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AMENDMENTS
LINCOLN COUNTY ZONING RESOLUTION
ADOPTED AUGUST 19, 2014
EFFECTIVE AUGUST 1, 2015

Amendment 1. Article IV. Section 4.041. B 2 - Add Installation Criteria for mobile homes to comply with TCA 68-126-403

Adopted October 18, 2016

Amendment 2. Article IV. Section 4.041. B 7 – Utility facilities including forms of alternative energy.

Adopted January 17, 2017

Amendment 3. Article VII. Section 7.060; 7.070; 7.080; 7.090 and 7.100 Fees

Adopted February 21, 2017

Amendment 4. Article IV. Section 4.045 and 4.046 Non inventory sales

Adopted April 18, 2017

Amendment 5. Article IV. Section 4.041; 4.042 Maximum lot size

Adopted December 19, 2017

Amendment 6. Article III. Add Section 3.110 Development Standards for Multi Family

Adopted April 17, 2018

Amendment 7. Article III. Section 3.013 Parking Requirements

Adopted April 17, 2018

Amendment 8. Article VII. Section 7.060 (A,2) Mail Notice (Special Exception), 7.080 (B) Variance Fee, 7.090 (F) Zoning Amendment & Rezoning Fee & (H) Mail Notice, 7.100 (B) Special Exception Fee, 7.110 (B) Administrative Review Fee, 7.120 Call for Special Meeting.

Adopted December 18, 2018

Amendment 9. Article VII. Section 7.030 Add Subpart (H) Building Codes Adopted

Adopted January 15, 2019

Amendment 10. Article VII. Section 7.030 (E) Fees- Permit Fee Schedule

Adopted April 16, 2019

Amendment 11. Article VII. Section 7.030 Subpart (H) Building Codes – Remove 2018 Int’l Energy Efficiency Tables and replace with 2009 Int’l Energy Efficiency Tables.

Amend 2018 Int'l Residential Code, Chapter 4- Foundations, Section R403.1.3 Footing and Stem Wall Reinforcing in Seismic Design Categories D0, D1, D2 to include Seismic Design Area B, allowing rebar or metal fiber in footings.

Adopted July 16, 2019

Amendment 12. Article II. Add Section 2.100 Litter and Section 2.110 Inoperable Vehicle

Adopted August 20, 2019

Amendment 13. Article VII. Section 7.030 Building Codes Adopted, Appendix "B" Add Subpart (I) 2018 International Swimming Pool and Spa Code

Adopted September 17, 2019

Amendment 14. Article IV. Section 4.041 Tiny Homes, Add Subpart 2(b)

Adopted October 15, 2019

Amendment 15. Article IV. Section 4.040 Subsection 4.041 Strike Subpart 12 in its entirety.

Adopted October 15, 2019

Amendment 16. Article IV. Section 4.042 Subpart E (2) Dimensional Regulations. Remove 15 ft. for any permitted accessory structure text.

Adopted October 15, 2019

Amendment 17. Article IV. Section 4.040 Add R-3 High-Density Residential District

Adopted February 18, 2020

Amendment 18. Article II. Add Section 2.100 Litter and Section 2.110 Inoperable Vehicle (to ensure the previous adoption of the Property Maintenance was in accordance with parliamentary procedure, the Planning Commission offered their recommendation once again for consideration)

Adopted March 17, 2020

Amendment 19. Article II. Section 2.070 Subpart E (2) Accessory Use Regulations.

