

**OFFICIAL ZONING CODE
MACON COUNTY, TENNESSEE**

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SHELVEY LINVILLE, COUNTY MAYOR**

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ARTICLE I
ENACTMENT

SECTION

- 1.010 Authority**
- 1.020 Title**
- 1.030 Purpose**
- 1.040 Enactment**
- 1.050 Agricultural Uses**

1.010 AUTHORITY

A zoning code, in pursuance of the authority granted by Sections 13-7-101 through 13-7-115 and 13-7-401, Tennessee Code Annotated, to regulate, in the portions of Macon County, Tennessee, which lie outside of the municipal corporations of the county, the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density and distribution of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, agricultural, forestry, soil and water conservation, public activities and other purposes including areas subject to flooding; to provide for the orderly and reasonable uses of solar energy in the interest of public health, safety and general welfare; to provide methods of administration of this zoning code, and to prescribe penalties for the violation thereof.

1.020 TITLE

This zoning code, first adopted on August 26, 2002, and readopted with revisions by the Macon County Legislative Body on August 18, 2014, shall be known as the Zoning Code of Macon County, Tennessee. The zoning map shall be referred to as the Official Zoning Map of Macon County, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this zoning code.

1.030 PURPOSE

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

- (a) enhancing the character and stability of residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- (b) preventing overcrowding of land;
- (c) conserving the value of land and buildings;
- (d) minimizing traffic hazards and congestion;
- (e) preventing undue concentration of population;
- (f) providing for adequate light, air, privacy, and sanitation;
- (g) reducing hazards from fire, flood, and other dangers;
- (h) assisting in the economic provision, utilization, and expansion of all services provided by the public, including but not limited to roads, water and sewer service, recreation, schools, and emergency services;
- (i) encouraging the most appropriate uses of land;
- (j) enhancing the natural, manmade and historical amenities of Macon County Tennessee.

1.040 ENACTMENT

WHEREAS, Section 13-7-101 through 13-7-115 and 13-7-401 of the Tennessee Code Annotated, empowers Macon County to enact a zoning code by passage of a resolution by the County Legislative Body, and to provide for its administration, enforcement, and amendment, and

WHEREAS, the County Legislative Body deems it necessary, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of Macon County to enact such a zoning code, and

WHEREAS, all the requirements of Section 13-7-101 through 13-7-115, of the Tennessee Code Annotated, with regard to the preparation of the land use plan by the Planning Commission and subsequent action of the County Legislative Body have been met.

NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE BODY OF MACON COUNTY, TENNESSEE, THAT THIS ZONING CODE OF MACON COUNTY, TENNESSEE, BE ENACTED INTO LAW.

1.050 AGRICULTURAL USES

This zoning code shall not be construed as authorizing the requirement of zoning permits nor providing for any regulation of the erection, construction, or reconstruction of any building or other structure dedicated to agricultural use or on lands which may hereafter be used for agricultural purposes, except on agricultural lands adjacent or in proximity to state federal-aid highways, public airports, or parks; provided that such building or structure is incidental to the agricultural enterprise. Farm operations must comply with any applicable state statutes or regulations administered by the Tennessee Department of Agriculture, Department of Transportation, or the Department of Environment and Conservation.

ARTICLE II

CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SECTIONS

- 2.010 Rules for Construction of Language
- 2.020 General Definitions
- 2.030 Definitions of Land Use Activities

2.010 RULES FOR CONSTRUCTION OF LANGUAGE

In the construction of this zoning code, the rules and definitions contained in this article shall be observed and applied, except when the context clearly indicates otherwise:

- (a) The particular shall control the general.
- (b) The word "shall" is always mandatory and not discretionary.
- (c) The word "may" is permissive.
- (d) The word "lot" shall include the words "piece" or "parcel".
- (e) The word "structure" includes all other structures, or parts thereof, of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
- (f) In the case of any difference of meaning or implication between the text of this zoning code and any caption, illustration or table the text shall control.
- (g) Words used in the present tense shall include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (h) All public officials, bodies, and agencies to which reference is made are those of Macon County, Tennessee.

2.020 GENERAL DEFINITIONS

Except where definitions are specifically included in various articles and sections, words in the text or tables of this zoning code shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

ABUTTING - Having a common border with, or being separated from, such a common border by a right-of-way or easement.

ACCESSORY - An activity or structure that is customarily associated with and is appropriate, incidental and subordinate to a principal activity and/or structure and located on the same zone lot, except as provided for under the provisions of accessory off-street parking.

ACCESSORY USE - A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located on the same lot therewith.

ACCESSORY APARTMENT - A temporary accessory dwelling unit located in a one-family residence that is subordinate to the principal one-family dwelling in terms of size and appearance and which apartment does not substantially alter the character and appearance of the residential structure or its conformity with the character of the neighborhood.

ACTIVITY - The performance of a function or operation which constitutes the use of land.

ACTIVITY-PRINCIPAL - (See Principal Activity.)

ACTUAL CONSTRUCTION - Excavation of a site and/or the placement of building materials in conjunction with the construction of a building or other structure.

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 firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

ADEQUATE FIRE PROTECTION - Lots served by a standard fire hydrant within five hundred (500) feet of said lot and installed on a six (6) inch water line that provides a minimum fire flow of five hundred (500) gallons per minute and 20 psi residual pressure.

ADVERTISING - The writing, printing, display, emblem, drawing, sign, or other device designs used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural objects, or on buildings, structures, milestones, signboards, wallboard, roofboard, frames, support, fences, or other man-made structures. Any such advertising is a structure within the meaning of the word "structure" as utilize in this zoning code.

AGRICULTURAL PRODUCTION - Those operations including associated land and facility management activities engaged in commercial propagation, raising, harvesting and/or processing of any plant or animal, or products thereof, for purposes of consumption, utilization, good or service either on site or for distribution.

AGRICULTURAL USE - The use of a tract of land, including all forms of agriculture, growing of crops in the open, dairy farming, grazing, the raising and maintaining of poultry and other livestock, horticulture, aquaculture, viticulture, floriculture, forests and woods that are in common use for that purpose provided, however, all health codes of Macon County are complied with. The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use.

AGRICULTURAL ACCESSORY USE - Those structures or equipment which or normally required in the operation of agricultural uses.

ALLEY - A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility and public service purposes.

AQUACULTURE - The use of a tract of land in a manner that includes fisheries, shrimp production, hatcheries, and any other commercial type activity that is directly dependent upon water.

AREA BUILDING - The total area undertaken on a horizontal plane at the main grade level of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.

ATTACHED - An enclosure that has continuing walls, roof, and floor.

AUTOMOBILE WRECKING (JUNK AND SALVAGE) - The dismantling, storage, sale, or dumping of used motor vehicles, trailers, or parts, thereof. Any lot or place of business which is

exposed to weather and upon which more than five (5) motor vehicles or any kind, incapable of being operated, and to which it would not be economically feasible to make operative are placed, located, or found.

BASEMENT - A portion of the building having its floor sub-grade (below ground level) partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average ground level or when subdivided and used for commercial activities.

BED AND BREAKFAST ESTABLISHMENT - An owner occupied residence 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. A bed and breakfast inn is allowable only in a building originally constructed as a residence. Bed and breakfast inns are subject to approval by the Tennessee Department of Environment and Conservation, in addition to all local county requirements.

BED AND BREAKFAST HOMESTAY - A private home, inn or other unique residential facility offering bed and breakfast accommodations and one (1) daily meal and containing three (3) or less guest rooms furnished for pay, with guests staying fourteen (14) days or less, and the innkeeper or caretaker residing on the premises or adjacent property. Guest rooms are distinct from innkeeper quarters.

BUFFER STRIP - A greenbelt strip not less than ten (10) feet in width. Such greenbelt planted strip shall be composed of one (1) row of evergreen trees, spaced not more than twenty (20) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart, and which grow to a height of five (5) feet or more after one (1) growing season and which shrubs will eventually grow to not less than ten (10) feet.

BUILDING - Any structure which:

- (a) Is permanently affixed to the land, and
- (b) Has a roof supported by columns or walls, and
- (c) Is intended for the shelter or enclosure of goods or persons, and
- (d) Is bounded by either open area or the lot lines of a zone lot.

A building shall not include such structures as billboards, fences, radio or TV towers, or structures not normally accessible for human use, such as gas storage tanks, smoke stacks, grain elevators, exposed industrial equipment (i.e., oil or chemical processing apparatus) or similar structures.

BUILDING AREA OF A LOT - The portion of a lot bounded by the required rear yard, side yards, and the building setback lines.

BUILDING-PRINCIPAL - (See Principal Building.)

BUILDING SETBACK LINE - A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

BULK - Describes the size of buildings or other structures, and their relationship to each other and to open areas and lot lines, and therefore includes:

- (a) The size (including height and floor area) of buildings or other structures,

- (b) The area of the zoning lot upon which a residential building is located, and the number of dwelling units within such buildings in relation to the area of the zoning lot,
- (c) The location of exterior walls of buildings or other structures in relation to lot lines, to other walls of the same building, to legally required windows, or to other structures, and
- (d) All open areas relating to buildings or other structures and their relationship, thereto.

CAMPER - See Recreational Vehicle.

CAMPGROUND - A parcel of land used or intended to be used, let, or rented for occupancy by campers, or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

CHILD CARE - The provision of supplemental parental care and supervision:

- (a) For a nonrelated child or children;
- (b) On a regular basis;
- (c) For less than twenty-four (24) hours a day; and
- (d) Under license issued by the Tennessee Department of Human Services.

As used in this zoning code, the term is not intended to include baby-sitting services of a casual, non-recurring nature or in a child's own home. Likewise, the term is not intended to include cooperative reciprocal child care by a group of parents in their domiciles, or child care which requires no licensing by the State of Tennessee.

CODES ENFORCEMENT OFFICER - The land use regulations administrator or his/her authorized representative, appointed by the Macon County Legislative Body.

COMMERCIAL COMPLEX - A commercial complex shall mean a building or group of buildings constructed or to be constructed upon a zone lot and used or designed to be used for two or more occupancies.

COMPLETELY ENCLOSED - Refers to a building or other structure having a roof, and separated on all sides from the adjacent open area, or from other buildings or other structures, by exterior walls or party walls, pierced only by windows or entrance and exit doors normally provided for persons, goods or vehicles.

CONDITIONAL USE (SPECIAL EXCEPTION) - A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as conditional uses, only when specific provisions for such use is made in this zoning code. For the purposes of administration of this zoning code, conditional uses shall be construed as being synonymous with special exceptions, as controlled by Section 13-7-206, Tennessee Code Annotated.

COUNTRY CLUB - A chartered, nonprofit membership club, with facilities catering primarily to its membership or social amenities such as golf, riding, club house, pool, dining facilities, and lounge.

COUNTY BOARD OF ZONING APPEALS - The Macon County Board of Zoning Appeals as hereby established in accordance with 13-7-106 through 13-7-109, Tennessee Code Annotated.

As found in Article VII of this zoning code, to hear and decide administrative review appeals, applications for special exceptions, and applications for variances.

COVERAGE - The percentage of a lot which is covered by all buildings located therein, including the area covered by all overhanging roofs.

CURB LEVEL - The mean of the elevations of the side lot lines extended to the street line.

CURB LINE - The line formed by a curb extending along its roadbed or street bed.

DENSITY - The ratio of the number of dwelling units located on a lot to the horizontal area of the lot, expressed in dwelling units per acre.

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

DEVELOPMENT AREA (MINIMUM) - The minimum amount of land area required for each dwelling unit located upon a zone lot. The minimum lot size provision shall apply to all lots within the district. However, the minimum development area provision may require a lot larger than the minimum lot size where the intended developmental intensity of certain land uses would so require.

DISTRICT - Any section or sections of the area lying within Macon County, Tennessee, but outside the corporate limits of its municipalities, for which the regulations governing the use of land, density, bulk, height, and coverage of buildings and other structures are in force.

DORMITORY - A facility that provides group living quarters for a student body or other group, as an associated use to a college, university, boarding school, orphanage, or other similar use when not located on the same site as the principal associated use. Rooming units are not equipped with kitchen facilities, although one or more dwelling unit may be provided for occupancy by staff. This term is intended to include university dormitories as well as fraternity or sorority houses.

DRAINAGE - The removal of surface water or groundwater from land by drains, grading or other means. Drainage includes the control of runoff, to minimize erosion and sedimentation after development, and the means necessary for water supply preservation or prevention or alleviation of flooding.

DRAINAGEWAY - A minor watercourse that is defined either by soil type or by the presence of an intermittent or perennial stream, or topography which indicates a swale where surface water flows.

The following areas are drainageways:

- (a) The land, except where areas are designated as floodplain, on either side of and fifty (50) feet of the centerline of any intermittent or perennial stream, as shown on the U.S. Geological Service's 7 1/2 minute quadrangle sheets covering the planning jurisdiction.

- (b) The land, except where areas are designated as floodplain, on either side of and twenty-five (25) feet of the centerline of any swale identified by topography having a minimum of five (5) acres of upstream area.

DWELLING - A building, or portion thereof, designed or used exclusively for residential occupancy.

DWELLING, EXISTING - For the purpose of this zoning code, the following shall constitute an existing dwelling:

- (a) A structure, designed for residential use, which is occupied on the date a completed application for zoning approval is received by the office of the Codes Enforcement Officer; or
- (b) A structure, designed for residential use, which is not occupied on the date a completed application is received, but which has been issued a zoning permit prior to the date on which a completed application for zoning approval is received by the office of the Codes Enforcement Officer, or which has been occupied for a three (3) year period of time within the five (5) years immediately preceding the date on which a completed application for a zoning permit or other zoning approval is received by the office of the Codes Enforcement Officer.

DWELLING UNIT - One (1) or more rooms that are physically arranged, designed, used or intended to create an independent housekeeping establishment for occupancy by one (1) family, and that include lawful cooking space, sleeping space and lawful sanitary facilities reserved for the occupants, thereof.

EASEMENT - A grant of one (1) or more of the property rights by the owner to, or for use by, the public, a corporation or another person or entity.

EXISTING CONSTRUCTION - Any structure for which the “actual start of construction” commenced before the effective date of the Macon County Floodplain Zoning Resolution adopted on April 18 1994, and readopted on July 19, 2010, for “special flood hazard area” and before the effective date of this zoning code for areas outside of “special flood hazard areas”.

FAMILY - One of the following:

- (a) An individual, or two (2) or more persons occupying a dwelling unit and living as a single independent, nonprofit housekeeping unit, together with incidental domestic servants and temporary nonpaying guests.
- (b) A group of not more than five (5) unrelated persons living together as a single nonprofit housekeeping unit.
- (c) A group of unrelated handicapped persons (as defined by Title VIII, of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and amendments thereto) occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided:
 - (1) Any entity owning or operating any facility permitted under this provision shall be established as a “not for profit” association under appropriate provisions of the Federal Code.
 - (2) Any facility permitted under this provision shall at the time application is made for any building or occupancy permit and at all times thereafter be appropriately licensed by the State of Tennessee.

FARM - A parcel of land meeting either of the following conditions:

A parcel of land equal to or exceeding five (5) acres in size and used for residential and “agricultural production” purposes (as defined by this zoning code) and meeting the following conditions:

- (a) The parcel must be used for residential and agricultural purposes, including farming, dairying, pasturing, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.
- (b) Necessary accessory uses for packing, treating, or storing products produced upon a farm may be permitted; provided however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

FLOODS - (See all definitions pertaining to floods and floodplain management regulations as found in Macon County Flood Damage Prevention Resolution, No.1, adopted July 19, 2010.)

FLOOR AREA - The total of the gross horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings.

HAZARDOUS OCCUPANCY - The principal use of a building or structure, or any portion thereof, that involves the manufacture, use or storage of highly combustible, flammable or explosive materials or materials that constitute a high fire hazard and as further defined as a Type "H" Occupancy, in Section 407, International Building Code.

HOME OCCUPATION - An occupation or business activity which results in a product or service and which: is conducted, in whole or in part, in either the dwelling or an accessory building normally associated with permitted uses; is conducted by at least one (1) family member occupying the residence; and is clearly subordinate to the residential use of the dwelling and premises. Home occupations do not include garage sales, yard sales, Christmas bazaars, or home parties that are held for the purpose of the sale or distribution of goods or services. However, if such sales and/or parties are held more than six (6) times in any calendar year; or operate in excess of twenty-four cumulative days in a calendar year, such sales and/or parties shall be considered a home occupation. Home occupations shall be governed by the provisions of Article IV, Section 4.100 of this zoning code.

INCIDENTAL ALTERATIONS - Modifications to a building or structure that meet the following criteria:

- (a) Changes or replacements in the nonstructural parts of a building or other structure, including but not limited to the following:
 - (1) Alteration of interior partitions to improve livability in a nonconforming residential building, provided that no additional dwelling units are created;
 - (2) A minor addition to the exterior of a residential building, such as an open porch;
 - (3) Alterations of interior nonload-bearing partitions in all other types of buildings or other structures; or

- (4) Replacement of, or minor changes in, capacity of utility pipes, ducts, or conduits.
- (b) Changes or replacements in the structural parts of a building or other structure, limited to the following examples or others of similar character or extent:
 - (1) Making windows or doors in exterior walls;
 - (2) Replacement of building facades having nonload-bearing capacity; or
 - (3) Strengthening the floor load-bearing capacity, in not more than ten (10) percent of the total floor area.

JUNKYARD (SALVAGE YARD) - A lot, land, or structure, or part thereof, used primarily for the collecting storing, and/or selling of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storing, and salvaging of machinery or vehicles not in running conditions for the sale of parts thereof.

KARST - An area of the land surface underlain by soluble rocks, such as limestone, that has formed sinkholes, caves, and underground drainageways.

LAND WITH MINOR IMPROVEMENTS - A tract of land that contains improvements including buildings or other structures having a total assessed valuation of ten thousand dollars (\$10,000) or less.

LANDSCAPING - The planting and maintenance of trees, shrubs, lawns, and other ground cover, or materials.

LIVESTOCK - A term meant to include cattle, sheep, swine, poultry and other animals or fowl, which are being produced primarily for use as food or food products for human consumption.

LIVESTOCK, DAIRY, POULTRY STRUCTURE - Any building, structure, installation, storage container, or storage site used in the operations of a livestock, dairy, or poultry facility, including, but not limited to, feed storage bins, litter storage sites, incinerators, manure storage sites, poultry houses, poultry disposal pits, and dead poultry cold storage chests.

LOADING SPACE - An area providing for the standing, loading, or unloading of a truck or other vehicle.

LOT - A tract, plot, or portion of a subdivision or parcel of land intended as a unit for the purpose, whether immediate or future, for transfer of ownership or for building development.

LOT AREA - The horizontal area included within the boundary lines of a lot.

