS

1. Conflict With Other Resolutions.

In case of conflict between this resolution or any part thereof, and the whole or part of any existing or future resolution of Franklin County, the most restrictive provision shall in all cases apply.

2. Validity.

If any section, clause, provision, or portion of this resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this resolution which is not itself invalid or unconstitutional.

3. Effective Date.

This resolution shall take effect and be in force after its passage and publication in a newspaper of general circulation in Franklin County, and the public welfare demanding it.

Certified by the Franklin County Planning Commission.

(signed) James M. Crouch  
Secretary

February 12, 1974  
Date

Public Hearing Held April 8, 1974  
Date

Passed by the Franklin County Quarterly Court

\_\_\_\_\_ (signed) Roy Crownover  
County Judge

\_\_\_\_\_ April 8, 1974  
Date