Adopted March 17, 2020

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Amendment 20. Article IV. Section 4.043 Add additional uses and requirements for R-3 Heavy-Density Residential District

Adopted April 21, 2020

Amendment 21. Article II. Section 2.030 Lot must abut a public street, to add Private Road.
Amendment to Article VI Definitions, Section 6.020 to add definition of Private Road

Adopted June 16, 2020

Amendment 22. Article II. General Provisions, Add Section 2.120 Fences and Walls
Amendment to Article VI Definitions, Section 6.020 to add definition of Fences;
Add Walls

Adopted June 16, 2020

Amendment 23. Article II General Provisions, Section 2.120 Fences and Walls

Repealed December 15, 2020

Amendment 24. Article II General Provisions, Section 2.030 Amend Private Roads

Adopted June 15, 2021

Amendment 25. Article III Supplementary Provisions, Section 3.060 Standards for
Telecommunication Antennas and Towers

Adopted September 21, 2021

Amendment 26. Article IV Section 4.041 Agriculture-Forestry-Rural Residential District, Subpart
(B3) Uses Permitted

Adopted November 16, 2021

Amendment 27. Article IV Section 4.047 I-3 Special Impact Industrial District to include
requirements for Crypto-Digital Mining and the like.

Adopted June 21, 2022

Amendment 28. Article VI Section 6.020 Definitions, Medical Facilities to include Substance Abuse
Treatment Facility.

Adopted July 19, 2022

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Amendment 29. Article IV, Section 4.041 Subpart (C) A-1 Agriculture-Forestry-Rural Residential
District, Uses Permitted as Special Exception.

Adopted July 19, 2022

Amendment 30. Article I, Section 1.010 Authority

Amendment 29. Article IV, Section 4.041 Subpart (C) A-1 Agriculture-Forestry-Rural Residential District, Uses Permitted as Special Exception.

Adopted July 19, 2022

Amendment 30. Article I, Section 1.010 Authority

Adopted September 20, 2022

Amendment 31. Article VII, Section 7.030 (E) Fees

Amended November 15, 2022

Amendment 32. Article II, Section 2.090 Buffer Strips

Amended November 15, 2022

Amendment 33. Article VII, Section 7.070 County Board of Zoning Appeals

Amended April 16, 2024

ARTICLE I ENACTMENT

SECTION

1.010 Authority

1.020 Title

1.030 Enactment

1.040 Purpose

1.010. **Authority.** This resolution is adopted pursuant to authority of Sections 13-7-101 through 13-7-119, Tennessee Code Annotated, to regulate, in the portions of Lincoln County, Tennessee, which lie outside of the Fayetteville, Petersburg, and Ardmore Municipal Corporation, 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 resolution, and to prescribe penalties for the violation thereof.

In exercising the powers granted to it by § 13-3-402, a regional planning commission shall not require an owner of private property to dedicate real property to the public, or pay money to a public entity in an amount that is determined on an individual and discretionary basis, unless there is an essential nexus between the dedication or payment and a legitimate local governmental interest and the dedication or payment is roughly proportional both in nature and extent to the impact of the proposed use or development of the property. An owner of private property required to make a dedication or pay money in violation of this subdivision may seek relief through a common law writ of certiorari in chancery court.

The subsection does not apply to an assessment, fee, or charge that is imposed on a broad class of property owners by a local governmental entity. *(Amended 9/20/2022)*

1.020. **Title.** This resolution shall be known as the Zoning Resolution of Lincoln County, Tennessee, dated, March 26, 2014 and adopted by the Lincoln County Commission on August 19, 2014.

The zoning map shall be referred to as the Official Zoning Map of Lincoln County, Tennessee.

All explanatory matter thereon is hereby adopted and made a part of this resolution.

- 1.030. **Enactment.** WHEREAS, Section 13-7-101 through 13-7-119 of the Tennessee Code Annotated empowers the County to enact a zoning resolution and to provide for its Administration, enforcement, and amendment, and

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

WHEREAS, all the requirements of Section 13-7-101 through 13-7-119 of the Tennessee Code Annotated with regard to the preparation of the zoning plan by the Planning Commission and subsequent action of the County Commission have been met;

NOW THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSION OF LINCOLN COUNTY, TENNESSEE, THAT "THE ZONING RESOLUTION OF LINCOLN COUNTY, TENNESSEE", BE ENACTED INTO LAW.