LOT, CORNER - A lot situated at the intersection of two (2) streets.

LOT COVERAGE - That portion of a zone lot which, when viewed directly from above, could be covered by a building or any part of a building.

LOT DEPTH - The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

LOT FRONTAGE - The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot

adjacent to streets shall be considered frontage, and yards shall be provided as indicated under yards.

LOT, INTERIOR - Any lot other than a corner lot.

LOT, THROUGH - Any lot that adjoins two (2) street lines opposite to each other and parallel, or within forty-five (45) degrees of being parallel to each other. Any portion of a through lot that is not or could not be bounded by two (2) such opposite street lines and two (2) straight lines intersecting such street lines shall be subject to the regulations for an interior lot.

LOT LINE - A boundary of a zone lot.

LOT LINE EQUIVALENT - A straight line established for the purpose of determining the location and depth or width of a required yard and which either:

- (a) Joins points specified in these regulations, or
- (b) Is an extension of a street line or lot line.

LOT MEASUREMENTS - Defined as follows:

- (a) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in the rear.
- (b) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines of each side of the lot, measured across the rear of the required front yard.

LOT OF RECORD - A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT WIDTH - The width of a lot at the building setback line measured at right angles to its depth.

MIXED BUILDING - A building containing residential activities along with commercial and/or community facilities activities.

MOBILE HOME - Mobile home or trailer means a vehicular, portable structure designed and constructed in accordance with the requirements of the American National Standards Institute Standard A119.1, or any other current state regulations, built on a chassis, designed for year round occupancy, and designated to have no foundation other than wheels, jacks or skirtings and is capable of being transported by another vehicle.

MOBILE HOME SPACE - A designated area within a mobile home park for the exclusive use of the occupants of a single home.

MODULAR HOME - (See Section 2-030.1 1., Dwelling, Mobile Home).

NON-COMPLYING - Defined as follows:

- (a) Any lot of record which does not contain sufficient lot area to conform to the area requirements for the zoning district in which the lot is located.

- (b) Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or
- (c) Any lawful use other than a nonconforming use, which does not comply with any part or any one (1) or more of the applicable regulations pertaining to:
 - (1) Location along a district boundary; or
 - (2) Accessory off-street parking and loading;

either on the effective date of this zoning code or as a result of any subsequent amendment.

NONCONFORMING USE - A lawful use of a building or other structure, other than a sign, or of a tract of land which does not conform to any one (1) or more of the applicable use regulations of the district in which it is located. This is either on the effective date of this zoning code or because of any subsequent amendment.

OCCUPANCY - The principal use of land for the performance of a function or operation by a person, firm, corporation, or association as a single legal entity. For the purposes of this zoning code, there shall be only one principal use of land by any one person, firm, corporation, association or legal entity.

OPEN SPACE - An area on the same lot with a main building that is open, unoccupied, and unobstructed by structures from the ground to the sky, except as otherwise provided in this zoning code.

OPEN SPACE LAND - An area of land, other than agricultural and forestland, that is a minimum of three acres in area and is in a natural or undeveloped condition.

PARKING LOT - An off-street facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access, and for entrance and exit.

PARKING SPACE - An off-street space available for parking one (1) motor vehicle and giving access thereto, and having access to a street or alley.

PARTY WALL - A wall on an interior lot line, used or adopted for joint service between two (2) buildings. Such walls shall extend from the foundation to the underside of roof sheathing without openings which would permit the spread of fire from one building to another and shall fully comply with fire and all other provisions and standards established for such walls in the International Building Code.

PERMANENT ACCESS EASEMENT - A perpetual easement guaranteeing right of ingress and egress to and from a lot owner's premises, to a street appurtenant to the land of such owner. Any permanent access easement utilized, as the sole means of providing legal access to two (2) or more parcels of land shall: (1) be so designed as to assure continuing adequate ingress and egress for emergency vehicles; and (2) be assured adequate continuing maintenance by an owners association or similar organization. The portion of the permanent access easement intended for ingress and egress shall, unless located within a Planned Unit Development (PUD) District, be constructed to the standards of a public street as specified in the Macon County Subdivision Regulations. In any instance where a permanent access easement is located within a PUD District, the design standard shall be as approved in the development plans required, therefor.

PERSON - An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

PLANNED UNIT DEVELOPMENT - A relatively large, interrelated development adhering to a master development plan and located on a single tract of land, or on two (2) or more tracts of land which may be separated only by a street or other right-of-way.

PLANNING COMMISSION - The Macon County Regional Planning Commission.

PRE-EXISTING - Any use, structure, lot of record, or easement that existed at the date included herein as the official date of adoption of this Zoning code.

PRINCIPAL ACTIVITY - An activity that fulfills a primary function of an establishment, institution, household, or other entity.

PRINCIPAL BUILDING - A building which contains the principal activity or use of the zone lot on which the building is situated.

PROFESSIONAL OFFICE - The office of a physician, dentist, attorney, architect, engineer, planner, accountant, or similar professions.

PUBLIC USES - Public parks, schools, and administrative, cultural, and service buildings, not including public lands or buildings devoted solely to storage and maintenance of equipment and materials.

RECREATIONAL VEHICLE (CAMPER) - A vehicular type unit built on a single chassis primarily designed as temporary living quarters for recreational camping or travel use.

REQUIRED YARD - (See Yard, Required.)

RESIDENCE - A building or part of a building containing one (1) or more dwelling units or rooming units, including one-family or two-family houses, multiple dwellings, boarding or rooming houses, or apartment hotels. However, residences do not include:

- (a) Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments, or
- (b) Dormitories, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations, or
- (c) Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facilities, or
- (d) That part of a mixed building used for any nonresidential uses, except uses accessory to residential uses.

RESIDENTIAL - Pertaining to a residence.

RESIDENTIAL BUILDING - Any building utilized solely for residential activities and their accessory functions.

RIGHT-OF-WAY LINE - Right-of-way line is a line contiguous with a lot line dividing a lot from an abutting public street.

ROADWAY - The actual road surface, (including necessary road shoulders, and the drainage facilities of ditches, curbs, and gutters), that is used to transport motor vehicles.

ROOMING HOUSE - (See Section 2-030.1 2., Lodging, House.)

ROOMING UNIT - One (1) or more rooms that are arranged, designed, used or intended for occupancy by one (1) or more persons, and that do not include lawful cooking space or lawful sanitary facilities reserved for the occupants, thereof.

SANITARY LANDFIELD - An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of such facilities by the Tennessee Department of Environment and Conservation.

SETBACK LINE - A line which establishes the minimum distance the principal building must be setback from the street line.

SINGLE OWNERSHIP - Means a proprietary interest of a landholder as defined herein.

SPECIAL EXCEPTION - (See Conditional Use).

STREET - A publicly maintained right-of-way which affords a primary means of access to abutting property.

STREET LINE - A lot line that divides a lot from an abutting street.

STRUCTURE - Any object constructed or installed by man, including but not limited to buildings, towers, smokestacks, and overhead transmission lines.

SUBSTANTIAL DAMAGE - The damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement.

TEMPORARY USE PERMIT - An approved permit issued by the Codes Enforcement Officer for a temporary use as defined by Article VII, Section 7.040 of this Zoning code.

USE - The performance of a function or operation that constitutes the use of land.

USE AND OCCUPANCY PERMIT - A written permit issued by the Codes Enforcement Officer, required before occupying or commencing to the use of any building or other structure or any zone lot.

VARIANCE - A deviation from the strict application of this zoning code, whereby such strict application will result in unnecessary and undue hardship to a property owner, and whereby conditions exist that are peculiar to the property itself and not the result of actions by the property owner.

VEHICULAR USE AREA - Vehicular use area as used in this zoning code shall mean any group surface area, except public right-of-way, used by any type vehicle whether moving or at rest, for the purpose of driving, parking, loading, storage or display (automotive sale lots). Also included are activities of a drive-in nature in connection with banks, restaurants, filling stations and grocery stores.

YARD - An open space on the same lot with a building or building group lying between the front, rear, or side wall of a building and the nearest lot line, unoccupied except for projections and the specific minor uses or structures allowed in such open space under the provisions of this zoning code.

YARD, FRONT - A yard extending along the full length of a front lot line. In the case of a corner lot, a yard at least the full depth required for a front yard in these regulations, and extending along the full length of a street line shall be considered a front yard. At least one (1) such yard shall be designated for each corner lot, at least two (2) such yards shall be designated for each through lot, and each through corner lot.

YARD REQUIRED - That part of a zone lot extending open and unobstructed from the lowest level to the sky, along the entire length of a lot line, and from a lot line equivalent for a depth or width set forth in the applicable regulations. Only such obstructions, projections and specific minor uses or structures allowed in such open space, under the provisions of this zoning code, may be permitted in any required yard.

YARD, SIDE - A yard extending along a side lot line from the required front yard to the required rear yard. In the case of a corner lot, any yard which abuts a street line and which is not designated a front yard shall be considered a side yard. In the case of a thorough lot, side yards shall extend between the required front yards, except when such corner lots are required by these regulations specifically to have more than one (1) front yard. A side yard abutting a street shall be at least one-half (1/2) the width of the front yard.

ZONE LOT OR ZONING LOT - For the purpose of this zoning code, a zone or zoning lot is a parcel of contiguous land that is or may be developed or utilized under one ownership as a unit site for a use or group of uses, and which is of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- (a) A single lot of record;
- (b) A portion of a lot of record;
- (c) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of records;
- (d) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this zoning code.

For the purpose of this definition, the ownership of a zone lot shall be deemed to include a lease of not less than fifty (50) years duration.

ZONING MAP - A map or series of maps and special overlays (the official copy being maintained by the county codes enforcement officer), showing districts and special districts, that are established under the provisions of and, hereby, being a part of this zoning code.

ZONING PERMIT - A general term referring to a permit required to construct, reconstruct, alter, or use any building or other structure on any zone lot.

2.030 DEFINITIONS OF LAND USE ACTIVITIES

The definitions within this section are applicable to specific land use activities appearing throughout this zoning code.

2.030.1 Residential Activities

1. Permanent Residential Activities:

Dwelling, Duplex - A building containing not more than two dwelling units located on one (1) zone lot.

Dwelling Mobile Home - A detached one-family dwelling with all the following characteristics:

- (a) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
- (b) Constructed as a single self-contained unit and mounted on a single chassis transportable after fabrication on its own wheels or detachable wheels.
- (c) Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports, connections to utilities and the like.

Manufactured or mobile home dwellings do not include camping trailers, commercial mobile structures, motor homes, recreational vehicles, travel trailers, truck campers or similar units designed to provide temporary living quarters.

Dwelling, Multi-Family - A building containing three (3) or more dwelling units. The term includes cooperative apartments, condominiums, and the like.

Dwelling, Single-Family - A building containing not more than one (1) dwelling unit located upon one (1) zone lot.

Mobile Home Park - A lot that contains or is designed for the location of, three (3) or more manufactured home dwellings. (See ARTICLE IV, Section 4.140.)

2. Semi-Transient Residential Activities:

Lodging House - This is a general term and includes all places of semi-transient residential occupancy (as herein defined). The term lodging house is intended to include dormitories, rooming houses, boarding houses, apartment hotels, residential hotels, and all similar facilities coming within the general definition of semi-transient residential activities.

Semi-Transient Residential Establishment - An establishment where lodging is provided for compensation partly on a weekly or longer basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less than monthly basis; but

excluding institutional living arrangements involving the provision of specific kinds of forced residence, such as nursing homes, orphanages, asylums, and prisons.

2.030.2 Community Facilities Activities

1. **Childcare Facility** - A licensed establishment wherein an agency, person or persons regularly provides nonmedical care for a group of five (5) or more children for periods of less than twenty-four (24) hours a day. Childcare facilities as herein defined do not include pre-schools, nursery schools, kindergartens, or other facilities the primary purpose of which is educational, recreational or medical. Childcare facilities include the following:
 - (a) **Family Daycare Home** - A licensed, childcare home or an agency that regularly provides care for five (5) to twelve (12) children in either a family dwelling of the licensee/care provider or in a premises other than the family dwelling.
 - (b) **Daycare Center** - A licensed agency that provides for the care of thirteen (13) or more children.
2. **Community Assembly** - An establishment providing meeting, recreational, or other social facilities for a private or non-profit association, primarily for use by members and guests.
3. **Essential Public Transport, Communication and Utility Services** - Public or quasi-public facilities necessary and incidental to the operation of transport, communication and utility services. These facilities operate primarily as distribution networks and do not include production, storage or processing facilities for the product or service that is being distributed.
4. **Extensive Impact Facilities** - This is a diverse grouping of facilities that share the characteristic of potentially exerting high level impact upon surrounding properties. While the nature of the impact varies with the particular use, all the activities included within this grouping must be carefully managed if surrounding activities are to be adequately protected from adverse characteristics associated with the activities included within this grouping.
5. **Health Care Facilities** - Establishments included within this grouping are principally involved in providing a broad range of health care, treatment and convalescent services to individuals suffering physical or emotional distress. Facilities within this grouping include the following:
 - (a) **Center for Observation and Rehabilitation** - A licensed medical facility wherein services more intensive than those required for room, board, personal services and general nursing care are provided to an in-patient population, but which involves no form of forced residency of the type required within drug and alcohol rehabilitation facilities.
 - (b) **Hospital** - An institution that (1) offers services more intensive than those required for room, board, personal services and general nursing care; (2) offers facilities and beds for use beyond twenty-four (24) hours by individuals requiring diagnosis, treatment or care for illness, injury, deformity, infirmity, abnormality, disease or pregnancy; and (3) regularly makes available clinical

laboratory services, diagnostic services (including X-Ray, C-T Scan, etc.,) and treatment facilities for surgery or obstetrical care or other definitive treatment. This activity may include offices for medical or dental personnel, central service facilities such as pharmacies, medical laboratories, and other related uses.

- (c) **Medical Clinics** - A public or private non-profit institution providing a full range of basic general medical care designed to preserve the health, prevent disease and care for the common illnesses and disabilities of the population within a specified geographic area.
6. **Intermediate Impact Facilities** - This classification includes a diverse listing of activities which share the characteristic of exerting a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements or potential nuisances associated with such uses.
7. **Special Institutional Care Facilities** - This is a general term that includes all facilities that involve forced residency, full time supervision, and care. This would include: (1) individuals legally confined due to violations of law; (2) individuals who are addicted to drugs and/or alcohol; and (3) individuals who are mentally ill, including the criminally dangerous or others who for their own protection or the protection of society must be confined.
8. **Special Personal and Group Care Facilities** - This is a general term that is intended to include residential facilities for the care of elderly or infirm persons who may require special care and/or supervision. The term would include facilities that are principally residential in nature, and wherein, long-term medical or rehabilitative services are provided for the residents. This term is not intended to include facilities for the criminally dangerous or psychotic. Special personal and group care facilities include the following:
- (a) **Assisted Living Facilities for Elderly or Handicapped Persons** - A residential facility other than a dwelling unit (as defined above) intended for occupancy by unrelated individuals who are handicapped, aged, or disabled and wherein meals are prepared and served in a common dining facility and limited assistance is provided for daily activities.
 - (b) **Convalescent Homes** - (See Nursing Homes.)
 - (c) **Family Care Facilities** - A licensed facility wherein residential services are provided to eight (8) or fewer unrelated individuals who are handicapped, aged, disabled or otherwise in need of adult supervision in accordance with their individual needs. This grouping does not include facilities providing residential services to delinquent minors, the criminally dangerous, the addicted, and/or mentally ill individuals.
 - (d) **Group Care Facilities** - A licensed facility wherein residential services are provided to nine (9) or more unrelated individuals who are handicapped, aged, disabled, or otherwise in need of adult supervision in accordance with their individual needs. This grouping does not include facilities providing residential services to delinquent minors, the criminally dangerous, the addicted, and/or mentally ill individuals.
 - (e) **Day-Care Facilities for Elderly Persons** - A licensed establishment wherein an agency, person or persons regularly provides nonmedical care for a group of unrelated individuals who are handicapped, aged, disabled or otherwise in

need of adult supervision in accordance with their individual needs for periods of less than twenty-four (24) hours a day.

- (f) **Nursing Homes** - A general term used to describe a licensed establishment providing bed care and in patient services for individuals needing regular medical attention, but excluding a facility providing surgical or emergency medical services or providing care for mental illness or communicable disease. Retirement or rest homes, and convalescent homes are included within this term.

2.030.3 **Commercial Activities**

1. **Convenience Retail Sales and Services** - An establishment that serves a limited market area. They are engaged in the retail sale of goods and/or services from the premises of frequently and recurrently needed items for personal consumption or household use. Convenience food stores may include accessory gasoline sales, provided that the pump facilities are capable of serving no more than twelve (12) vehicles at one time.
2. **Entertainment and Amusement Services - Limited** - A recreational activity operated as a profit making enterprise, conducted entirely within an enclosed building and serving groups of less than five hundred (500) assembled spectators and/or participants.
3. **General Business and Communications Services** - A commercial activity engaged in providing services to other commercial enterprises.
4. **Professional Services - Medical** - This activity classification is intended to include establishments primarily engaged in providing therapeutic, preventative or correctional personal treatment services on an out-patient basis by physicians, dentists, and other medical practitioners, as well as the provision of testing and analysis services. Offices of doctors, dentists and other health care providers are included within this classification. This grouping is limited and does not include the broad ranging services provided at general health care facilities such as hospitals but does include the limited outpatient services provided at outpatient clinics, whether operated for profit or otherwise.
5. **Restaurant - Drive-In** - An establishment where the principal business is the sale of food and beverages in a ready to consume state in which a majority of its customers are served in their cars and other types of motor vehicles.
6. **Restaurant - Full Service** - An establishment where the principal business is the sale of food and beverages in a ready-to-consume state and where the design or principal method of operation consists of one or more of the following:
 - (a) A sit-down restaurant where customers, normally provided with an individual menu, are generally served food and beverages in non-disposable containers by a restaurant employee at the same table or counter at which said items are consumed; or
 - (b) A cafeteria or cafeteria-type operation where foods and beverages generally are served in nondisposable containers and consumed within the restaurant; or
 - (c) Small specialty restaurants having floor area exclusively within a shopping center or office park, sharing common parking facilities with other businesses

within such centers, and having access to a common interior pedestrian access way.

7. **Waste Transfer Stations** - This activity includes a convenience center for collection and mechanical compaction of domestic waste transported in from individual households.