- 1.040. **Purpose.** The purpose of this resolution is to promote the public health, safety, morals, convenience, order, prosperity and general welfare by:
- a. enhancing the character and stability of 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, recreation, schools, and emergency services;
- i. encouraging the most appropriate uses of land;
- j. enhancing the natural, man-made and historical amenities of Lincoln County, Tennessee.

END OF ARTICLE I

ARTICLE II
GENERAL PROVISIONS

SECTION

2.010 Scope

2.020 Only one (1) principal building on any residential lot

2.030 ~~Lot must abut a public street~~ Access to Public Streets or Private Roads *(Amended 6/16/20 and 6/15/21)*

2.040 Reduction in lot area prohibited

2.050 Obstruction to vision at street intersection prohibited

2.060 Access control

2.070 Accessory use regulations

2.080 Site and building plan requirements

2.090 Buffer strips

2.100 Litter *(Amended 8/20/19 & verified & re voted 4/21/20)*

2.110 Inoperable Vehicle *(Amended 8/20/19 & verified & re voted 4/21/20)*

2.120 Fences and Walls Standards *(Amended 6/16/20) (Repealed 12/15/2020)*

2.010. **Scope.** For the purpose of the enforcement of this Zoning Resolution, there shall be certain general provisions which shall apply, except as specifically noted, to all zoning districts. THIS RESOLUTION SHALL NOT BE CONSTRUED AS LIMITING OR AFFECTING IN ANY WAY OR CONTROLLING THE AGRICULTURAL USES OF LAND, REFER TO ARTICLE V EXCEPTIONS AND MODIFICATION. SECTION 5.070.

2.020. **Only one (1) principal building on any residential lot.**

- (a) Only one (1) principal building and its customary accessory buildings may hereafter be erected on any residential lot. This section should not be construed to prohibit multi-family dwellings or mobile home parks where they are allowed by this Zoning Resolution.
- (b) On lots used for agricultural purposes which exceed fifteen (15) acres up to two (2) additional dwelling units may be located thereon. 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.

2.030 **Access to Public Streets or Private Roads.** No building shall be erected on a lot which does not abut at least one (1) publicly approved and accepted street (or access easement) for a distance of at least seventy-five (75) feet except for the following:

- A. lot frontage on the radius of a cul-de-sac which shall be fifty (50) feet; and
- B. lot frontage of flag lots which shall be fifty (50) feet.

Properties may have access provided by a private easement provided, however, that when such permanent easement to a public street is used as access to a lot(s) or tract(s) of land having been or being separated by a deed or plat from other property, such easement shall be at least fifty (50) feet in width from and after the time of adoption of this Zoning Resolution and shall not be used to provide access to more than one (1) lot or tract of land. The following certification shall be required on a plat before a lot is created on an easement:

~~**PRIVATE DRIVEWAY CERTIFICATION:** This drive is to be built and maintained jointly by all owners taking access from this private driveway, and is not intended to become a public road. The Lincoln County Highway Commission may, at their discretion, agree to accept this road into the County Highway System if all property owners agree to (1) petition the Highway Commission for a public road and (2) build or pay for upgrading to County specifications in effect at the time of the request. Signature and Date of County Road Supervisor required. Any owner(s) of lots currently taking access from this private driveway must sign, thereby acknowledging awareness of the above maintenance statement and awareness that access via this private driveway is limited to one (1) lot. Owner(s) Signature, map/parcel, book/page number and date required.~~

~~This section shall not be construed to prohibit the development of buildings on lots or tracts of land with permanent access provided by private drives provided such development is in the form of condominium ownership and such private improvements have been approved by the Planning Commission and will be in private ownership and control in perpetuity.~~

(Amended 6/16/2020)

Private Roads. Development of lots or tracts of land by a private road shall have a Road and Maintenance Agreement between all land owners utilizing the private road and shall be approved by the Planning Commission. A private road shall be limited to service a maximum of 5 parcels and shall not intersect with another private road. Private Roads shall require Preliminary and Final plat approval from the Planning Commission. Prior to Final Plat approval, a designated member of the Planning Commission shall inspect the improved private road. The Agreement and plat of the roadway shall be filed with the Register of Deeds and shall include the following but is not limited to; *(Amended 6/15/2021)*

1. Agreement to provide maintenance to allow safe passage of emergency vehicles;
2. Agreement for maintenance and repair expenses to be ~~held jointly~~ proportionally distributed by all property owners utilizing said private road and exclude the county for any upkeep; *(Amended 6/15/2021)*
3. Property owners are responsible for providing all required utilities and services along the private road;

4. Road shall have a minimum 20 ft. dedicated road easement, with a minimum 15 ft. clear roadway width, improved with a minimum 6 inch compacted gravel base, shall not exceed 1,500 ft. in length ~~road width in~~ and addition to provide a 20 15 ft. utility easement on each side; *(Amended 6/15/2021)*
5. If gated, emergency and utility vehicles shall have full access;
6. Addresses to be visible at the beginning of each driveway from the private road-both day and night;
7. Address numbers shall be a minimum 4 inches and reflective with contrasting background;
8. Contact party shall be appointed for road and sign maintenance;
9. Sign to be blue in color and approved with TDOT reflectivity with minimum 6 inch upper case and 4 inch lower case lettering; *(Amended 6/15/2021)*
10. ~~An approved~~ A minimum 30 inch stop sign shall be erected at the intersection with any other roadway; *(Amended 6/15/2021)*
11. Application for naming the road ~~for private road~~ to be made with E911; *(Amended 6/15/2021)*
12. Plat of private road and Maintenance Agreement shall be recorded with the Register of Deeds office and shall be included within the deed of each property owner;
13. Required signs shall be installed within 30 days after recording the plat and Road Maintenance Agreement; *(Amended 6/15/2021)*
14. Existing private roads with (a) proposed new parcel(s) shall be brought up to current regulations. *(Amended 6/15/2021)*

2.040. **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 yards, lot area per family, lot width, building area, or other requirements are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

2.050. **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 their intersection, nothing shall be erected, placed, planted, or allowed to be grown in such a manner as materially to impede vision between a height of two and one-half (2-1/2) and ten (10) feet above the center line grades of the intersecting streets. This section shall not prohibit any necessary retaining walls.

2.060. **Access control.** In order to promote the safety of motorists and pedestrians and to minimize traffic congestion and conflicts by reducing points of contact:

- 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 of property and public

street. A minimum of a fifteen (15) inch culvert shall be provided in the ditch line. At the discretion of the Road Superintendent, a larger size culvert may be required.

- B. There shall be no more than two (2) points of access to any one 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 point of access to any one public street.
- C. No point of access shall be allowed within twenty-five (25) feet of the right-of-way line of a public intersection.
- D. No curbs or shoulders on county roads or rights-of-way shall be cut or altered without approval of the Road Superintendent, or if a state highway by a permit from the Tennessee Department of Transportation.
- E. The clear distance between any two driveways fronting on a 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. No curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.

2.070. **Accessory use regulations.** The use of land, buildings, and other structures permitted in each of the districts are designed by listing the principal uses. In addition to such principal uses, accessory uses 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. An accessory structure shall also meet the following requirements, where applicable:

1. All accessory structures and uses shall comply with the use limitations applicable in the zoning district in which they are located.
2. In all residential use districts, detached accessory use structures and uses shall observe the same front yard setbacks as are required for primary structures and be located not less than five (5) feet from any side and rear lot lines. For accessory structures greater than fifteen (15) feet in height, an additional five (5) foot setback shall be maintained from both the side and rear lot lines. Height shall be determined by measuring from finished grade to the highest point of the roof. Maximum height shall not exceed the height of the principal structure within the applicable district zone.
(Amended 4/21/2020)
3. In commercial and industrial districts, all accessory structures shall comply with the same front, side, and rear yard setbacks as are required for primary structures.
4. For lots in an A-1 district that are adjacent to an A-2 district, all barns, sheds, silos, and storage structures used for agricultural purposes shall meet the minimum setback requirements required for primary structures for the common boundary with the adjacent A-2 district.