2.030.4 Agricultural and Extractive Activities

1. **Agricultural, General** - This term is intended to include farms (and farm residences) that involve orchards, raising of livestock, dairy cattle, horses or poultry, and truck farming.
2. **Agriculture, Intensive** - These agricultural uses include operations where animals are tightly confined in buildings or outdoor pens including operation of one or more of the following:
 - (a) **Dairy Farm** - This term means any place or premises where one (1) or more cows are kept and from which a part or all of the milk or milk products is provided, sold or offered for sale to milk plant, transfer station or receiving station.
 - (b) **Egg Production House** - Means any place or premises where chickens are kept for production of eggs for resale to processors, wholesalers or retailers.
 - (c) **Feedlot** - Means a lot, yard, corral or other area in which livestock are confined primarily for the purposes of feeding, growing, raising, or birthing prior to slaughter. Feedlot does not include areas that are used for the raising of crops or other vegetation upon which livestock are allowed to graze or feed.
3. **Agricultural Services** - This term is intended to encompass a wide variety of service activities that directly support production of crops and animals but are not in and of themselves agricultural activities.
4. **Mining, Quarrying and Soil Extraction** - This term is intended to include all operations engaged in the removal by excavation, stripping, dredging or otherwise taking of soil, gravel and sand for off-site use.
5. **Plant and Forest Nursery** - This category includes nurseries with or without retail sales or accessory greenhouses. A minimum of fifty-one percent (51%) of all materials sold by a nursery must be grown on-site.

ARTICLE III

GENERAL PROVISIONS

SECTION

- 3.010 Scope**
- 3.020 Only One (1) Principal Building on Any Lot**
- 3.030 Lot Must Abut a Public Street**
- 3.040 Reduction in Lot Area Prohibited**
- 3.050 Rear Yard Abutting A Public Road**
- 3.060 Corner Lots**
- 3.070 Future Road Lines**
- 3.080 Obstruction to Vision at Street Intersection Prohibited**
- 3.090 Access Control**
- 3.100 Accessory Use Regulations**
- 3.110 Site Plan Requirements**
- 3.120 Buffer Strips**
- 3.130 Landscaping**

3.010 SCOPE

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

3.020 ONLY ONE (1) PRINCIPAL BUILDING ON ANY LOT

Only one (1) principal building and its accessory structure may hereafter be erected on any zone lot. This provision shall not apply to group housing developments and mobile home parks, as permitted in this zoning code. On lots used for agricultural purposes which exceed twelve (12) acres, up to two (2) additional dwellings may be located for members of the immediate family thereof, or persons employed full-time thereon and their families. The site of each dwelling unit shall meet all minimum lot and yard requirements of the district such that the site can be subdivided from the remaining acreage if necessary.

3.030 LOT MUST ABUT A PUBLIC STREET

No building shall be erected on a lot which does not abut at least one (1) publicly maintained road or permanent easement for at least fifty (50) feet. This requirement shall not apply to any zoned lot in a residential or agriculture district abutting a cul-de-sac turnaround, which shall abut said turnaround for at least thirty (30) feet. When a permanent easement gaining access from a publicly maintained road is used for access to a lot or tract of land having been separated by deed from other acreage, such easement shall not be used also to provide access to an additional lot or tract; or be a part of the required road frontage thereof; unless the developer constructs the road to meet the Macon County Subdivision Regulations and dedicates it to the County.

3.040 REDUCTION IN LOT AREA PROHIBITED

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

3.050 REAR YARD ABUTTING A PUBLIC ROAD

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

3.060 CORNER LOTS

The side yard requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the road that the side yard of the corner lot faces.

3.070 FUTURE ROAD LINES

For the purpose of providing adequate space for the future widening of roads, required setbacks, or front yards, shall be determined by the right-of-way as shown on the latest official Macon County Major Thoroughfare Plan.

3.080 OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED

On a corner lot in any district, within the area formed by the center line of intersecting streets and a line joining points on such center lines at a distance of seventy-five (75) feet from the intersection, nothing shall be erected, placed, planted, or allowed to be grown in such a manner as to materially impede vision between a height of two and one-half (2 1/2) feet and ten (10) feet above the center line grades of said intersecting streets. This section shall not be deemed to prohibit any necessary retaining walls.

3.090 ACCESS CONTROL

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

- A. A point of access for vehicles onto a street shall not exceed forty (40) feet in width. All points of access shall be so constructed as to provide for proper drainage.
- B. There shall be no more than two (2) points of access to any one (1) public street for each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public street.
- C. No point of access shall be allowed within thirty (30) feet of the right-of-way line of a public intersection.
- D. No curbs or shoulders on county streets or rights-of-way shall be cut or altered without approval of the Macon County Road Supervisor, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.
- E. The clear distance between any two (2) driveways fronting on a public street shall not be less than twenty-five (25) feet.
- F. Cases requiring variances relative to the above provisions, due to topographic limitations, shall be heard and acted upon by the Board of Zoning Appeals; in accordance with the requirements of Section 7.080.D of this zoning code.
- G. All access points with the exception of single-family and two-family residential dwellings shall be designed such that no vehicle shall back directly onto a public street.

3.100 ACCESSORY USE REGULATIONS

The use of land, buildings, and other structures permitted in each of the districts, established by this zoning code are designated by listing the principal uses. In addition to such principal uses, accessory uses such as garages and small outbuildings in residential area, etc., which are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

- A. Be customarily incidental to the principal use established on the same lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.
- E. Be located in the rear yard of the zone lot.

3.110 SITE PLAN REQUIREMENTS

- A. Proposals (plans) for the construction or location of one or more principal structures on a lot (with the exception of single-family and two-family dwellings) shall be submitted no later than fifteen (15) days prior to the next regularly scheduled planning commission meeting. A sketch plan of the exterior building shall be submitted at a scale no less than 1"=100', showing contours at five (5) foot intervals, with elevations of building sides. It must also show required automobile storage areas, servicing utilities with reference to location, availability, and compatibility, the location of servicing fire hydrants, loading and unloading spaces, maneuvering areas, openings for ingress and egress to public streets, the location and elevation of the 100 year floodplain, and the minimum finished floor elevation of the lot if floodprone, a proposed drainage plan, the density of development or the required open space, the number of stories (all residential and commercial structures three or more stories in height must have their plans approved by the State Fire Marshall's Office), the number of dwelling units per acre if applicable, landscaping plan, all required building setbacks and other yard requirements, as well as a location map at no smaller scale than 1" equals 1000' showing the relationship of the proposal to scale, to other development, land uses, and streets. In addition to the precited requirements, an NPDES permit from the Tennessee Department of Environment and Conservation must be obtained if five (5) acres or more are being cleared.
- B. Proposals for mobile home parks shall follow separate provisions outlined in Article IV, Section 4.140, in this zoning code.
- C. The above applications must be supported by any other information or data as might be deemed necessary by the Macon County Regional Planning Commission.

3.120 BUFFER STRIPS

Where a use is developed in areas zoned (C-1, C-2, I-1, or I-2) which abuts at any point upon property zoned (A-1, R-1, and R-2), the developer of said use shall provide a buffer strip as defined herein at the point of abutment. (See definitions section.) Buffer strips shall also be placed around the periphery of any cluster residential development project, as well as around any mobile home park or private campground.

3.130 LANDSCAPING

The development of any tract of land requiring site plan approval as cited in Article III, Section 3.110 shall contain a minimum quantity of landscaping notwithstanding any required buffering and screening. A minimum of five (5) percent of the total acreage of any zone lot to be developed, pursuant to the approval of a site plan, shall be landscaped according to the following requirements:

- A. One tree shall be planted for every five-hundred (500) square feet, and two (2) bushes or shrubs shall be planted for each required tree.
- B. All site plans shall graphically show the proposed location of all landscape elements, as well as the various types and numbers of landscape elements proposed, along with a statement of the percentage of the zone lot to be landscaped.

ARTICLE IV

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

- 4.010 Off-Street Parking Requirements
- 4.020 Certification of Minimum Parking Requirements
- 4.030 Remote Parking Space
- 4.040 Combination of Required Parking Spaces
- 4.050 Requirements for Design of Parking Lots
- 4.060 Off-Street Loading and Unloading Requirements
- 4.070 Parking for Tractor Trailers and Commercial Buses
- 4.080 Temporary Use Regulations
- 4.090 Transmission and Communications Towers and Stations
- 4.100 Customary Incidental Home Occupations
- 4.110 Gasoline Service Station Restrictions
- 4.120 Cluster Residential Development
- 4.130 Standards for Signs, Billboards, and Other Advertising Structures
- 4.140 Development Standards for Mobile Home Parks
- 4.150 Development Standards for Automobile Wrecking, Junk, and Salvage Yards
- 4.160 Development Standards for Private Campgrounds
- 4.170 Development Standards for Mining Activities and Related Services
- 4.180 Self-Service Storage Facilities (Mini-Warehouses)

4.010 OFF-STREET PARKING REQUIREMENTS

Off-street automobile storage or parking space shall be provided on each lot upon which any of the following uses are hereafter established. One vehicle space shall be two hundred (200) square feet in size (10'x20') and such space shall be provided with vehicular access to a street or alley. Unobstructed driveways shall suffice for the required parking spaces in relation to single detached dwellings, prefabricated houses, duplexes, and mobile homes on individual lots. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

- A. Single Detached Dwelling and Duplex. Not less than two (2) spaces for each dwelling unit.
- B. Apartment Dwelling, Townhouse, and Condominium. Not less than two (2) space per dwelling unit.
- C. Boarding Houses and Rooming Houses. Not less than one and one-half (1 1/2) space for each one (1) room to be rented.
- D. Mobile Home Parks. Not less than two (2) spaces for each mobile home space.
- E. Other Dwelling Units. Not less than two (2) spaces per dwelling unit.
- F. Hotels, Motels, and Other Tourist Accommodations. Not less than one (1) space for each room to be rented plus one (1) additional space for each employee.
- G. Any Auditorium, Stadium, or Other Place of Public Assembly. Not less than one (1) space for each five (5) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one space for each two hundred (200) square feet of floor space devoted to that particular use shall be provided.
- H. Manufacturing, Industrial, or Wholesaling Use. Not less than one (1) space for each two (2) employees anticipated during maximum production, with a minimum of five (5) spaces provided for any establishment. For establishments maintaining space for the sale of

products at retail, there shall be provided one (1) parking space for each five hundred (500) square feet of floor area devoted to retail sales.

- I. **Office and Professional Buildings.** Not less than one (1) parking space for each two hundred fifty (250) square feet of office space, plus one (1) parking space for every three (3) employees.
- J. **Retail Sales and Service Establishments.** Not less than one (1) parking space for each two hundred (200) square feet, or fraction thereof, of sales space in general commercial districts and the rural center districts.
- K. **Medical or Dental Clinic.** Not less than three (3) spaces per doctor, plus one (1) additional space for each employee.
- L. **Roadside Service Facilities (Service Stations, Repair Shops, or Similar Uses).** Not less than five (5) spaces for grease rack or service bay, or one (1) space for each fourteen hundred (1,400) square feet of lot area or fraction thereof, whichever is greater, plus one (1) space for every two (2) employees.
- M. **Restaurants.** Not less than one (1) space per one hundred fifty (150) square feet of floor area, plus one (1) space for each two (2) employees. For drive-in restaurants, one (1) space per one hundred (100) square feet of floor area, plus one (1) space for each employee.
- N. **Shopping Centers.** Five point five (5.5) parking spaces for each one thousand (1,000) square feet of gross floor area.
- O. **Bed and Breakfast Homestays and Establishments.** A minimum of two (2) spaces for the principal building and one (1) space per guest room shall be the minimum parking standards.
- P. **Day Care Facilities.** The following shall apply to all day care facilities licensed by the State of Tennessee within the unincorporated portions of Macon County:
 - (1) **Day Care Home:** a minimum of two (2) spaces for residents within the dwelling unit, a minimum of three (3) spaces per child, and one (1) space for each employee.
 - (2) **Day Care Center:** a minimum of one (1) space per employee, spaces equal to fifty percent (50%) of the maximum capacity of the facility and one (1) space for any vehicle operated by the center.
- Q. **Other.** For buildings and uses not listed, the off-street parking requirements shall be determined by the Board of Zoning Appeals. Minimum parking requirements as proposed by the Institute of Traffic Engineers should be referred to for guidance.

4.020 CERTIFICATION OF MINIMUM PARKING REQUIREMENTS

Each application for a zoning permit shall include information as to the location and dimensions of off-street parking spaces and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Codes Enforcement Officer to determine whether or not the requirements of this section are met.

4.030 REMOTE PARKING SPACE

If the off-street parking space required by this zoning code cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within two-hundred (200) feet of the main entrance to such principal use, provided such land is in the same ownership or lease as the principal use. Such land shall be used for no other purpose so long as no other adequate provisions of parking space meeting the requirement of this zoning code, has been made for the principal use.

4.040 COMBINATION OF REQUIRED PARKING SPACES

The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that the parking spaces required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

4.050 REQUIREMENTS FOR DESIGN OF PARKING LOTS

- A. Except for parcels of land devoted to one (1) and two (2) family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
- B. Each parking space shall be no less than two-hundred (200) square feet in area.
- C. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 3.090, of this zoning code.
- D. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.
- E. Lights illuminating parking lots shall be directed or screened so as not to encroach upon adjacent or nearby residential districts.
- F. Parking lots containing five (5) or more spaces shall be suitably paved by either a double bituminous surface or an asphalt surface.
- G. There shall be a parking aisle at least twenty-five (25) feet wide serving all ninety (90) degree and sixty (60) degree angled parking spaces. For all thirty (30) and forty-five (45) degree angled parking spaces there shall be a minimum parking aisle of twenty (20) feet in width. The minimum parking aisle for one way traffic adjoining parallel parking shall be at least twelve (12) feet in width.

4.060 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

Every building or structure hereafter constructed and used for industry, business, or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley, or if there is not alley, to a public streets. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

<u>Total Usable Floor Area for Principal Building</u>	<u>Spaces Required (See Article I1 - Definitions)</u>
0 to 4,999 sq. ft.	One (1) space
5,000 to 9,999 sq. ft.	Two (2) spaces
10,000 to 14,999 sq. ft.	Three (3) spaces
15,000 to 19,999 sq. ft.	Four (4) spaces
Over 20,000 sq. ft.	Four (4) spaces, plus one (1) space for each additional 20,000 square feet

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

4.070 PARKING FOR TRACTOR RIGS AND COMMERCIAL BUSES

- A. A truck tractor, used as motor power for drawing a semi-trailer, shall not be parked on any street right-of-way, except temporarily while in attendance by the driver and while attached or unattached to a companion semi-trailer being loaded or unloaded. A truck trailer shall be parked in a residential zoning district overnight, only in a driveway so designed, or in a backyard as defined in this zoning code.
- B. A semi-trailer of any type as defined in this zoning code shall not be parked in a residential zoning district or on public street right-of-way in any zoning district except while in attendance by the driver and temporarily attached or unattached for purposes of loading or unloading. A semi-trailer shall not be parked in a residential zoning district overnight, whether loaded or unloaded or whether attached or unattached to motor power.

4.080 TEMPORARY USE REGULATIONS

The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for a Temporary Use Permit shall be made to the Codes Enforcement Officer. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, 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, as well as to the regulations of any district in which such use is located:

- A. **Carnival or Circus.** May obtain a Temporary Use Permit in the A-1, C-1, or C-2 Districts. However, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided.
- B. **Limited Duration Goods and Merchandise.** May obtain a thirty (30) day Temporary Use Permit for the display and sale of limited duration goods and merchandise on open lots in any district.
- C. **Temporary Buildings.** In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment shed 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 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 first.
- D. **Real Estate 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 Macon 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.
- E. **Temporary Dwelling Unit in Cases of Special Hardship.** In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wide excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion, or natural phenomena or during the period in which a permanent residence is being constructed. The purpose of such placement shall be to temporarily provide shelter for only the residents of the principal structure during the period of construction or reconstruction, and to prevent an exceptional hardship on the occupants. Placement of such temporary structure must not present a hazard to the safety, health, or welfare of the community. An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the Macon County Health Department and/or the Utilities System approving the water supply and sewage disposal systems of the temporary structure. Such

a permit may be initially issued for nine (9) months. A permit may be renewed for up to six months at a time, the total time for all permits not exceeding a total of eighteen (18) months.

- F. **Roadside Agricultural Stand (Market)**. A temporary use permit may be seasonally issued for a roadside stand selling agricultural produce providing that said stand does not exceed three hundred (300) square feet in size and that it is located not closer than thirty-five (35) feet from the roadway. Such permit shall be issued for no longer than six (6) months a year.

4.090 MINIMUM DESIGN STANDARDS FOR TRANSMISSION AND COMMUNICATIONS TOWERS AND STATIONS

Standards for telephone, telegraph and communications transmitter stations, and towers. All transmitter stations, including towers and operating equipment located within Macon County shall adhere to the following standards:

1. No building or equipment in connection with transmitter stations and/or towers shall be located nearer than fifty (50) feet to any adjacent leasehold line and property line.
2. Transmitter stations, including towers and operating equipment in connection therewith, must meet the requirements of subsection 4.090 1. above and shall adhere to all of the following conditions:
 - (a) All towers with a height of one-hundred fifty (150) feet (from the base to top) or more shall be constructed in accordance with Electronic Industries Association (EIA) standard 222E-1996 utilizing a wind rating of ninety miles per hour (90 MPH) plus ice loading for Macon County, Tennessee.
 - (b) All towers shall be set back from all leasehold and property lines by a distance that is equal to:
 - (1) for a guyed tower, a distance of twenty percent (20%) of the height, and
 - (2) a distance of 50% of the height for a self-supporting tower, fifty percent (50%) of the height.
 - (c) All applications for permits to build towers in Macon County must be accompanied with a "Determination of No Hazard" from the Federal Aviation Administration, as well as secure all required Federal Communications Commission permit information.
 - (d) All such towers adjacent to any residential zoning district shall be screened and buffered adjacent to a chain link fence that is eight (8) feet tall. Such screening shall be opaque in a two (2) year period.
 - (e) All telecommunications towers must be completely surrounded by at least an eight (8) foot chain link fence.

Application Requirements. An application to develop a transmission and communications tower shall include as minimum the following:

1. All site plan information cited in Article III, Section 3.110 of this Zoning Code, which is deemed applicable by the Planning Commission.
2. A "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.
3. Documentation that any applicable leasehold is no less than 25 years in duration.
4. The names, addresses, and telephone numbers of all owners of other communications/transmission towers or support structures within a one-half (1/2) mile radius of the proposed new tower site, including government-owned property.

5. An affidavit attesting to the fact that the project applicant made diligent, but unsuccessful, efforts to install or collocate (placed together) the project applicant's telecommunications facilities on city-owned towers or useable antenna support structures located within a one-half (1/2) mile radius of the proposed tower site.
6. An affidavit attesting to the fact that the project applicant made diligent, but unsuccessful, efforts to install or collocate the project applicant's telecommunications facilities on towers of useable antenna support structures owned by other persons located within a one-half (1/2) mile radius of the proposed tower site.
7. Written technical evidence from an engineer(s) that the proposed tower or telecommunications facilities cannot be installed or collocated on another person's tower or useable antenna support structures owned by other persons located within one half (1/2) mile radius of the proposed tower site.

4.100 CUSTOMARY INCIDENTAL HOME OCCUPATIONS

A home occupation is a gainful occupation or profession conducted entirely within the principal dwelling unit or approved accessory building by members of the household residing on the premises. Employment of persons not living on the premises shall be limited to one (1) individual. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, with no more than twenty-five (25) percent of the floor area of the dwelling unit being used to conduct the home occupation. Any accessory building used for a home occupation must be subordinate and serve the principal use of the property and not constructed for the home occupation. This section classifies all home occupations as "Minor Home Occupations", "Major Home Occupations", and "Accessory Agricultural Occupations", all other uses that are not considered under one of these classifications is prohibited under these regulations.

A. Minor Home Occupations

A minor home occupation is a limited activity conducted on premises that in no way alters the residential character of the structure. Minor home occupations shall include offices for accountants, architects, artists, engineers, internet-based businesses (but not computer repair), and the like, and other uses that will not require an increased amount of traffic to and from the residence. Uses such as barber or beauty shops, auto repair or any similar use shall not be considered as a minor home occupation. Due to the small scale of operation, minor home occupations are not required to obtain special exception permits from the Board of Zoning Appeals. Prior to the issuance of a use and occupancy permit for a minor home occupation, a site plan according to the requirements of Article VII, Section 7.030 shall be submitted to and approved by the building commissioner.

B. Major Home Occupations

Uses classified as major home occupations are those conducted within homes that may cause an increase in the amount of neighborhood traffic. This increase in traffic may be in the form of persons served by the home occupation or by deliveries or pick-ups from the premises. An increased area for parking is required for uses that are classified as major home occupations. All major home occupations require approval of a site plan by Planning Commission and approval by the Board of Zoning Appeals, as a "Special Exception". Major home occupations shall include barber and beauty shops, teaching of music and dance, small engine and appliance repair, upholstery shops, dressmakers, real estate offices, kennels and animal grooming services and other similar uses that in the opinion of the Board of Zoning Appeals would meet the criteria of a major home occupation.

C. Accessory Agricultural Occupations

These provisions are established to provide supplemental occupations for residents located in a rural environment. All applicants requesting approval for this type of home occupation are required to meet the provisions set forth in Section 7.070, and any other safeguards the Board of Zoning Appeals may deem necessary. All accessory-agricultural occupations require approval of a site plan by the Planning Commission and approval by the Board of Zoning Appeals, as a "Special Exception". Uses permitted as accessory agricultural occupations shall include, but be limited to auto, truck and farm equipment repair, welding shops, wood working and cabinet shops, manufacture or processing of garments, the sale of farm products, supplies and equipment and other similar uses that in the opinion of the Board of Zoning Appeals would meet the criteria of an accessory agricultural occupation.

4.110 GASOLINE SERVICE STATION RESTRICTIONS

The following regulations shall apply to all gasoline service stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.
- B. Gasoline pumps shall not be located closer than twenty-five (25) feet to any right-of-way line.
- C. Sign requirements as established in Article 4, Section 4.130, shall be met.

4.120 CLUSTER RESIDENTIAL DEVELOPMENT (SUBDIVIDED)

Intent - To permit greater flexibility for creative design, to achieve superior scenic quality and recreational opportunity close to home by providing for residential subdivisions which incorporate large areas of 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 R-1 zoning minimum lot size requirements call for, but can reduce lot sizes if the land thus saved is put into permanent open space.

A. Procedure for Approval

1. Initial Sketch and Consultation

Before preparing a formal proposal for cluster residential development, the applicant shall submit five (5) copies of a sketch of the proposed development 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" = 100':

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

2. Plat Approval Procedures

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

B. Development Requirements

1. This section shall apply only to residential structures located within the R-1 Zone, excluding mobile homes.

2. Maximum Density

The average number of dwelling units per acre of buildable land (not including land for street right-of-way) shall not exceed the minimum land area requirements as cited in the R-1 District. 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 street right-of-way regardless of the acreage actually required.

3. Minimum Lot Size, Width or Yard Requirements

None.

4. Structure Location Requirements

Minimum distance between structure and street right-of-way line - thirty (30) feet.
Minimum spacing between structures - thirty (30) feet.

5. Convenience Commercial Services

Food and drug stores, beauty and barbershops, 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.

6. 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. Larger size utility lines may be required on review of the proposal.

7. Buffer Strips

A planted buffer strip, as defined in the Definitions Section herein, shall be planted around the periphery of all cluster development projects.

8. Local Open Space

a. Minimum Local Open Space Requirements

Plat 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. 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.

b. Permitted Local Open Space Uses

Only the following land uses may be set aside as common land for local open space or 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 site or historical sites, parks and parkway areas, extensive areas with tree cover, low land along streams or areas of rough terrain when such areas are extensive and have natural features worthy of scenic preservation.

c. 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 the improvement and long-term maintenance of these tracts may be approved by the Planning Commission, and deed covenants, made to assure continuing use of the tracts for local open space purposes shall be furnished with the development plans.

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 guarantee 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 the homeowner's 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 rights to utilize lands and facilities owned by the association.

4.130 STANDARDS FOR SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES

These conditions are established as a reasonable and impartial method of regulating advertising structures in order to insure light, air, and open space, to reduce hazards at intersections, and to protect property values of the entire community. The regulations for signs, billboard, and other advertising structures are enumerated below:

A. In any Zoning District, the following general regulations shall apply:

1. No sign shall be erected or maintained where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, device or, emergency vehicle.
2. No illuminated sign shall be permitted within fifty (50) feet of residential property in any A-1 or R-1 Zoning District, unless the illumination of such sign is so designed that it does not shine or reflect light onto such property.
3. No billboard or ground sign shall be erected to exceed the maximum height limitation for the district in which it is located. No billboard shall exceed fifty (50) feet in length.
4. Billboards shall be erected or placed in conformity with the side, front, and rear yard requirement of the district in which located. However, no billboard shall be erected or placed closer than within one hundred (100) feet of any R-1 and/or R-2 District.
5. On the premises, outdoor advertising signs shall not intrude upon the public right-of-way.
6. Signs erected and overhanging any sidewalk must be placed at least nine (9) feet above the sidewalk and may extend over the side-walk a distance equal to two-thirds (2/3) the width of the sidewalk, but in no case exceeding ten (10) feet.
7. Professional signs and signs for home occupations shall not exceed four (4) square feet in area in the R-1 and R-2 Districts.
8. Temporary Signs and Posters are subject to the following regulations:
 - a. Each sign shall not exceed thirty-two (32) square feet in area, excluding banners.
 - b. The signs shall not be located closer together than five-hundred (500) feet.
 - c. Such signs shall not be nailed to trees, fence posts, or public utility poles and shall not be located in the public right-of-way, excluding banners.
 - d. All signs advertising such events shall be removed within ten (10) days after the event date.

e. No such signs shall be allowed in any residential zone.

9. In any District, the following signs shall be permitted:

- a. For parking areas, entrances and exit signs not exceeding four (4) square feet in area and not more than one sign not more than sixteen (16) square feet in area identifying or designating the conditions of the use of such parking area.
- b. Non-illuminated "For Sale" or "For Rent" signs not exceeding thirty-two (32) square feet in area.
- c. One (1) sign not more than sixteen (16) square feet in area giving the name of the contractors, engineers, or architects, during construction of a building.
- d. Signs established by, or by order of, any governmental agency.
- e. Flags or emblems of political, civic, philanthropic, education or religious organizations.
- f. Small non-illuminated signs, not exceeding four (4) square feet in area, displayed strictly for the direction, safety, and convenience of the public, including signs which identify rest homes, freight entrances and the like.

B. In the A-1, Agricultural District, the following regulations shall apply:

1. Name plates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted no more than four (4) square feet in area.
2. Not more than two (2) nonilluminated signs not to exceed a total of twenty-four (24) square feet in area, advertising the sale of farm products produced on the premises shall be permitted.
3. School or public building bulletin boards or identification signs, not exceeding sixty (60) square feet in area are permitted.
4. Flashing or intermittent illumination is prohibited.
5. Billboards and other advertising structures are permitted only by approval of the Board of Zoning Appeals.
6. Business signs, not to exceed one and one-half (1 1/2) square feet of surface area for each one (1) lineal foot of face of building, relating to the business on the premises will be permitted.

C. In the R-1 and R-2 Residential Districts, the following regulations shall apply:

1. Nameplates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.
2. For apartment buildings, identification signs not exceeding nine (9) square feet in area are permitted.
3. School, or public building bulletin boards or identification signs, not exceeding twenty (20) square feet in area are permitted.
4. Flashing or intermittent illumination is prohibited.
5. Billboards and other advertising structures are prohibited.

D. In the C-1 General Commercial and C-2 Rural Commercial Districts, the following regulations shall apply:

1. Nameplates indicating name, address, house number, announcement of boarders or rooms for rent, or customary home occupations are permitted, no more than four (4) square feet in area.

2. School, or public building identification sign or bulletin boards, not exceeding thirty-two (32) square feet in area are permitted.
3. For other permitted uses, one business sign not exceeding one (1) square foot of surface for each two (2) lineal feet of lot fronting on a public street, will be permitted. Such sign shall be mounted on the premises and shall be directly related to the activity conducted on said premises.

E. In the I-1 General Industrial District, the following regulations shall apply:

1. Business signs shall be permitted which relate to the business on the premises. Such signs shall be located not closer than one-half (1/2) the required setback from all property lines.
2. Flashing or intermittent illumination is prohibited.
3. Billboards and other outdoor advertising structures are permitted subject to the general restrictions set forth in Section 4.130.

4.140 DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS

A. Definitions

Mobile Home. Mobile home or trailer means a vehicular, portable structure designed and constructed in accordance with the current requirements of the American National Standards Institute Standard A119.1, built on a chassis, designed for year round occupancy, and designated to have no foundation other than wheels, jacks, or skirtings, and is capable of being transported by another vehicle.

Mobile Home Park. Any area, tract, site, or plot land containing a minimum of two (2) acres whereupon three (3) or more mobile homes are placed, located, or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment, thereof. This does not include sites where unoccupied mobile homes are on display for sale. A mobile home park cannot be developed on a site that is less than two (2) acres in size.

B. Site Plan Requirement

1. The location and legal description of the proposed park.
2. A certificate of accuracy signed by a licensed surveyor or engineer that the boundary survey of the park is correct.
3. The location and size of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park drawn to scale.
4. The proposed use of buildings shown on the site plan.
5. The location and size of all mobile home spaces.
6. The location on all points of entry and exit for motor vehicles and the internal street circulation pattern.
7. The location and width of all driveways and walkways.
8. The location of all off-street parking facilities.
9. The location of parks and recreation areas.
10. The location of buffer strips.
11. The name and address of the applicant.
12. A comprehensive drainage plan.
13. A certificate signed by the Macon County Environmentalist stating suitable for subsurface sewage disposal.

14. Such other architectural, engineering, and topographic data as may be required to permit the local health officer and the Macon County Board of Zoning Appeals, to determine if the provisions of these regulations are being complied with shall be submitted with the site plan.
15. The location and size of all servicing utilities, i.e., water lines, fire hydrants, sewer lines, drain field areas, gas lines, electric lines, etc. Official approval of all servicing utilities shall be documented and submitted with the site plan.
16. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.

C. Required Development Standards

1. No parcel of land containing less than two acres and less than ten mobile home spaces, available at the time of first occupancy, shall be utilized for a mobile home park.
2. The mobile home park shall not contain more than four (4) individual mobile home spaces per gross acre.
3. The mobile home park shall be located on a flood free site. The Macon County Flood Insurance Rate Maps dated July 19, 2010, or subsequent updates to said maps shall be used to determine floodable areas.
4. The mobile home park shall be located on a well drained site, properly graded to insure rapid drainage and to avoid the possibility of stagnant pools of water.
5. Dimensional Requirement for Parks

- a. Each mobile home shall have a front yard of fifty (50) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.
- b. Each mobile home park shall provided rear and side yards of not less than thirty (30) feet, exclusive of any required yards for each mobile home space, from the parcel boundary.
- c. In instances where a side or rear yard abuts a public street, said yard shall not be less than fifty (50) feet.
- d. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or twenty-five (25) feet.
- e. Each mobile home park shall be permitted to display, on each street frontage, one identifying sign of a maximum size of twenty (20) square feet. Said signs shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.

6. Dimensional Requirements for Mobile Home Space

Each mobile home space shall be of sufficient size that, in addition to the mobile home, the following developmental standards shall be met:

- a. Each mobile home space shall be at least fifty (50) feet wide and such space shall be clearly identified by permanent markers.
- b. There shall be a front yard setback of twenty (20) feet from all access roads within the mobile home park.
- c. A mobile home shall be harbored on each space so that there shall be at least a twenty (20) foot clearance between mobile homes, with the end-to-end clearance at least twenty (20) feet. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.

- d. There shall be at least two (2) off-street parking spaces for each mobile home space, which shall be on the same site as the mobile home served, and may be located in the rear or side yard of said trailer space.
- e. Each mobile home space shall be provided with a paved patio of at least two hundred (200) square feet.
- f. Each mobile home space shall be provided with a pad which shall be a minimum of twelve feet by fifty feet (12'x50'), which shall be constructed of four (4) inches of compacted gravel.
- g. The minimum lot area per mobile home space shall be five-thousand (5,000) square feet. For double-wide mobile homes, the minimum lot size shall be six-thousand (6,000) square feet.

7. General Requirements

- a. The mobile home park shall be located with direct access to an existing county road or state highway.
- b. Roads within the mobile home park shall have a roadway width of not less than twenty (20) feet in accordance with the procedures and standards for minor residential streets as specified in the Macon County Subdivision Regulations. However, the right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads. Entrances and exits to the mobile home park shall be designed for safe and convenient movement of traffic into and out of the park and shall be located and designed as prescribed by the Macon County Board of Zoning Appeals.
- c. All mobile home spaces within the park shall abut an access road.
- d. No mobile home park shall be permitted unless such park is served by a public water supply that is adequate to provide fire protection.
- e. All mobile home parks shall be serviced with public or package sanitary sewerage and public water on available trunk lines, and the proposed water system shall be approved in writing by the Tennessee Department of Health and Environment as well as by the appropriate water authority.
- f. Fire hydrants will be required if sufficient size water lines are available to serve the hydrants.
- g. Mobile homes, with or without toilet facilities that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.
- h. Cabanas, recreational vehicles (campers), travel trailers, and other similar enclosed structures are prohibited.
- i. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one mobile home in the park may be used to house a rental office.
- j. Grounds anchors shall be installed at each mobile home space to permit tie downs of mobile homes.
- k. Specifications for drives in mobile home park developments shall be the same as the roadway specifications contained in the Macon County Subdivision Regulations to which reference is hereby made and incorporated herein.
- l. The mobile home park site shall not be exposed to objectable smoke, noise, odors, insect, or rodent harborage or other adverse influences.
- m. Any central refuse disposal area shall be maintained in such manner as to meet county health requirements, and shall be screened from view.

- n. Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures adequately ventilated and lighted and complying with all applicable codes.
- o. All service buildings shall be convenient to the spaces which they serve and shall be maintained in a clean and sanitary condition.
- p. A planted buffer strip as defined within this Zoning code shall be planted around the periphery of the mobile home park.
- q. Outside antenna (TV, radio, communications, etc.) shall not be installed in close proximity to overhead power lines; a safety clearance zone shall be maintained equivalent to overall installed height of the antenna/mast plus ten (10) feet, as measured from antenna mast base horizontally or diagonally from said overhead power lines.
- r. Any part of the park areas not used for building or other structures, parking, or access ways shall be landscaped with grass, trees, shrubs, and pedestrian walks. The park shall be adequately lighted at night with security lights.
- s. In each mobile home park, the duly authorized attendant or caretaker shall be charged at all times to keep the mobile home park, its facilities, and equipment in a clean orderly, safe, and sanitary condition.

8. Application or Mobile Home Park Development Permit

An application for a permit to develop and construct a mobile home park shall be filed in accordance with Article VII, Section 7.060, of this zoning code, and shall be accompanied by all site plans, schedules, and other information herein required. Said application shall be processed in the following manner.

- a. The written application, plans, and schedules, herein required, and a statement of approval of the proposed sewage disposal system from the Macon County Health Department will be submitted to the Macon County Codes Enforcement Officer and Macon County Regional Planning Commission. The Codes Enforcement Officer and Macon County Regional Planning Commission shall duly review these materials and shall coordinate the review with other affected agencies and departments.
- b. The Macon County Codes Enforcement Officer shall, after review, recommend approval or disapproval of the proposed mobile home park to the Board of Zoning Appeals, which then may authorize the issuance of a permit for construction of the park as approved, or state the conditions under which approval for construction may be granted. If at any time during the development process, unproved deviations from the officially approved site plan occur, the development permit granted to the applicant or developer shall be subject to immediate revocation, until such time as such discrepancies are removed, corrected, or officially approved by the Macon County Regional Planning Commission.

4.150 DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING, JUNK AND SALVAGE YARDS

Because of nature and character of their operations, automobile wrecking and salvage yards, junkyards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic, and health hazards, and may adversely affect property value by their general appearance. The following standards shall be used as a guide in evaluating

whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than five-hundred (500) feet from any established residential zone.
- C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) feet to twelve (12) feet in height. Storage between the road or street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.
- D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- E. Off-Road Parking. As regulated in Article IV, Section 4.010.
- F. Ingress and Egress. The number of vehicular access driveways permitted on any single street frontage shall be limited to:
 - 1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one-hundred (100) feet or less.
 - 2. Two (2) driveways where the road or street frontage exceeds one-hundred (100) feet. Driveways used for ingress and egress shall be limited to thirty (30) feet in width maximum exclusive of curb returns.
- G. No automobile wrecking, junk, or salvage yard shall be permitted within three-hundred (300) feet of any public road in Macon County except where a more stringent State or Federal law applies.
- H. Application for Automobile Wrecking Junk or Salvage Yard Permit
No person shall own or maintain an automobile wrecking, junk, or salvage yard within Macon County until he has secured approval from the Macon County Board of Zoning Appeals. An application for said approval shall be filed in accordance with Article VII, Section 7.070, of this zoning code, and shall be accompanied by a detailed site plan, a schedule for construction, and any other information herein required. Said application shall be submitted along with any plans and schedules. The Board shall vote to approve or disapprove the application in accordance with the time schedule in Section 7.070.