2.080 Site and building plan requirements.

- A. Site plans – No building permit shall be issued for the construction of one (1) or more structures on a lot (with the exception of single-family, two-family dwellings, and agricultural use as outlined in Section 5.070) until a site plan has been reviewed and approved by the Planning Commission. Such site plan shall be stamped and signed by a registered engineer, architect, or surveyor with a valid license from the State of Tennessee. Site plans shall be submitted no later than twenty-one (21) days prior to the next regularly scheduled planning commission meeting, at a scale no smaller than 1" = 100' and showing the boundaries of the parcel; a vicinity map, north arrow, scale, tax map and parcel number; existing and proposed contours at minimum two (2) foot intervals; required automobile storage and parking areas; existing and proposed utility lines, including service lines, with reference to their location and size; loading and unloading spaces; vehicle maneuvering areas; openings for ingress and egress to public streets; drainage plans and calculations; floodplain information from FEMA maps or studies; type of activity being proposed; existing zoning of the subject parcel and all adjacent parcels; name and contact information of the owner/developer; locations and dimensions of proposed signs, if applicable; density of development or required open space; number of stories (all residential and commercial structures of three (3) or more stories in height must have the plans approved by the State Fire Marshal's Office); number of dwelling units per acre, if applicable; required building

setbacks and other yard requirements; buffer strips, if applicable; any relationship of the proposal to scale to other adjoining development, land uses and streets.

- B. Building plans – “Sealed” building structure plans shall be reviewed and approved by the Building Commissioner prior to issuing a building permit.

“Sealed Plans” shall not be required for structures classified as business, factory–industrial, hazardous, mercantile, residential, and storage if such structures meet the following criteria:

1. Less than 3 stories in height.
2. Less than 5,000 sq. ft. in total gross area.
3. Is a one or two family dwelling or domestic outbuilding.
4. Farm building not designed or intended for human habitation.

Where otherwise required “Sealed Plans” shall be prepared by a registered architect or engineer.

- C. Proposals for mobile home parks shall comply with separate provisions. See ARTICLE III, SECTION 3.080.

- D. Applications must be supported by any other information or data as deemed necessary by the Planning Commission.

- 2.090 **Buffer strips.** Where a use is developed in areas zoned C-1, I-1, I-2, or I-3 and which abut at any point upon property zoned ~~A-1 or A-2~~ for residential development, the developer shall provide a buffer strip ~~as defined herein~~ for the full length of the point of abutment. A buffer strip is defined as a planted strip not less than ten (10) feet in width. Such a planted strip shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) 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) full growing season and which shrubs will eventually grow to not less than ten (10) feet. *(Amended 11/15/2022)*

- 2.100 **Litter. Definition** – Litter means all waste materials, including but not limited to overgrown lots containing weeds and grass in excess of twelve (12) inches in height, rubbish, garbage, waste materials, plastic, paper, cans, glass and items not customarily stored within a yard.
Exception – Vegetative growth or items used for agricultural purposes are exempt.

Accumulated items that are not being repurposed such as non–usable tires, non–salvageable equipment, or discarded waste are not exempt from these regulations.

Unlawful Litter – It shall be unlawful for any person owing, leasing, occupying or having control of property to permit or suffer an accumulation of litter on such property.

It shall be the duty of the designated official to notify the responsible person or persons of any property found to be in violation. Such notice may be served:

- (1) By personally notifying the person or persons having control of the property, of the violation; or
- (2) By mailing the same to the last known address of such person or persons having control of the property, of the violation; or
- (3) By posting a notice on the property, describing the violation.

Property shall be brought in to compliance within a reasonable time frame, agreed upon by both parties. If necessary, a signed agreement may be produced, stating the agreed date.

If compliance is not met at the end of the agreed date, the designated official shall send a certified, return receipt notification, describing the violation and a time certain not to exceed five (5) days upon receipt of said notification.

If the violation continues beyond the first notification time frame, a second certified, return receipt notification, describing the violation, the date of the first notification and another time certain not to exceed five (5) days upon receipt of said notification shall be sent. No less than two (2) certified return receipt notices shall be sent.

Failure to comply within the stated period(s) is deemed a Class C misdemeanor and punishable by a fine of not less than twenty-five dollars (\$25.00) or more than fifty dollars (\$50.00) for each day the violation remains. Each day constitutes a separate violation.

Summons shall be delivered to the responsible party in violation by local law enforcement, citing a time and date to appear before the General Sessions court. Cited party shall be responsible for any costs associated with the summons, delivery of such and court costs, in addition to any fines levied by the court.

No owner out of possession shall be liable to the penalty imposed unless there is a personal service of notice served upon him, or such notice mailed to him is by certified mail with return acknowledgment receipt.

(Section 2.100 Amended 8/20/2019; Verified & re-voted 4/21/2020)

2.110 **Inoperable Vehicle. Definition** – Inoperable vehicles are passenger motor vehicles that are unlicensed, or in a state of disassembly, disrepair or in the process of being stripped or dismantled and is parked or stored outside.

Inoperable vehicles unlawful – It shall be unlawful to place or store a vehicle outside that is inoperable.

Exception – When located within a carport or garage; or when securely tarped; or when located behind fencing and is not visible from any street or surrounding properties; or when the vehicle is converted and used entirely for recreational purposes.

The area around any approved stored vehicles shall be maintained and kept free of weeds and litter. If tarped, the tarp must remain in good condition while stored.

There shall be no more than three (3) properly stored vehicles at any given time, unless stored within a garage or carport.

Exception – Vehicles located at a legal commercial business, engaged in automotive repair, storage, salvage or the like; or vehicles used for agricultural purposes.

It shall be the duty of the designated official of the Planning & Zoning Department to notify the responsible owner of any lands containing any inoperable vehicles found in violation.

Such notice may be served:

- (1) By personally notifying the person or persons having control of the property, of the violation; or
- (2) By mailing the same to the last known address of such person or persons having control of the property, of the violation; or
- (3) By posting a notice on the property, describing the violation.

Property shall be brought into compliance within a reasonable time frame, agreed upon by both parties. If necessary a signed agreement may be produced, stating the agreed date.

If compliance is not met at the end of the agreed date, the designated official shall send a certified, return receipt notification, describing the violation and a time certain not to exceed five (5) days upon receipt of said notification.

If the violation continues beyond the first notification time frame, a second certified, return receipt notification, describing the violation, the date of the first notification and another time certain not to exceed five (5) days upon receipt of said notification shall be sent. No less than two (2) certified, return receipt notices shall be sent.

Failure to comply within the stated period(s) is deemed a Class C misdemeanor and punishable by a fine of not less than twenty-five dollars (\$25.00) or more than fifty dollars (\$50.00) for each day the violation remains. Each day constitutes a separate violation.

Summons shall be delivered to the responsible party in violation by local law enforcement, citing a time and date to appear before the General Sessions court. Cited party shall be responsible for any costs associated with the summons, delivery of such and court costs, in addition to any fines levied by the court.

No owner out of possession shall be liable to the penalty imposed unless there is a personal service of notice served upon him, or such notice mailed to him is by certified mail with return acknowledgment receipt.

(Section 2.110 Amended 8/20/2019; Verified & re-voted 4/21/2020)

~~2.120 **Fences and Walls Standards** Fences and Walls are permitted in any district with the following standards.~~

~~1. Fences or walls may be erected on the property line(s), but in no case shall be located any closer than twelve (12) feet from the edge of any traveled roadway, or to the limit of the right of way as stated on the county road list;~~

~~2. Replacement of existing non-conforming fences shall conform with this regulation.~~

(Amended 6/16/2020) (Repealed 12/15/2020)