4.160 DEVELOPMENT STANDARDS FOR PRIVATE CAMPGROUNDS

Campgrounds as defined herein shall meet the following standards:

- A. Such campground shall have on-site management.
- B. The campground may include convenience commercial establishments such as camp stores, laundry facilities, and personal services; provided that such convenience establishments are subordinate to the recreational character of the campground; are located, designated, and intended to serve exclusively the patrons staying in the campground; and such establishments and their parking areas shall not occupy more than ten (10) percent of the area of the park or one (1) acre whichever is smaller.
- C. Such campground shall meet the following site standards:
 - 1. Minimum size - ten (10) acres

2. Sanitary facilities including flush toilets and showers - within three-hundred (300) feet walking distance of each campsite.
3. Potable water supply - one (1) spigot for each four (4) campsites.
4. Trash receptacle - one (1) for each two (2) campsites.
5. Parking - one (1) space per campsite.
6. Picnic table - one (1) per campsite.
7. Fireplace or grill - one (1) per campsite.
8. Administration or safety building - open at all times wherein a portable fire extinguisher in operable condition and first aid kit is available, and a telephone is available for public use.

D. Such campground shall meet the following design requirements:

1. A vegetation screen or buffer strip which will substantially screen the campsites from view of public rights-of-way and neighboring properties shall be provided around or near the perimeter or that part of the campground containing campsites. Such vegetation shall be maintained in good condition at all times. See the definitions section for the design criteria pertaining to buffer strips.
2. Each campground shall reserve at least twenty-five (25) percent of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas, but may not include utility areas, administration buildings, commercial areas, or similar activities.
3. Each campsite shall have a minimum setback of twenty-five (25) feet from any exterior boundary line.
4. Each campsite and all other buildings shall have a minimum setback from any public road of fifty (50) feet.
5. Each separate campsite shall contain a minimum of eight-hundred (800) square feet. (A campsite shall be considered to consist of trailer or tent space, parking space, picnic table, fireplace, and one-half (1/2) the roadway providing access).
6. Each campsite shall be directly accessible by an interior road.
7. All interior roads shall be a minimum of ten (10) feet wide for one way traffic and eighteen (18) feet wide for two-way traffic.
8. All interior roads shall meet the following curve requirements:
 - Minimum radius for a 90 degree turn - 40 feet
 - Minimum radius for a 60 degree turn - 50 feet
 - Minimum radius for a 45 degree turn - 68 feet
9. No camping vehicle or camping equipment shall be used for human habitation for a period exceeding thirty (30) consecutive days.
10. Each campground shall provide a trailer dump station for the disposal of holding tank sewage.

4.170 DEVELOPMENT STANDARDS FOR MINING ACTIVITIES AND RELATED SERVICES

Mining activities and related activities shall meet the following conditions:

- A. The location of such an activity shall be in an area sparsely developed during the length of time the mining and quarrying activity is anticipated.
- B. The proposed site shall be subject to the following conditions:

1. Operations shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or candescence to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place in which case limited types of debris may be allowed.
2. No excavation or filling shall be made within one- hundred (100) feet of any boundary of the site.
3. Side slopes of excavation and fills in earth, sand or gravel shall not exceed one (1) foot vertical to three (3) feet horizontal, and shall be blended into undisturbed existing surfaces.
4. Provisions shall be made for the disposal of surface water, falling on or crossing the site at all times, during and after completion of mining related operations. The operations shall not obstruct the normal flow of any public drain, or abrogate the riparian rights of any other party to a stream or drain.

4.180 SELF-SERVICE STORAGE FACILITIES (MINI-WAREHOUSES)

This section is intended to provide maximum flexibility in design and to ensure a minimum standard of site development for self-storage facilities (mini-warehouses).

It is intended that self-storage facilities be located so as to have direct access to major streets for convenience, and to be compatible with surrounding land uses.

A. Procedure for Approval

A permit for a self-service storage facility shall be issued by the Codes Enforcement Officer only as authorized by the Macon 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 zoning code and that the indicated development standards in Section D, of 4.180 will be followed.

B. Information Required

Plot Plan at a scale not smaller than 1"= 2000', showing:

- Location Map at a scale no smaller than 1" equals 1000'.
- Actual shape and dimensions of the lot.
- Shape, size and location of all existing buildings or other structures.
- Shape, size, location, and height of all proposed buildings and structures.
- Topographic features, both existing and proposed, with contours at a vertical interval no greater than five (5) feet.
- Location of all driveways and entrances.
- Proposed means of surface drainage, including all drainage ways and facilities.
- Proposed plans for landscaping of property.
- Location of all driveways and entrances.
- Location and size of all existing and proposed utilities including fire hydrants.
- Location of areas subject to flooding (give flood map number and drainage calculations.)
- Elevation of the 100 year flood and/or minimum finished floor elevations, if applicable.
- Location and size of all off-street parking.
- Location, type and size of proposed signs.

- Location and detailed description of existing and proposed opaque fencing and/or buffering (see landscaping illustrations in zoning code).

C. Review Procedure

Plot Plan Review - Four (4) copies of the proposal submitted to the Board of Zoning Appeals at least ten (10) days in advance, for preliminary review.

Review Procedures - The Board shall schedule a review of the plot plan at a public hearing. Public notice of the hearing shall be published in a newspaper of general circulation in Macon County at least fifteen (15) days in advance of the hearing date.

D. Required Development Standards

In addition to the requirements for the applicable district, the following special conditions shall be met prior to issuing a conditional use permit:

1. Minimum Lot Area-----40,000 sq. ft.
2. Minimum Yard Dimensions
 - Front Yard-----30 ft.
 - Side Yard-----25 ft.
 - Rear Yard-----30 ft.
3. Maximum Height of Buildings-----18 ft.
4. Internal Driveways

A driveway aisle for self-service storage facilities shall be a minimum width of twenty-four (24) feet. A driveway aisle where access to storage units is only on one (1) side of the aisle may be twenty (20) feet in width.
5. No door openings for any self-service storage unit shall be constructed facing any residentially zoned property.
6. Commercial or industrial storage shall be limited to less than fifty (50) percent of the total square footage of the facility.
7. Self-service storage facilities shall be limited to dead storage use only.
8. No hazardous materials shall be allowed in any storage unit.
9. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations is prohibited.
10. Recreational vehicles (campers), boats and all operational vehicles may be stored outside only in areas designated for such as shown on the plot plan. All such vehicles shall be totally screened from view. All other storage must be within enclosed structures.
11. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment are prohibited.
12. All light shall be shielded to direct the light onto the established uses and away from all adjacent properties.
13. No sales, garage sales, auctions or miscellaneous services or business activities shall be conducted on the premises.
14. The servicing or repair of motor vehicles, boats, lawn mowers and other similar equipment shall not be conducted on the premises.
15. The establishment of a transfer and storage business is prohibited.
16. Fire protection shall be provided to meet all existing Fire Codes as well as other required County fire regulations.

17. Signs shall be limited to one (1) sign for each property line abutting or adjoining a street right-of-way. Signs identifying the nature of the self-service storage facility shall not exceed fifteen (15) feet in height or forty (40) square feet in area. No additional advertising signs will be permitted on the property.

ARTICLE V
ZONING DISTRICTS

SECTION

- 5.010 Classification of Districts**
- 5.020 Zoning Map**
- 5.030 Zoning District Boundaries**
- 5.040 Specific District Regulations**

5.010 CLASSIFICATION OF DISTRICTS

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

<u>Zoning District</u>	<u>District Abbreviation</u>	<u>Density Type</u>
Agriculture-Forestry	A-1	low
Low Density Residential	R-1	low to moderate
High Density Residential	R-2	moderate to high
General Commercial	C-1	moderate to high
Rural Commercial	C-2	low to moderate
General Industrial	I-1	moderate to high
Special Impact Industrial	1-2	low

5.020 ZONING MAP

The location and boundaries of the zoning districts, established by this zoning code, are bounded and defined as shown on the Official Zoning Map of Macon County, Tennessee and its detailed atlas maps. The zoning maps and any amendments thereto shall be dated with the effective date of the zoning code that adopts same. Certified prints of the adopted zoning map and its amendments, shall be maintained in the office of the Macon County Codes Enforcement Officer and shall be available for inspection by the public at all reasonable times, as long as this zoning code remains in effect.

5.030 ZONING DISTRICT BOUNDARIES

Unless, otherwise, indicated on the zoning maps, the district boundaries are lot lines, center lines of streets or alleys, or the Macon County boundary lines as they exist at the time of the enactment of the zoning code. Questions concerning the exact locations of district boundaries shall be determined by the Macon County Board of Zoning Appeals.

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

Where the property on one side of a street between two intersecting streets is in a commercial or industrial district and the property on the intersecting street, except the corner or corners, is in a residential district, the commercial or industrial use shall be limited to the property facing or fronting the street zoned for commercial or industry throughout the block, and any property in the rear thereof facing or fronting the intersecting street, even though it appears to be in a commercial or industrial district, shall be governed by the use prevailing on the intersecting street. It is the purpose of this zoning code to limit business and industrial uses to the property facing or fronting the street zoned for commercial or industry and to prohibit

commercial or industrial uses to the property facing or fronting the street zoned for residential uses. In all cases of ambiguity due to the actual layout of the property or other circumstances, the Board of Zoning Appeals shall have authority to determine on which street the commercial or industrial use shall face or front so that the intent of the zoning code shall be observed.

5.040 SPECIFIC DISTRICT REGULATIONS

The following regulations shall apply in the seven (7) zoning districts established in Section 5.010, of this zoning code:

5.041 A-1, Agricultural-Forestry District

A. District Description

It is the intent of this district to provide space for forestry, agriculture, and agriculturally oriented uses and structures which comprise an important part in the economy of Macon County. It is the intent here to protect the physical and economic well being of agriculture operations and to prevent the encroachment of urban and other incompatible land uses on farmlands by minimizing conflicts between agricultural and forestry activities; to permit lands best suited for intense agricultural uses to be preserved for these suited purposes; and to prevent lands unsuitable for building of an urban nature or non-rural nature, due to topographic problems, location, or the inability to provide necessary urban services, or being encroached upon by these incompatible land uses. Areas assigned to the A-1 District are primarily areas where low intensive and low-density land use activities are deemed desirable for one or more of the reasons outlined above and is consistent with the provisions and intent of the Macon County Growth Plan and TCA 6-58-101 through 6-58-115. The following regulations shall apply in the A-1, Agriculture-Forestry District, as defined on the Zoning Map of Macon County, Tennessee.

B. Uses Permitted

In order to achieve the intent of the A-1 District, the following uses and their accessory uses are permitted:

1. Agricultural Services

Includes various activities designed to provide needed services for agricultural activities and are appropriately located in close proximity thereto; and, their accessory structures, as defined in Article II.

- Crop Drying, Storage, and Processing
- Crop Planning, Cultivating, and Protection Services
- Horticultural Services
- Soil Preparation Services
- Riding Stables
- Livery Stables

2. Crop and Animal Raising

Includes the raising of tree, vine, field, forage, and other plant crops intended to provide food or fiber, as well as keeping, grazing, or feeding animals for animal products, animal increase, or value increase. The larger operations would have to comply with the Confined Animal Feeding Operations (CAFO) regulations as found in 40 CFR, Part 122, Appendix B of the Environmental Protection Agency.

- Dairies
- Farms
- Raising of Plants, Animals, and Fish
- Truck Gardens

3. Forestry Activities and Related Services Including Nurseries

Includes the cultivation for sale of horticultural specialties, such as flowers, shrubs, and trees, intended for ornamental, landscaping, or tree planting purposes.

- Forestry Nursery
- Plant Nursery

4. Detached Dwellings

- Single-Family
- Mobile Home (two acres)

5. Essential Services

Includes the maintenance and operations of the following installations:

- Electrical and Gas Substations
- Electric, Gas, Water, and Sewer Distribution and Collection Lines
- Water and Sewer Treatment Plants
- Pumping Facilities for Water and Sewer Systems, Water Tanks
- Rights-of-Way for Transportation Modes
- Telephone Switching Facilities

6. Fisheries and Related Services

- Accessory Agricultural Occupations (See Section 4.100 C.)

C. Accessory Uses and Structures

1. Private garage and parking area.
2. Private barns, stables, sheds, and other farm buildings.
3. Outdoor recreational facilities exclusively for the use of the residents.
4. Customary home occupations as regulated in Article IV, Section 4.100.
5. Other accessory structures and uses customarily incidental to the permitted uses.
6. Public and informational signs and billboards as regulated in Article IV, Section 4.130.

D. Uses Permitted as Special Exceptions

The following uses may be permitted as special exceptions in an A-1 District subject to all applicable conditions in Section 7.070 of this zoning code, and after review by the Board of Zoning Appeals.

1. Administrative Services

The activities typically performed by public, utility, and nonprofit private administrative offices. These activities would include:

- City, County, State, and Federal Offices

- Civil Defense Facilities
- Court Buildings
- Fire Department Facilities
- Post Offices
- Police Department Facilities

2. Community Assembly

The activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

- Civic, Social, Fraternal, and Philanthropic Associations
- Private (nonprofit) Clubs, Lodges, Meeting Halls, and Recreation Centers
- Temporary Nonprofit Festivals

3. Community Education

The activities typically performed by the following institutions:

- Public and Private Nursery Schools
- Kindergarten, Primary and Secondary Schools

4. Cultural and Recreational Services

The activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities which are privately owned and operated for profit. These activities would include:

- Art Galleries
- Libraries
- Museums
- Parks, Playgrounds, and Play fields
- Planetariums and Aquariums
- Recreational Centers and Gymnasiums
- Swimming Pools and Beaches
- Zoological and Botanical Gardens

5. Intermediate Impact Facilities

The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of, the following institutions or installations:

- Bed and Breakfast Establishments
- Cemeteries, Columbariums, and Mausoleums
- Colleges, Junior Colleges, and Universities, but excluding profit making Business Schools
- Commercial Boat Docks and Marinas
- Country Clubs
- Golf Courses
- Radio and TV Transmission Facilities

6. Personal and Group Care Facilities

The activities and facilities to provide for the care of pre-teenage children, disabled and handicapped persons needing special care or supervision, care for the elderly and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

- Associations for Physically or Mentally Handicapped Persons
- Family Day Care Homes
- Day Care Centers
- Group Home for Physically or Mentally Handicapped Persons
- Handicapped Persons
- Nursing Homes
- Orphanages
- Retirement or Rest Homes

7. Religious Facilities

The activities or facilities utilized by various religious organizations for worship or community services functions, but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. These activities include:

- Chapels
- Churches
- Convents or Monasteries
- Sanctuaries
- Synagogues
- Temples

8. Animal Care and Veterinarian Services

Includes the provision of animal care, treatment, and boarding services.

- Veterinarian Clinics and Kennels

9. Convenience Commercial

Includes the retail sale, from the premises, of groceries, drugs, and other frequently needed personal convenience items, as well as the provision of personal convenience services which are typically needed frequently or recurrently, provided that no establishment shall exceed five-thousand (5,000) square feet of gross floor area.

- Barber Shops
- Beauty Shops
- Drug Stores
- Fruit and Vegetable Markets
- Grocery Stores
- Hardware Store (no outside storage)
- Laundry and Dry Cleaning Pick-Up Stations

- News Stands
- Self-Service Gasoline Pumps
- Tobacco Shops

10. Commercial Feed Lots and Stockyards

Include facilities and operations involved in the storage and feeding (other than pasture grazing) of animals for resale or slaughter.

E. Uses Prohibited

In order to achieve the intent of the A-1 District, all uses except those or their accessory uses specifically permitted or permitted upon appeal as a special exception by the Board of Zoning Appeals are prohibited.

F. Dimensional Regulations

All uses permitted in the A-1, Agriculture-Forestry District, shall comply with the following requirements, except as provided in Article VII:

1. Minimum Lot Size

a. Minimum Area per Dwelling:

With Public Water Supply and Fire Protection	1 acre
With Public Water Supply	2 acres
Without Public Water Supply	3 acres
Single wide mobile home with public water supply and fire protection	2 acres

b. Lot Width at Building Setback Line:

With Public Water and Fire Protection	100 ft.
With Public Water Supply	150 ft.
Without Public Water Supply	200 ft.

2. Minimum Yard Requirements

With Public Water and Fire Protection:

Front Yard Setback	60 ft.
Side	20 ft.
Rear	35 ft.

With Public Water Supply:

Front Yard Setback	75 ft.
Side	40 ft.
Rear	60 ft.

Without Public Water Supply:

Front Yard Setback	75 ft.
Side	50 ft.
Rear	60 ft.

3. Maximum Lot Coverage

On any lot, the area occupied by all structures, including the accessory building or structure, shall not exceed twenty (20) percent of the total area.

4. Height Requirements

No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Section 7.030.

5. Parking Space Requirements

As regulated in, Section 4.010.

6. Accessory Structures

- a. With the exception of signs, accessory structures shall not be erected in any required front yard.
- b. Any accessory structure shall be located at least seven (7) feet from any side lot line, from the rear lot line, and from any building on the same lot.

5.042 R-1, Low Density Residential District

A. District Description

The R-1, Low Density Residential District is intended to provide areas which are primarily suitable for low-density, large-lot, single family residential development within a rural atmosphere. This district is particularly suitable for areas adjacent to urban areas, where an adequate public water supply and other utility service is available and is consistent with the overall purposes and intent of the Macon County Growth Plan and *TCA 6-58-101 through 6-58-115*.

B. Uses Permitted

In order to achieve the intent of the R-1 District, the following uses are permitted:

1. Detached single-family and duplex dwellings.
2. Essential Services
Includes the maintenance and operations of the following installations:
 - Electrical and Gas Substations
 - Water and Sewer Treatment Plants

- Electric, Gas, Water, and Sewer Distribution and Collection Lines
- Pumping Facilities for Water and Sewer Systems, Water Tanks
- Rights-of-Way for Transportation Modes
- Telephone Switching Facilities

C. Accessory Uses and Structures

1. Private garage and/or shed.
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in Article IV, Section 4.130.
4. Customary home occupations as defined by and subject to the provisions of Article IV, Section 4.100.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

The following uses, or those uses of a similar nature, may be permitted as special exceptions in an R-1 District subject to all applicable applications in Section 7.070 of this Zoning code and after review by the Board of Zoning Appeals.