END OF ARTICLE II

ARTICLE III
SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

- 3.010 Off-Street parking requirements**
- 3.020 Off-Street loading and unloading requirements**
- 3.030 Temporary use regulations**
- 3.040 Customary incidental home occupations**
- 3.050 Gasoline service station restrictions**
- 3.060 Standards for telecommunication antennas and towers**
- 3.070 Standards for signs, billboards, and other advertising structures**
- 3.080 Development Standards for mobile home parks**
- 3.090 Development Standards for automobile wrecking, junk and salvage yards**
- 3.100 Guidelines for new cemeteries**
- 3.110 Development Standards for multi-family development** *(Amended 4/17/2018)*

3.010 Off-street parking requirements. Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be at least one-hundred eighty (180) square feet in size (10 feet x 18 feet) and such space shall be provided, with vehicular access to a road, street or alley. The number of parking spaces provided shall meet the requirements for the specific users as set forth below:

- A. Single Detached Dwelling and Duplex: Not less than two (2) spaces for each dwelling unit.
- B. Apartment Dwelling: Not less than two (2) spaces per dwelling unit.
- C. Boarding Houses and Rooming Houses: Not less than one (1) space for each (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 and one-half (1-1/2) spaces for each room to be rented plus one (1) additional space for each three (3) employees.
- G. Auditoriums, Churches, Stadiums, or Other Places of Public Assembly: Not less than one (1) space for each five (5) seats provided in such places of assembly. For places

of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one (1) space for each 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 five (5) 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 three hundred (300) 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 and fifty (250) square feet, or fraction thereof, of sales space.
- K. Shopping Centers (more than 3 stores): 5.5 parking spaces per 1,000 square feet of gross leasable floor area.
- L. Medical or Dental Clinics: Not less than four (4) spaces per doctor, plus one (1) additional space for each two (2) employees.
- M. 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 1,400 square feet of lot area or fraction thereof, whichever is greater.
- N. Restaurants: Not less than one (1) space per one hundred fifty (150) square feet of floor area, plus one (1) space for each two employees. For drive-in restaurants, one (1) space per one hundred (100) square feet of floor area.
- O. Other: For buildings and uses not listed, the off-street parking requirements shall be determined by the Planning Commission, in accordance with industry standards most closely identified with the proposed use.

3.011 Certification of minimum parking requirement. Each application for a building 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 Building Commissioner to determine whether or not the requirements of this article are met.

3.012 Remote parking space. If the required off-street parking spaces cannot be reasonably provided on the same lot on which the principal use is located, such

spaces 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 leasehold interest as the principal use. Such land use shall be used for no other purpose so long as no other adequate provisions of parking space, meeting the requirements of this resolution, has been made for the principal use.

3.013 Requirements for design of parking lots.

- a. Except for parcels of land devoted to one and two-family residential uses, that are located on minor residential public ways, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back onto a public street to obtain egress.
- b. Each parking space shall be no less than one-hundred eighty (180) square feet in area and served by a drive aisle with a minimum width of twenty four (24) feet for 90 and 60 degree stalls and a minimum width of sixteen (16) feet for 45 and 30 degree stalls.
- c. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 2.060 of this resolution.
- 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. Parking lots, including any loading, unloading or refuse areas, shall be of impervious surface; paved, asphalt or concrete, with the exception of those listed in Section A. Areas shall be sloped to provide positive drainage and maintained to permit safe passage of all vehicles, including but not limited to emergency service vehicles. *(Amended 4/17/18)*

3.020 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 no alley, to a public street. 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:

Total Usable Floor Area for
Principal Structure

Spaces Required
(See Chapter 6 for Definition)

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 Sq. Ft.