1. Administrative Services

The activities typically performed by public, utility, and nonprofit private administrative offices. These activities would include:

- City, County, State, and Federal Offices
- Civil Defense Facilities
- Court Buildings
- Fire Department Facilities
- Post Offices
- Police Department Facilities

2. Community Assembly

The activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

- Civic, Social, Fraternal, and Philanthropic Associations
- Private (nonprofit) Clubs, Lodges, Meeting Halls, and Recreation Centers
- Temporary Nonprofit Festivals

3. Community Education

The activities typically performed by the following institutions:

- Public and Private Nursery Schools
- Kindergarten, Primary and Secondary Schools

4. Cultural and Recreational Services

The activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace

such facilities which are privately owned and operated for profit. These activities would include:

- Art Galleries
- Libraries
- Museums
- Parks, Playgrounds, and Playfields
- Planetariums and Aquariums
- Recreational Centers and Gymnasiums
- Swimming Pools and Beaches
- Zoological and Botanical Gardens

5. Health Care Facilities

Includes the activities typically performed by the following institutions, but not including the offices, clinics, etc., of private physicians or other health care professionals:

- Centers for Observation or Rehabilitation
- Convalescent Homes
- Hospitals
- Medical Clinics

6. Intermediate Impact Facilities

The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of, the following institutions or installations:

- Cemeteries, Columbariums, and Mausoleums
- Colleges, Junior Colleges, and Universities, but excluding profit-making Business Schools
- Commercial Boat Docks, Marinas, and Yacht Clubs
- Country Clubs
- Golf Courses
- Radio and TV Transmission Facilities

7. Personal and Group Care Facilities

The activities and facilities to provide for the care of pre-teenage children, disabled and handicapped persons needing special care or supervision, care for the elderly and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

- Associations for Physically or Mentally Handicapped Persons
- Family Day Care Homes
- Day Care Centers
- Group Home for Physically or Mentally Handicapped Persons
- Nursing Homes
- Orphanages
- Retirement or Rest Homes

8. Religious Facilities

The activities or facilities utilized by various religious organizations for worship or community services functions, but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. These activities include:

- Chapels
- Churches
- Convents or Monasteries
- Sanctuaries
- Synagogues
- Temples

E. Uses Prohibited

In order to achieve the intent of the R-1 District, all uses except those or their accessory uses permitted, or permitted upon approval as a special exception by the Board of Zoning Appeals are prohibited.

F. Dimensional Regulations

All uses permitted in the R-1, Residential District, shall comply with the following requirements except as provided in Article VII:

1. **Front Yard.** The minimum depth of the front yard shall be thirty (30) feet.
2. **Rear Yard.** The minimum depth of the rear yard shall be twenty-five (25) feet for the principal structure and five (5) feet for any permitted accessory structure.
3. **Side Yard.** The side yard shall be a minimum of fifteen (15) feet for one and two-story structures, plus ten (10) additional feet of side yard for each additional story over two.
4. **Land Area.** Notwithstanding cluster developments, individual lot(s) or parcel(s) of land shall not be reduced in size to provide separate lots or building sites of less than one (1) acre in area, except where public sanitary sewerage service is available, in which case the minimum lot area shall be fifteen thousand (15,000) square feet. However, where there is an existing lot of record of less than fifteen-thousand (15,000) square feet, at the time of adoption of this zoning code, this lot may be utilized for the construction of one single-family dwelling, providing the lot in question has a public water supply and providing that said lot of record is not less than seventy-five hundred (7,500) square feet in area, and meets all the requirements of the Macon County Environmentalist.

On lots or parcels of land where one or two-family dwellings are constructed, the following area requirements shall apply.

<u>Number of Dwelling Units</u>	<u>With Public Water and Sanitary Sewers</u>	<u>With Public Water, but Without Public Sanitary Sewer Service*</u>
1	15,000 sq. ft.	30,000 sq. ft.
2	40,000 sq. ft.	80,000 sq. ft.

***The above lot size requirements shall be increased to accommodate the minimum lot size requirements mandated by the Macon County Environmentalist whenever local or state health department requirements as determined through the use of percolation tests, soil tests, etc., are shown to be more restrictive.**

5. **Maximum Lot Coverage.** On any lot or parcel of land, the area occupied by all buildings including the accessory building may not exceed forty (40) percent of the total area of such lot or parcel or the buildable area of said lot as defined by the front, side, and rear yard setback, whichever is less.
6. **Lot Width.** No lot shall be less than one-hundred (100) feet wide at the building setback line.
7. **Height Requirements.** No building shall exceed three stories or thirty-five (35) feet in height, except as provided in Article VII, Section 7.030.
8. **Parking Space Requirements.** As regulated in Article IV, Section 4.010.

5.043 R-2, High Density Residential District

A. District Description

The R-2, High Density Residential District, is intended to provide areas which are suitable for single and multiple-family residential development. This district is particularly suitable for areas adjacent or near urban areas, where an adequate public water supply or public wastewater service is available. The following regulations shall apply in the R-2, Residential District, as defined on the Zoning Map of Macon County, Tennessee.

B. Uses Permitted

In the R-2 District, the following uses and their accessory uses are permitted:

1. Detached single-family dwellings (including double-wide and modular homes).
2. Mobile homes on single lots (with a minimum requirement of two (2) acres).
3. Duplex dwellings.
4. Multi-family dwellings and Apartment dwellings.
5. Rooming and boarding houses.
6. Essential Services that includes the maintenance and operations of the following installations:
 - Electrical and Gas Substations
 - Electric, Gas, Water, and Sewer Distribution and Collection Lines
 - Pumping Facilities for Water and Sewer Systems
 - Rights-of-Way for Transportation Modes
 - Telephone Switching Facilities

C. Accessory Uses and Structures

1. Private garage and/or shed.
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in Article IV, Section 4.130.
4. Customary home occupations as defined by and subject to the provisions of Article IV, Section 4.100.
5. Other accessory structures and uses customarily incidental to the permitted uses, as regulated in Article III, Section 3.100.

D. Uses Permitted as Special Exceptions

In the R-2, Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VII, Section 7.070:

1. Residential

- Mobile Home Parks.

2. Administrative Services

The activities typically performed by public, utility, and nonprofit, private administrative offices. These activities would include:

- City, County, State, and Federal Offices
- Civil Defense Facilities
- Court Buildings
- Fire Department Facilities
- Post Offices
- Police Department Facilities

3. Community Assembly

The activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

- Civic, Social, Fraternal, and Philanthropic Associations
- Private (nonprofit) Clubs, Lodges, Meeting Halls, and Recreation Centers
- Temporary Nonprofit Festivals

4. Community Education

The activities typically performed by the following institutions:

- Public and Private Nursery Schools
- Kindergarten, Primary and Secondary Schools

5. Cultural and Recreational Services

The activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities which are privately owned and operated for profit. These activities would include:

- Art Galleries
- Libraries
- Museums
- Parks, Playgrounds, and Play Fields
- Planetariums and Aquariums
- Recreational Centers and Gymnasiums
- Swimming Pools and Beaches
- Zoological and Botanical Gardens

6. Health Care Facilities

Includes the activities typically performed by the following institutions, but not including the offices, clinics, etc., of private physicians or other health care professionals:

- Centers for Observation or Rehabilitation
- Convalescent Homes
- Hospitals
- Medical Clinics

7. Intermediate Impact Facilities

The activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of, the following institutions or installations:

- Cemeteries, Columbariums, and Mausoleums
- Colleges, Junior Colleges, and Universities, but excluding profit-making Business Schools
- Country Clubs
- Commercial Boat Docks, Marinas, and Yacht Clubs
- Golf Courses
- Radio and TV Transmission Facilities
- Water Storage Facilities, Water and Sewage Treatment Plants

8. Personal and Group Care Facilities

The activities and facilities to provide for the care of pre-teenage children, disabled and handicapped persons needing special care or supervision, care for the elderly and other individuals requiring supervised care, but excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

- Associations for Physically or Mentally Handicapped Persons
- Family Day Care Homes
- Day Care Centers
- Group Home for Physically or Mentally Handicapped Persons
- Nursing Homes
- Assisted living facility
- Orphanages
- Retirement or Rest Homes

9. Religious Facilities

The activities or facilities utilized by various religious organizations for worship or community services functions, but excluding any facility the primary functions of which is to produce products or printed matter for sale or general distribution. These activities include:

- Chapels
- Churches Convents or Monasteries
- Sanctuaries

- Synagogues
- Temples

E. Uses Prohibited

In order to achieve the intent of the R-2 District, all uses except those or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board of Zoning Appeals are prohibited.

F. Dimensional Regulations

All uses permitted in the R-2, Residential District, shall comply with the following requirements, except as provided in Article VII:

1. **Front Yard.** The minimum depth of the front yard shall be thirty (30) feet.
2. **Rear Yard.** The minimum depth of the rear yard shall be twenty (20) feet for the principal structure and fifteen (15) feet for any permitted accessory structure.
3. **Side Yard.** The side yard shall be a minimum of fifteen (15) feet for one and two-story structures, plus ten (10) additional feet of side yard for each additional story over two.
4. **Land Area.** Notwithstanding cluster developments, individual lot(s) or parcel(s) of land shall not be reduced in size to provide separate lots or building sites of less than 1 acre in area, except where sanitary sewerage service is available, in which case the minimum lot area shall be fifteen thousand (15,000) square feet. However, where there is an existing lot of record of less than thirty thousand (30,000) square feet, at the time of adoption of this zoning code, this lot may be utilized for the construction of one single-family dwelling, providing the lot in question has a public water supply and providing that said lot of record is not less than fifteen thousand (15,000) square feet in area, and meets all the requirements of the Macon County Environmentalist.

On lots or parcels of land where multiple family dwellings are constructed, the following area requirements shall apply:

<u>Number of Dwelling Units</u>	<u>With Public Water and Sanitary Sewers</u>	<u>With Public Water but Without Sanitary Sewerage Service*</u>
1	15,000 sq. ft.	30,000 sq. ft.
2	32,000 sq. ft.	40,000 sq. ft.
3	40,000 sq. ft.	60,000 sq. ft.
4	45,000 sq. ft.	80,000 sq. ft.
More than 4 units	5,000 sq. ft., plus each unit over 4	Not permitted, unless on-site treatment units (i.e., package plants) are used, 80,000 sq. ft., plus 5,000 sq. ft., for each unit over 4.

*The above lot size requirements shall be increased to accommodate the minimum lot size requirements mandated by the Macon County Environmentalist whenever local or state health department requirements as

determined through the use of percolation tests, soil tests, etc., are shown to be more restrictive.

5. **Maximum Lot Coverage.** On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed forty (40) percent of the total area of such lot or parcel or the buildable area of said lot as defined by the front, side, and rear yard setback, whichever is less.
6. **Lot Width.** No lot shall be less than one-hundred (100) feet wide at the building setback line.
7. **Height Requirements.** No building shall exceed three stories or thirty-five (35) feet in height, except as provided in Article VII, Section 7.030.
8. **Parking Space Requirements.** As regulated in Article IV, Section 4.010.

5.044 C-1, General Commercial District

A. District Description

The C-1 General Commercial District is established to provide areas in which the principal use of land is devoted to general and highway commercial activities along the principal thoroughfares of Macon County. Regulations are designed to preserve the traffic-carrying capacities of the highways and roads of Macon County, and to provide for necessary off-street parking and loading. The following regulations shall apply in the C-1 General Commercial District, as defined on the Zoning Map of Macon County, Tennessee.

B. Uses Permitted

In the C-1, General Commercial District, the following uses and their accessory uses are permitted:

1. All uses permitted in the C-2 Rural Commercial District.
2. Motor vehicles and automotive equipment.
3. Drugs, chemicals and allied products.
4. Dry goods and apparel.
5. Groceries and related products.
6. Farm products.
7. Electrical goods.
8. General merchandise.
9. Restaurants.
10. Motor inns
11. Automotive, marine craft, and accessories sales only.
12. Apparel and accessories.
13. Antiques, books, sporting goods, garden supplies, jewelry, fuel and ice.
14. Hotels, motels, and tourist courts.
15. Churches
16. Professional services.
17. Gasoline service stations.
18. Signs and billboards as regulated in Article IV, Section 4.070.
19. Finance, insurance and real estate services.
20. Personal services.
21. Business services.
22. Repair services.
23. Contract construction services.
24. Governmental services.
25. Educational services.

26. Transportation, communication and utility service except solid waste disposal.
27. Automotive and vehicular repair services.

C. Uses Permitted as Special Exceptions

In the C-1 General Commercial District, the following uses and their accessory structures may be permitted as special exceptions after review and approval by the Board of Zoning Appeals, in accordance with Article VII, Section 7.070:

1. Any business or service which, in the opinion of the Board of Zoning Appeals, is of the same general character as the above permitted uses, and subject to conditions and safeguards, as the Board may specify to provide the character of the district.
2. Travel trailer parks and overnight campgrounds.
3. Self-service storage facilities (Mini-Warehouses). See Article IV, Section 4.180

D. Uses Prohibited

In the C-1, General Commercial District, all uses, except uses or their accessory uses specifically permitted or permitted upon approval, as a special exception by the Board of Zoning Appeals, is prohibited.

E. Dimensional Regulations

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

1. **Front Yard.** The minimum depth of the front yard shall be thirty (30) feet.
2. **Rear Yard.** The minimum depth of the rear yard shall be fifteen (15) feet, except where vehicular access will be provided to the rear of the lot, in which case a minimum rear setback of thirty (30) feet shall be required.
3. **Side Yard.** The minimum side yard requirements shall be twenty (20) feet where vehicular access is available to the rear of the lot. Where no such access is available or desired, a side yard of fifteen (15) feet shall be permitted. On lots adjacent to an agriculture, rural residential, suburban residential or general commercial district, all structures shall be so located as to comply with the side yard requirement of the adjacent district on the side adjoining said district. Commercial buildings may be built on a common lot line provided that there is mutual written consent of the owners of the buildings and land directly involved and, the adjacent walls of the buildings have fire resistant rating of two (2) hours.
4. **Land Area.** No minimum land area shall be required in the C-1, General Commercial District, where public water and sanitary sewer service is available. Where only public water is available, there shall be a minimum land area of thirty-thousand (30,000) square feet, except that lots of record smaller than the required minimum, at the time of the adoption of this zoning code, may be utilized, provided that said lot of record is not smaller than fifteen-thousand (15,000) square feet, and also provided that the required subsurface disposal system serving such lot is approved by the Macon County Environmentalist. Where no public water or sewer service is available, there shall be minimum land area of three (3) acres.

More than one building shall be permitted on a single lot in the case of a shopping center, provided that all applicable area and space requirements have been complied with and further provided that such buildings share a common fire resistant wall of at least a two (2) hour fire rating.

5. **Maximum Lot Coverage.** The maximum lot coverage shall be forty (40) percent of the total site area.
6. **Lot Width.** No lot shall be less than one-hundred (100) feet wide at the building setback line.
7. **Height Requirement.** No building shall exceed three (3) stories or thirty-five (35) feet, in height except as provided in Article VII, Section 7.030.

F. Parking and Loading Space Requirements

The parking requirements herein pertain to developments in C-1 General Districts (as found in Section 4.010 of zoning code).

1. Off-street parking shall be provided at a standard of five and one-half (5½) spaces for each one-thousand (1,000) square feet of gross leasable area.
2. Off-street loading space shall be provided at a standard of one (1) space for each twenty-five thousand (25,000) square feet of aggregate gross floor space.
3. Parking areas shall be designed with careful regard to orderly arrangement, topography, amenity of view, ease of access, and as an integral part of overall site design. It is desirable that parking areas be level or on terraces formed with the slope of the land. Changes in levels between terraces should be formed by retaining walls or landscaped banks with concrete curbs.

Five (5) percent of the total acreage of the zone lot shall be devoted to landscaping as approved by the planning commission. (See Article III, Section 3.130)

All parking areas shall be paved and lined.

Each parking space shall be a minimum of ten feet by twenty feet (10' x 20') in size. The maximum width of driveway openings to the public street shall be thirty-five (35) feet. The minimum distance between driveways shall be fifty (50) feet. The minimum distance between driveways and street intersections shall be twenty-five (25) feet and from an adjoining property line shall be twenty (20) feet. (See Article IV, Section 4.010 for minimum parking aisle requirements).

G. Staging Period

The planning commission may permit the development to be constructed in stages, if appropriate to the type of development, so that completion is achieved in a logical and timely manner.

5.045 C-2, Rural Commercial District

A. District Description

The C-2 Commercial District is established to provide areas of light commercial activity near residential areas. It is composed of those uses determined to be necessary for the needs of local or nearby residents, and is to be reasonably compact and complement to the surrounding area. Regulations are designed to preserve the rural character of the area in which a use is located. The following regulations shall apply to the C-2 Rural Commercial District, as defined on the Zoning Map of Macon County, Tennessee.

B. Uses Permitted

In the C-2 Rural Commercial District, the following uses and their accessory uses are permitted:

1. Professional and business offices.
2. Medical and dental offices (not equipped for overnight care of patients).
3. Stores and shops conducting retail business.
4. Public and semi-public buildings such as churches, schools, fire and utility stations, public libraries, etc.
5. Nursery or garden store.
6. Commercial educational facilities.
7. Hardware store.
8. Financial institutions.
9. Beauty or barber shop.
10. Bakery.
11. Day-care center (subject to meeting applicable state regulations).
12. Dry-cleaning facility or Laundromat.
13. Florists.
14. Pet grooming.
15. Animal shelter.
16. Veterinary offices and clinics (without outside kennels or runs).
17. Residency occupancy required as part of the business.
18. Single-family detached dwellings.
19. Two-family dwellings, duplexes.

C. Uses Permitted as Special Exceptions

In the C-2, Rural Commercial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VII, Section 7.070:

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

D. Uses Prohibited

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

E. Dimensional Regulations

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

1. **Front Yard.** The minimum depth of the front yard shall be thirty (30) feet.
2. **Rear Yard.** The minimum depth of the rear yard shall be fifteen (15) feet, except where vehicular access will be provided to the rear of the lot, in which case a minimum rear setback of thirty (30) feet shall be required.
3. **Side Yard.** The minimum side yard requirements shall be twenty (20) feet where vehicular access is available to the rear of the lot. Where no such access is available or desired, a side yard of fifteen (15) feet shall be permitted. On lots adjacent to an

agriculture, rural residential, suburban residential or general commercial district, all structures shall be located so as to comply with the side yard requirement of the adjacent district on the side adjoining said district. Commercial buildings may be built on a common lot line provided that there is mutual written consent of the building and the land directly involved, and the adjacent walls of the buildings have fire resistant rating of two (2) hours.

4. **Land Area.** No minimum land area shall be required in the C-2 Rural Commercial District, where public water service and sanitary sewer service is available. Where only public water is available, there shall be a minimum land area of thirty-thousand (30,000) square feet, except that lots of record smaller than the required minimum, at the time of the adoption of this zoning code, may be utilized provided, that said lot of record is not smaller than fifteen-thousand (15,000) square feet, and also provided that the required subsurface disposal system serving such lot is approved by the Macon County Environmentalist. Where no public water or sewer service is available, there shall be a minimum land area of three (3) acres.
5. **Maximum Lot Coverage.** The maximum lot coverage shall be forty (40) percent of the total site area.
6. **Lot Width.** No lot shall be less than one-hundred (100) feet wide at the building setback line.
7. **Height Requirement.** No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Article VII, Section 7.030

F. Parking and Loading Space Requirements

The parking and space requirements herein pertain to commercial developments in C-2 Rural Commercial Districts.

1. Off-street parking shall be provided at a standard of five and one-half (5½) spaces for each one thousand (1,000) square feet of gross leasable area..
2. Off-street loading space shall be provided at a standard of one (1) space for each twenty-five thousand (25,000) square feet of aggregate gross floor space.
3. Parking areas shall be designed with careful regard to orderly arrangement, topography, amenity of view, ease of access, and as an integral part of overall site design. It is desirable that parking areas be level or on terraces formed with the slope of the land. Changes in levels between terraces should be formed by retaining walls or landscaped banks with concrete curbs.

Five (5) percent of the total acreage of the zone lot shall be devoted to landscaping as approved by the county planning commission (See Article III, Section 3.130).

All parking areas shall be paved and lined.

Each parking space shall be a minimum of ten by twenty (10 x 20) feet in size. The maximum width of driveway openings to the public street shall be thirty-five (35) feet. The minimum distance between driveways shall be (50) feet. The minimum distance between driveways and street intersections shall be twenty-five (25) feet, and from an adjoining property line shall be twenty (20) feet. (See Article IV, Section 4.010 for minimum parking aisle requirements.

G. Staging Period

The planning commission may permit the commercial development to be constructed in stages, if appropriate, so that completion is achieved in a logical and

timely manner. If permitted, a schedule for completion should be kept on file in the codes enforcement office.

5.046 I-1, General Industrial District

A. District Description

The I-1, General Industrial District, is intended to provide areas in which the principal use of land is for manufacturing, processing, assembling, fabrication of materials, and warehousing or storage. These land uses generally do not depend primarily on frequent personal visits by clients or customers, but generally require good accessibility to major highway transportation routes. The following regulations shall apply in the I-1, General Industrial District, as defined on the Zoning Map of Macon County, Tennessee.

B. Uses Permitted

In the I-1, General Industrial District, the following uses, and their accessory uses are permitted:

1. Food and kindred products manufacturing, except meat products.
2. Textile mill products manufacturing, except dyeing and finishing of textiles.
3. Apparel and other finished products made from fabrics, leather, and similar materials manufacturing.
4. Lumber and wood products manufacturing.
5. Furniture and fixtures manufacturing.
6. Printing, publishing, and allied industries.
7. Stone, clay, and glass products manufacturing (excluding quarrying).
8. Fabricated metal products manufacturing except ordinance and accessories.
9. Professional, scientific, and controlling instruments; photographic and optical goods, watches and clocks manufacturing.
10. Miscellaneous manufacturing including jewelry, silverware and plated ware, musical instruments and parts, toys, amusement and sporting goods manufacturing, pens, pencils, and other office materials, costume jewelry, novelties and miscellaneous notions; tobacco, liquor, and gasohol manufacturing.
11. Transportation, communication and utilities, excluding airports, and solid waste disposal.
12. All types of wholesale trade.
13. Office functions only where it is directly related to the industrial establishment in which it is located.
14. Signs and billboards as regulated in Article IV, Section 4.130.

C. Uses Permitted as Special Exceptions

In the I-1, General Industrial Districts, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VII, Section 7.070:

1. Lots or yards for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage, or second hand building materials.
2. Automobile wrecking salvage, and junk yards, subject to the provisions of Article IV, Section 4.150.
3. Airports.

4. Solid waste disposal, subject to the approval of the Macon County Environmentalist, the Tennessee Department of Health and Environment, and the Macon County Commission.
5. Mining activities and related services as regulated in Article IV, Section 4.170.

D. Uses Prohibited

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

E. Dimensional Regulations

All uses permitted in the I-1, General Industrial Districts, shall comply with the following requirements, except as provided in Article VII:

1. **Front Yard.** The minimum depth of the front yard shall be forty (40) feet.
2. **Rear Yard.** The minimum depth of the rear yard shall be thirty (30) feet. No yard shall be required for that portion of a lot which fronts on a railroad or rail spur line.
3. **Side Yard.** The minimum depth of the side yard shall be thirty (30) feet, except the side yards for industrial lots adjacent to suburban residential, rural residential, or rural center districts shall be a minimum of fifty (50) feet. No yard shall be required for that portion of a lot which fronts on a railroad or rail spur line.
4. **Land Area.** Where public water and sewer service is available, there shall be required a minimum land area of two (2) acres. In areas where only public water is available, there shall be a minimum of five (5) acres. No industrial land uses shall be permitted in areas where a public water supply is not available, except where the Board of Zoning Appeals has determined that such use does not require a supply of potable water in its manufacturing operation. In such instances, the Board may grant written approval of the use and shall not be less than five (5) acres in size.
5. **Maximum Lot Coverage.** No maximum lot coverage shall be imposed in the I-1 District.
6. **Lot Width.** No lot shall be less than one-hundred fifty (150) feet wide at the building setback line.
7. **Height Requirements.** No height limitations shall be imposed in the I-1, General Industrial District, except as provided in Article VII, Section 7.030.
8. **Parking Space Requirement.** As regulated in Article IV, Section 4.010.
9. **Loading and Unloading Requirements.** As regulated in Article IV, Section 4.060.

5.047 I-2, Special Impact Industrial District

A. District Description and Purpose

This district is designed to provide suitable areas for those uses which have some special impact or uniqueness such that their effect on the surrounding area and environment cannot be determined in advance of the use being proposed for a particular location. At the time the application is filed, a review of the location, design configuration, and its impact will be conducted by comparing and assessing the proposed use, the preliminary development plan, the operational data, and the environmental assessments to the site location criteria. This review will evaluate whether the proposed use should be permitted through a rezoning to the I-2, Special Impact Industrial District,

by weighing the public need for and benefit to be derived from the proposal against the local impacts which it may cause. The review considers the proposal in terms of existing zoning and land use in the vicinity of the site, the planned and proposed public and private developments which may be adversely affected by the proposed use, whether the proposed location is the most desirable site for this type of use, and to what extent the public health, safety, and general welfare of the citizens of Macon County will be affected.

B. Site Location Criteria

1. The proposed site will be located in an area apart from any significant concentration of residential development and community facility where concentrations of people will be present.
2. The proposed use will not pollute or deteriorate air quality, surface or subterranean water, or any other natural features.
3. The proposed site will not be located in an area that could contaminate the source of an existing public water supply.
4. The proposed site will be free of sinkholes, caves, caverns, or other karst features that would present significant potential for surface collapse or significant degradation to local ground water resources.
5. The proposed site will be adequately served by public utilities and services to ensure a safe operation.
6. The proposed use will not result in the transportation of dangerous products or wastes through areas of population concentration which would endanger community safety.
7. Access to the site will be from a road classified as an arterial or collector on the Major Road Plan for Macon County.
8. The proposed lot size is sufficient so that no danger occurs to the adjoining uses.
9. The proposed site will not be located within a one-hundred (100) year floodplain or wetland.

C. Administrative Procedure

The provisions of this section shall govern all applications for rezoning to the I-2, Special Impact Industrial District.

1. Preliminary Review

All applications for rezoning to the I-2, Special Impact Industrial District, shall be made by the landowner or his/her authorized agent to the Codes Enforcement Officer in accordance with the provisions of this section. All applications for rezoning shall be accompanied by:

a. Preliminary Development Plan to Include the Following Information:

- (1) Letter from the owner detailing the proposed zoning change.
- (2) Location map of the proposed site, including size of the property.
- (3) Site plan and topographic map prepared by a Tennessee licensed engineer at a scale no smaller than one inch equals two-hundred feet (1" = 200').
- (4) Land use evaluation in terms of the effect(s) of the proposed activity or use on surrounding properties and sites, including all building locations and historical sites within a one (1) mile radius of the proposed site, including property owners.

- (5) Highway assessment indicating all roads with access to the property, showing the existing width, condition, type of surface, weight loads and existing traffic data, and classification of all access roads according to the Macon County Major Road Plan.
- (6) Location and approximate dimensions of all structures, including appropriate height and bulk and the utilization of all structures and land areas within the site.
- (7) A tabulation of the land areas to be devoted to all uses and activities.
- (8) Ability of the site to be able to meet the Site Location Criteria in Subsection B above, along with the General Requirements, in Subsection H, and the Requirements for Specific Uses, in Subsection I below, for the proposed use of the property.

b. Operational Data to Include the Following Information:

- (1) Type of operation and detailed description of the operation.
- (2) Average number of vehicles entering and leaving site on a daily basis and the routes taken.
- (3) Types of Federal and State permits required for operation of the proposed facility.
- (4) Safety measures to be used on site as well as the system for dealing with complaints.
- (5) Ultimate use and ownership of the site after completion of operation. (Landfills only)

c. Environmental Assessments to Include the Following Information:

- (1) Geological data on the site as prepared by a Tennessee licensed geologist.
- (2) Effects of the proposed use on ground water quality in the area.
- (3) Effects of the proposed use on air quality in the area.
- (4) Potential danger to any surface water or water supply.

2. Zoning Amendment

After review of the preliminary development plan, operational data, and environmental assessments, the planning commission shall recommend to the County Legislative Body whether the proposed use should be rezoned to the I-2, Special Impact Industrial District. If the County Legislative Body approves the zoning amendment, the landowner may proceed with his development by submitting a final development plan to the planning commission for their approval.

3. Final Development Plan Review

After approval of the rezoning by the County Legislative Body, the landowner may make application to the planning commission, for approval of the final development plan, provided that the plan is in compliance with the preliminary development plan. All final development plans shall include the following information:

a. Final Development Plan shall Include the Following:

- (1) Final site plan prepared by a Tennessee licensed engineer for the development to include location of all buildings, interior roads and parking areas, detailed landscaping plan of the buffer zone prepared by a landscape architect, location and type of all fences, utilities, and all other features and facilities to be installed or used in connection with the proposed operation.
- (2) Site plan to be at a scale no smaller than one inch equals two-hundred feet (1" = 200').
- (3) Contours at vertical intervals of not more than two (2) feet where the proposed development has an average slope of five (5) percent or less, or at vertical intervals of not more than five (5) feet where the average slope exceeds five (5) percent (contours to be field surveyed or taken from aerial photographs acceptable to the planning commission).
- (4) Stages of development of the site and the expected time of completion.
- (5) Copies of all required Federal and State permits the applicant has obtained.
- (6) Final site plan shall be in compliance with Subsection H, I, and J below for the proposed use of the property.

b. Site and Geological Data

- (1) Soil and geology, with soil borings to a point of refusal, with a minimum of two (2) borings per acre.
- (2) Final grading and drainage plan for the entire site, including surface drainage patterns, and all areas for surface water detention or retention.
- (3) Ground water movements and aquifer information.
- (4) Existing vegetation cover on the site.
- (5) Annual climate of the area, including annual precipitation and wind direction.

D. Uses Permitted

In the I-2, Special Impact Industrial District, the following uses are permitted:

1. Special Impact Facilities

Arsenals
 Atomic Reactors
 Explosives Manufacturing and Storage
 Fireworks Manufacturing
 Hazardous Wastes
 Mining, borrow pits, quarrying, and drilling activities
 Race tracks/drag strips
 Radioactive Wastes
 Solid Waste landfills
 Solid waste processing and recycling
 Waste incinerators, including hospital and medical waste

E. Accessory Uses and Structures

1. Signs in compliance with the regulations set forth in Section 4.130.

2. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory uses are carried out on the same lot and are not otherwise prohibited.
3. Accessory off-street parking and loading facilities as required in Section 4.010.

F. Uses Permitted as Special Exceptions

There are no uses permitted as special exceptions in the I-2, Special Impact Industrial District.

G. Uses Prohibited

In the I-2, Special Impact Industrial District, any use not permitted by right or as an accessory use thereto is strictly prohibited.

H. General Requirements Applicable to All Uses

1. No excavation or filling shall be made within one-hundred (100) feet of any boundary of the site.
2. Side slopes of excavation and fills in earth, sand or gravel shall not exceed one (1) foot vertical to three (3) feet horizontal and shall be blended into undisturbed existing surfaces.
3. A chain link wire fence six (6) feet high and three (3) strands of barbed wire over the top shall be installed along the boundaries of the area developed or the area of active operation and provided with gates of the same construction as the fence. The gates shall remain locked at all times when active operations are not taking place. All fences and gates shall be properly maintained until all operations are completed.
4. Provisions shall be made for the disposal of surface water falling on or crossing the site at all times, during and after completion of the operations. The operations shall not obstruct the normal flow of any public drain, or abrogate the riparian rights of any other party to a stream or drain.
5. The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality or purity of ground water or wells.
6. A layer of clean earth at least two (2) feet thick shall be deposited and thoroughly compacted over all fill to bring the surface to the finished surface grade as shown on the topographic plan filed with the application.
7. The finished surface of the site shall bear the proper relationship to that of adjoining properties.
8. The installation of roads, parking areas, buildings, structures and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.
9. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or candescence to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or some other approved method.
10. The proposed site must have a public supply of water available, capable of providing the required fire flow to a fire hydrant on site. On site fire protective facilities shall be made available according to all state and locally adopted fire code and building code requirements.
11. Sanitary toilet facilities shall be provided on-site in accordance with the requirements of the Tennessee Department of Health and Environment.

I. Supplemental Requirements for Specific Uses

1. Requirements for Incinerators and Atomic Reactors

- a. No principal building or structure shall be located closer than two-hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one-hundred (100) feet from any site boundary line.
- b. All organic or combustible materials delivered to the site shall be burned in the incinerator.
- c. All residue resulting from the operations of the facility shall be disposed of in compliance with all state and federal regulations.
- d. All materials which are to be burned shall be placed on or in a concrete slab or hopper enclosed by a building, masonry walls or chain link type fencing at least six (6) feet high provided with doors or gates which shall be securely locked when the incinerator is not in operation. The materials shall be transferred from the slab or hopper or hopper into the incinerator as soon as they are received, but in any case all combustible materials shall be burned during the same day that they were delivered. The slab or hopper shall be kept clear of all materials when not in active use.
- e. All separation or picking of waste materials shall be conducted in an enclosed building only.
- f. A watchman shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

2. Requirements for the Manufacture or Storage of Explosives, Munitions or Fireworks

- a. Any such facility shall not be located on a site having an area of less than fifty (50) acres.
- b. No principal building or structure shall be located closer than two-hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one-hundred (100) feet from any site boundary line.
- c. A security guard shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

3. Requirements for Solid Waste Landfills

- a. All areas used for filling operations shall maintain the minimum setback as required by this section.
- b. No fires shall be permitted. Any smoldering flame or spontaneous combustion in the fill shall be immediately extinguished.
- c. All separation or picking of waste materials shall be conducted in enclosed building only.
- d. The premises shall be kept neat and clean at all times, no loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by use of calcium chloride or some other approved method.
- e. Entrance to the site shall be controlled at all times to prevent improper dumping on the site.

4. Requirements for Hazardous and Radioactive Wastes

- a. No principal building or structure shall be located closer than two-hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one-hundred (100) feet from any site boundary line.
- b. All residue resulting from the operations of the facility shall be disposed of in compliance with all state and federal regulations.
- c. All areas used for filling operations shall maintain the minimum setback as required by this section.
- d. A security guard shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

J. Dimensional Requirements

All uses permitted in the I-2, Special Impact Industrial District, shall comply with the following requirements:

1. Minimum Lot Size

Minimum lot area.....	10 acres
Lot width at building setback.....	500 ft.

2. Minimum Yard Requirements

Front yard setback.....	150 ft.
Side yard setback.....	100 ft.

Except where the side yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that side yard shall be one-hundred-fifty (150) feet.

Rear yard setback.....	100 ft.
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Except where the rear yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that side yard shall be one-hundred-fifty (150) feet.

3. Maximum Lot Coverage

On any lot or tract containing one or more structures, the area occupied by all structures, including accessory structures shall not exceed forty (40) percent of the total area.

4. Height Requirements

No principal structure shall exceed forty (40) feet in height except as provided in Section 7.030 of Article IV.

5. Parking Space Requirements

As regulated in Section 4.010 of Article IV.

6. Accessory Structures

- a. With the exception of signs, fences, and security buildings, no accessory structures shall be erected in a required front yard.
- b. Accessory structures shall be located at least one-hundred (100) feet from any side or rear lot line, twenty-five (25) feet from any building on the same lot.

7. Peripheral Buffer Zone Requirements

A peripheral buffer zone of one-hundred (100) feet shall be established and maintained throughout the life of the facility along all property boundaries. This buffer will consist of three (3) rows of trees and shrubs spaced no more than twenty (20) feet apart, staggered with each row being twenty (20) feet apart. A minimum of sixty (60) percent of all trees and shrubs placed in the buffer shall be evergreens or conifers. All trees planted on the site shall be a minimum of ten (10) feet in height that will mature at a height of at least forty (40) feet. In addition to the rows of trees, a row of shrubs in front of the trees is required along road frontage. In addition to the required plantings, it is recommended that man-made and natural berms be used to further the effectiveness of the natural planted buffer. The peripheral buffer should only be broken by driveways and walkways that provide access to the site. Any required fencing shall not be located within the buffer zone or between the buffer zone and the property boundaries.

K. Surety Instrument Required

Any application for final site plan approval shall be accompanied by a surety instrument in the amount of the estimated cost of site improvements including, but not limited to water and sewer installation, parking lot and driveway paving, construction of fencing, screening, and landscaping. Such instrument may be in form of cash, certified check, or irrevocable letter of credit.

In the event that the applicant fails to comply with the approved site plan, the Codes Enforcement Officer shall cause the surety instrument to be forfeited and have the necessary improvements constructed or completed. The time for completion may be extended with the permission of the planning commission, upon the owner/builder furnishing a bond or letter of credit for any approved extended period. Posting of the required surety instrument by the developer shall constitute prior permission for the proper designated parties to enter upon said property to complete these improvements.

5.048 Flood Hazard Areas

Within the unincorporated areas of Macon County, Tennessee are flood hazard areas that can result in damage or loss of life. These areas, defined by the Federal Emergency Management Agency (FEMA) under the auspices of the National Flood Insurance Program (NFIP), are identified on Flood Insurance Rate Maps (FIRM's) Community Panel Nos. 47111C0015C, 47111C0020C, 47111C0040C, 47111C0065C, 47111C0070C, 47111C0080C, 47111C0085C, 4711C0090C, 4711C0095C, 4711C00105C, 4711C00115C, 4711C00120C, 4711C00130C, 4711C00135C, 4711C00140C, 4711C00145C, 4711C00155C, 4711C00160C, 4711C00166C, 4711C00167C, 4711C00168C, 4711C00169C, 4711C00170C, 4711C00185C, 4711C00205C, 4711C00210C, 4711C00215C, 4711C00220C, 4711C00230C, 4711C00235C, 4711C00240C, 4711C00245C, and 4711C00255C, with an effective date of October 19, 2010.

Areas of flood hazard as identified on these maps form overlay zones on the other established zoning districts of Macon County's unincorporated areas. These areas are subject not only to the provisions of this zoning code, but also to the most current floodplain management regulations adopted by the county. This would be the Macon County Flood Damage Prevention Resolution, adopted as Resolution No. 1 on July 19, 2010.

ARTICLE VI

EXCEPTIONS AND MODIFICATIONS

SECTION

6.010 Scope

- 6.020 Nonconforming Uses**
- 6.030 Exceptions to Height Limitations**
- 6.040 Lots of Record**
- 6.050 Exception to Front Setback Requirements**
- 6.060 Absolute Minimum Lot Size**

6.010 SCOPE

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

6.020 NONCONFORMING USES

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

- A. An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same or higher classification provided, however, that establishment of another nonconforming use of the same or higher classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.
- B. A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of this zoning code.
- C. When a nonconforming use of any structure or land, excepting nonconforming mobile homes or mobile home parks, has been discontinued for a period of one (1) year, it shall not be reestablished or changed to any use not in conformity with the provision of this zoning code. Immediately upon the removal of a nonconforming mobile home or discontinuance of a nonconforming mobile home park in the nonconformity of such structure and use of land shall lapse. This provision shall not apply when the structural condition of a mobile home is such that replacement or another mobile home alleviates an unsafe and unsanitary living environment, as certified by the Code Enforcement Officer.
- D. Any nonconforming building or nonconforming use which is damaged by fire, flood, wind, or other act of God, may be reconstructed and used as before, if it be done within six (6) months of such damage, unless damaged to the extent of more than fifty (50) percent of the free market value immediately prior to damage, in which case any repair or reconstructions shall be in conformity with the provisions of this zoning code.
- E. A nonconforming building or building housing a nonconforming use shall not be structurally altered, except in conformance with the provisions of this zoning code. These provisions shall not be construed to prevent normal maintenance and repairs, or alterations required for structural safety.

6.030 EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations of this zoning code shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, transmission towers, windmills, chimneys, smokestacks, conveyors, flag poles, radio towers, masts, silos and aerials.

6.040 LOTS OF RECORD

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

- A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this zoning code does not own sufficient land to enable him to conform to the yard or other requirements of this zoning code, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this zoning code. 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 Board of Zoning Appeals as possible.
- B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this zoning code and no yard, court, or open space provided around any building for the purpose of complying with the provisions thereof, shall again be considered as a yard, court, or other open space for another building.
- C. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.
- D. Agriculturally zoned lots 30,000 square feet or greater in existence on September 5, 2002, may be approved for residential construction by the Codes Enforcement Officer. These lots shall also be exempt from Subsection C of this section

6.050 EXCEPTIONS TO FRONT YARD SETBACK REQUIREMENTS

The front setback of this zoning code for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth of front yards on developed lots within one-hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than thirty (30) feet from the street right-of-way line.

6.060 ABSOLUTE MINIMUM LOT SIZE

In no case shall the Codes Enforcement Officer or the Board of Zoning Appeals permit a residence to be erected on a lot whose width at the building line is less than seventy-five (75) feet and/or whose total lot area is less than ten-thousand (10,000) square feet.

ARTICLE VII

ADMINISTRATION AND ENFORCEMENT

SECTION

- 7.010 Administration of the Zoning Code**
- 7.020 The Codes Enforcement Officer**
- 7.030 Zoning Compliance Permit**
- 7.040 Temporary Use Permit**
- 7.050 Inspections of Compliance**
- 7.060 County Board of Zoning Appeals**
- 7.070 Procedures for Authorizing Special Exceptions**
- 7.080 Variances**
- 7.090 Amendments to the Zoning Code**
- 7.100 Penalties**
- 7.110 Remedies**
- 7.120 Separability**
- 7.130 Interpretation**
- 7.140 Effective Date**

7.010 ADMINISTRATION OF THE ZONING CODE

Except as otherwise provided, no structure or land shall after the effective date of this zoning code be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this zoning code shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

7.020 THE CODES ENFORCEMENT OFFICER

The provisions of this zoning code shall be administered and enforced by the Macon County Codes Enforcement Officer appointed by the County Legislative Body. He/she shall have the power to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this zoning code. The Codes Enforcement Officer is accountable to the County Legislative Body through the County Executive Office who shall administratively supervise his activities. In performance of administering and enforcing this zoning code, he shall:

- A. Issue all applicable permits and make and maintain records thereof.
- B. Conduct all inspections and compliance and make and maintain records thereof.
- C. Issue and renew, where applicable all Temporary Use Permits and make and maintain records thereof.
- D. Maintain and keep current zoning maps and records of amendments thereto.
- E. Attend and make recommendations at all Regional Planning Commission meetings.
- F. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board if required to act under the provisions of this zoning code.
- G. Conduct inspections as required in this zoning code and such other inspections as are necessary to insure compliance with the various other general provisions of this zoning code. The Codes Enforcement Officer shall possess the right to enter upon any premises for

the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

7.030 ZONING COMPLIANCE PERMIT (ZONING PERMIT)

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving alteration, or expansions 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 filling of land within any floodplain area without a permit thereof, issued by the Codes Enforcement Officer.

No zoning permit shall be issued by the Codes Enforcement Officer, except in conformity with the provision of this zoning code, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by this zoning code.

A. Application

Application for a Zoning Permit shall be made in writing to the Codes Enforcement Officer on forms provided for that purpose. All applications for Zoning Permits shall be accompanied by a plan or sketch in duplicate, drawn to scale, and showing the following:

1. The actual shape, location, and dimensions of the lot to be built upon.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site when the site falls within a designated flood hazard area.
3. The existing and intended use of all such buildings or other structures.
4. Location and design of off-street parking areas and off-street loading areas, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this zoning code are being observed.
5. The Codes Enforcement Officer shall require the following specific information to be included as part of an application for a zoning permit for new construction, substantial improvements to existing structure, or other development proposed to be located within an area subject to flood as defined in Sections 6.040.
 - a. Copies of all federal and state permits required for the construction of the development as shown on the plans.
 - b. The name and address of the engineer, architect, surveyor, or other qualified person responsible for providing the information required under this section.
 - c. Site plans for subdivision proposals showing information pertaining to tract boundaries, lot arrangement, street layout and grades, utilities, existing and proposed topography if determined appropriate by the Regional Planning Commission (not to exceed five (5) foot contour intervals), existing and proposed drainage facilities.
 - d. Site plans for developments other than subdivisions showing the location of the proposed building or structure and existing buildings or structures on site or lot, ingress and egress provisions, parking provisions, watercourses, easements, or other information as the Codes Enforcement Officer may deem necessary.
 - e. Where the subdivision or other development lies partially or completely within an area subject to flooding, the site plan shall include detailed information giving the location and elevation of streets and building sites.

The plans shall show existing and proposed land contours at intervals not to exceed two (2) feet. The limits of the area subject to flooding shall be accurately shown on the plans. Each lot shall contain a building site safe from the threat of flood. All topographic information shall be shown in relation to mean-sea-level elevation.

- f. Any person, firm, or corporation thereafter constructing a building or structure within an area subject to flood shall submit to the Codes Enforcement Officer a surveyor's or Engineer's certification stating the actual elevation of the lowest floor (including basement) of the building or structure upon application for a Zoning Permit. If the structure (non-residential only) was floodproofed, the certification which shall come from a registered engineer or architect shall also state the elevation (in relation to mean-sea-level) to which the structure was floodproofed.
- g. For structures to be elevated to secure a lowest floor elevation of one (1) foot above the level of the 100-year flood, site plans shall show information pertaining to the methods of elevating the proposed structure, including details of proposed fills, pile structures, retaining walls, foundations, and erosion protection measures. When required by the Codes Enforcement Officer, these plans shall be prepared by a registered professional engineer or architect.
- h. For structures to be floodproofed (nonresidential only) to an elevation at or above the level of the 100-year flood, plans shall show details of floodproofed measures. The plans shall be prepared by a registered professional engineer or architect which shall certify that the proposed structure, together with utilities and sanitary sewer facilities, is designed so that: (i) below an elevation equal to the level of the 100-year flood the structure is watertight with walls substantially impervious to the passage of water, and (ii) the structure is designed to withstand the hydrostatic, hydrodynamics, buoyant, impact, or other forces resulting from the flood depths, velocities, pressures, debris, and other factors associated with the flooding conditions at the site.

B. Fee

The Macon County Legislative Body shall establish a schedule of fees and a collection procedure for Zoning Permits. The schedule of fees shall be posted in the Office of the County Executive. Only the County Legislative Body may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

C. Issuance of Permit

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this zoning code, the Codes Enforcement Officer shall issue a Zoning Permit for such excavation or construction. If an application for a Zoning Permit is not approved, the Codes Enforcement Officer shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as a waiving of any provisions of this zoning code.

D. Construction Progress

Any Zoning Permit issued becomes invalid if work authorized is not commenced within six (6) months of the date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year.

7.040 TEMPORARY USE PERMIT

It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the Codes Enforcement Officer, as provided for in Article IV, Section 4.080, of this zoning code. Application for a Temporary Use Permit shall be made in writing to the Codes Enforcement Officer on the form provided for that purpose. A schedule of fees shall be established by the Macon County Legislative Body. Such schedule shall be posted in the office of the Codes Enforcement Officer. Until the appropriate fee has been paid in full, no action shall be taken on any application.

7.050 INSPECTIONS OF COMPLIANCE

After a building or premise or any part thereof is ready for occupancy and within one (1) year following occupancy, the Codes Enforcement Officer shall conduct a second inspection to insure compliance with this zoning code. It is the owner's responsibility to correct deficiencies or be held in violation of this zoning code.

7.060 COUNTY BOARD OF ZONING APPEALS

The Macon County Board of Zoning Appeals is hereby established in accordance with 13-7-107 through 13-7-109, Tennessee Code Annotated. The Board of Zoning Appeals shall consist of five (5) members with staggered terms of four (4) years.

A. Procedure

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman, or in his absence, the vice-chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public record.

B. Appeals to the Board

An appeal to the Macon County Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by any decision of the Codes Enforcement Officer based in whole or in part upon the provisions of this zoning code. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Codes Enforcement Officer 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, five (5) days public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

C. Stay of Proceedings

Any appeal stays all legal proceedings in furtherance of the action appealed from, unless the Codes Enforcement Officer certifies to the Board of Zoning Appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Codes Enforcement Officer, and on due cause shown.

D. Appeal to the Courts

Any person or persons or any board, taxpayer, department, or bureau of the county approved by any decision of the Board may seek review by a court of competent jurisdiction of such decision in a manner provided by the laws of the State of Tennessee.

E. Powers of the Board

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirements, permit, decision, determination or refusal made by the Codes Enforcement Officer or other administrative official in the carrying out of enforcement of any provision of this zoning code.

2. Special Exceptions

To hear and decide applications for special exceptions as specified in this zoning code, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.

3. Variances

To hear and decide applications for variances from the term of this zoning code.

7.070 PROCEDURES FOR AUTHORIZING SPECIAL EXCEPTIONS

The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required under Sections 13-7-107 and 13-7-108, of the Tennessee Code, by this zoning code, or whether a review is requested by the Codes Enforcement Officer to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application

An application shall be filed with the Board of Zoning Appeals for review. 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, and any other material pertinent to the request which the Board may require.

B. Fee

A fee of \$100.00 dollars (or current rate established by the County Legislative Body) payable to Macon County shall be charged to cover partial review and processing of each application for a special exception, except that the fee shall be waived for a government agency.

C. General Requirements

A conditional use permit (a special exception) shall be granted provided the Board finds that it:

1. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.

2. Will not adversely affect their property in the area in which it is located.
3. Is within the provision of "Special Exceptions", as set forth in this zoning code.
4. Conform to all applicable provisions of this zoning code for the district in which it is to be located as well as the provisions cited in Section 7.060, and is necessary for public convenience in the location planned.

D. Criteria for Review

Prior to the issuance of a special exception, the Board shall make written findings certifying that satisfactory provisions and arrangements have been made concerning all the following where applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
2. Off-street parking and loading areas where required, with a particular attention to the items in Item 1, above, and the economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.
3. Refuse and service areas with particular reference to Items 1 and 2, above.
4. Utilities, i.e., water lines, sewer lines, hydrants, approved subsurface disposal areas, etc. with reference to locations, availability, and compatibility.
5. Screening and buffering with reference to type, dimensions and character. (See the definition of buffer strip for minimum requirements.)
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
7. Required yards, building setbacks and other open space.
8. General compatibility with adjacent properties and other property in the district.

E. Restrictions

In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land, as it may deem advisable in the furtherance of the general purposes of this zoning code.

F. 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 applicant that the proposed use shall conform to such regulations at all times.

G. 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.

H. Special Conditions for Accessory Agricultural Occupations

1. Property must be located in an agricultural district and meet minimum lot size and dimensional requirements for the district.
2. No proposed use shall occupy more than one (1) accessory building with total square footage not to exceed three-thousand (3,000) square feet.

3. Accessory buildings may not be altered so that the character of agricultural function is not maintained.
4. Any site within one-hundred (100) feet of any residential structure on any adjoining lot shall maintain a buffer strip between the residential structure. (See definition of buffer strip.)
5. Provide an adequate parking area in compliance with Article IV Section 4.010, of this zoning code.
6. Any proposed sign shall be limited to one (1) ground, graphic sign, no more than five (5) feet in height and twenty (20) square feet setback, a minimum of eight (8) feet from the right-of-way.
7. No outside storage of goods or materials shall be visible from any public road. Uses involving the storage, transfer or disposal of hazardous materials shall not be permitted.
8. All automobiles or trucks parked on the site are required to have a current registration and license plates.

7.080 VARIANCES

The purpose of a variance is to modify the strict application of the specific requirements of this zoning code 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 hardship, which would deprive an owner of the reasonable use of his land. Variances shall be granted from zoning restrictions such as heights, setback and lot density where such variances are reasonable and necessary to assure unobstructed access to direct sunlight. Variances shall not be granted which would cause an unreasonable obstruction of direct sunlight to adjacent property if there is a reasonable probability of utilization of passive or active solar radiation on said adjacent property. The variance shall be used only where necessary to overcome some obstacle that is preventing an owner from using his property under this zoning code.

A. Application

After written 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.

B. Fee

A fee of \$100.00 dollars (or current rate established by the County Legislative Body) payable to Macon County shall be charged to cover partial review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

C. Hearings

Upon a receipt of an application and fee, the Board shall hold a hearing to decide whether a variance to the zoning code provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within sixty (60) days of such hearing and in accordance with the standards provided below.

D. Standards for Variances

In granting a variance, the Board shall ascertain that all the following criteria are met:

1. Variances shall be granted only where special circumstances or conditions, fully described in the findings of the Board, do not apply generally in the district.

2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
3. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this zoning code would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.
4. The granting of any variance shall be in harmony with the general purposes and intent of this zoning code and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
5. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the person applying for said variance.
6. Variances shall not be granted within any flood prone area if an increase in the level of the 100-year flood would result from the proposed development.

7.090 AMENDMENTS TO THE ZONING CODE

The regulations, restrictions, and boundaries set forth in this zoning code may from time to time be amended, supplemented, changed, or repealed by the Macon County Legislative Body, but in accordance with Tennessee enabling legislation.

Any member of the County Legislative Body may introduce such legislation, or any official, board, or any other person may present a petition to the County Legislative Body requesting an amendment or amendments to this zoning code.

No change or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure first be submitted to the Commission and approved by it, or if disapproved, receive a favorable vote of a majority of the entire membership of the County Legislative Body.

No amendment to this zoning code shall become effective unless it shall have been proposed by or shall have first been submitted to the Macon County Regional Planning Commission for review and recommendation. The Planning Commission shall have fifteen (15) days within which to submit its report. If the Planning Commission disapproves the amendment within thirty (30) days, it shall require the favorable vote of a majority of the County Legislative Body to become effective. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

Before finally adopting any such amendment, the County Legislative Body shall hold a public hearing thereon, at least fifteen (15) days notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the county.

Fee - A fee of \$100.00 dollars (or current rate established by the County Legislative Body) due and payable at the time of filing of petition shall be posted with requests to amend the zoning code. The fee is to be used by Macon County to defray costs resulting from such petition and any subsequent amendment of this zoning code.

7.100 REMEDIES AND ENFORCEMENT

It shall be unlawful for a person, partnership, or any legal entity, to be in conflict with or in violation of any of the provisions of this zoning code.

Owners, lessors, renters, and/or users of any property in Macon County, may be prosecuted for a violation of this code. Notice of violation of the code may be delivered by mail to the last known address of the landowner, operator, or offender, or posted on the property or structure affected or alleged to be in violation.

Any person failing to comply with this code is hereby guilty of a civil violation. The penalty for such civil violation shall be \$100.00 per day for each day that the violation continues until remedied. Each day of violation shall be considered a separate offense.

In addition to the civil penalty setout above, the county shall have the authority to seek injunctive relief to restrain, correct, or abate a violation. In addition, thereto, the county shall have the authority to remove or destruct any structure not in compliance with the regulations of the code, with the cost of same being taxed to the violating offender. In addition to the penalties and other relief setout herein, the county shall be entitled to recover all attorney fees, expenses, costs of prosecution, and court costs incurred from the violating offender for filing an action to enforce the code's regulations.

All such penalties, fees, expenses, etc. incurred by the county shall be charged against the real estate upon which the violation structure is located, and shall be deemed a lien upon such real estate. The lien created herein may be enforced through judicial process and a sale of the property, or alternately, the lien may be imposed as taxes on the real property upon which the violation structure is located. The lien amount shall be recovered by the trustee who shall include the lien amount herein on the tax card for collection in the same manner as regular property taxes.

7.110 SEPARABILITY

Should any section, clause, or provision of this zoning code be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the zoning code as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

7.120 INTERPRETATION

Whenever the conditions of this zoning code require more restrictive standards than are required in or under any other statute, the requirements of this zoning code shall govern. Whenever the conditions of any other statute require more restrictive standards than are required by this zoning code, the conditions of such statute shall govern.

7.130 EFFECTIVE DATE

This zoning code shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

CERTIFIED BY THE MACON COUNTY REGIONAL PLANNING COMMISSION

AUGUST 18, 2014
Date

SIGNATURE ON FILE IN THE COUNTY CLERK'S OFFICE
Secretary

DATE OF PASSAGE OF RESOLUTION ESTABLISHING THE REVISED ZONING CODE BY THE
MACON COUNTY LEGISLATIVE BODY

AUGUST 18, 2014
Date

SIGNATURE ON FILE IN THE COUNTY CLERK'S OFFICE
County Mayor

ATTESTED BY:

SIGNATURE ON FILE IN THE COUNTY CLERK'S OFFICE
Macon County Clerk