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

3.030 Temporary use regulations. Where necessary to govern operation of necessary or seasonal uses of a non-permanent in nature, application for a Temporary Use Permit as defined in Section 7.040 shall be made to the Building Commissioner. Applications shall contain 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 spaces for the proposed temporary use. The following uses are deemed to be temporary uses:

- A. Carnivals or Circuses: In the A-1, C-1, I-1 and I-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. Christmas Tree Sales: Maximum of 30-day Temporary Use Permits for display and sale of Christmas trees on lots in any district.
- C. Temporary Buildings: In any district for contractor's temporary offices and equipment sheds incidental to a construction project, but not for more than one (1) year unless special renewals are granted for six-month extensions; provided, however, not more than three (3) extensions for a particular use shall be granted. Such uses shall cease immediately upon completion of the construction project or upon expiration of the Temporary Use Permit, whichever occurs sooner.
- D. Religious Tent Meetings: In any district, except the I-1 and I-2 Industrial Districts, for tents or other temporary structures to house a religious meeting for not more than a 30-day period. One 30-day extension may be granted upon request for a renewal.

Such activities shall be permitted only on lots where adequate off-street parking can be provided.

- E. Temporary Dwelling Units in Cases of Special Hardship: In any residential district, to place a mobile home (double-wides excluded) temporarily on a lot in which the principal structure is destroyed by fire, explosion or natural phenomena. The purpose shall be to provide shelter only for the residents of the principal structure during a period of reconstruction and to prevent an exceptional hardship.

Placement of such a temporary structure must not represent a hazard to the safety, health, or welfare of the community. An applicant under this temporary use must produce a written statement from the TDEC Environmental Specialist for Lincoln County and/or the servicing Utilities Systems, if any, and approving the water supply and sewage disposal systems of the temporary structure. Such a permit may be initially issued for up to nine (9) months and may be renewed for up to six (6) months at a time, but the total time for all permits hereunder shall not exceed a total of thirty-six (36) months. No fee shall be required.

- F. Sale of Fireworks: In A-1, C-1, I-1, I-2 Districts; however, such permits shall not be issued for periods longer than thirty (30) days. Such will be permitted only where there is adequate off-street parking provided to the sales site and the applicant shall have obtained the proper permits from the State of Tennessee and the temporary use site has been inspected by the Building Commissioner and the local fire chief. Applicants must comply with all aspects of State Fire Regulations as shall pertain to the sale of fireworks.
- G. Temporary Retail Sales, Festivals, Bazaars, and other Special Events: These special activities shall conform to all county regulations, will not result in undue adverse traffic congestion and unsafe conditions regarding public roads, will not create a threat to safety of persons or property due to fire, explosion, etc., will not create unhealthy conditions regarding water supply, sewage disposal or solid waste, and will not interfere with use of neighboring property from its customary use by creating noise, dust, noxious odors, lighting, etc. These uses are allowed in any district except the A-2, Suburban Residential District. Such permit may be issued for a period no longer than ten (10) days and no more than eight (8) times per year. If required, the TDEC Environmental Specialist for Lincoln County shall approve sanitary facilities. Noise levels shall not exceed seventy (70) decibels at the site boundary.

3.040 Customary Incidental Home Occupations.

- A. A Customary Incidental Home Occupation is a gainful occupation or profession (including the professional office of an architect, artist, dentist, engineer, lawyer, physician and like professionals, barber, beauty and tailor shops) conducted by members of a family residing on the premises or only one person in addition to those persons residing therein and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. An announcement sign of not more than four (4) square feet in area is permitted.
- B. When questions arise regarding the legality of specific home occupations, Planning Commission shall determine whether a home occupation is in compliance within the district in which such home occupation is located. However, activities such as dancing instruction, band instrument instruction, tea rooms, tourist homes, real estate offices, convalescent homes, mortuaries, animal clinics, retail sales business, or any other activity deemed by the Planning Commission to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation.

3.050 Gasoline Service Stations Restrictions. The following shall apply to 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 fifteen (15) feet to any right of way line.
- C. Sign requirements shall be as established in Article 3, Section 3.070, shall be met.

3.060 Standards for Telecommunication Antennas and Towers. The purpose of Section 3.060 is to establish general guidelines for the siting of towers ~~and~~, antennas and other types of public communication equipment. Language shall be interchangeable to include standard types of communication equipment and shall comply as follows: *(Amended 9/21/2021)*

- Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the County.

- Strongly encourage the joint use of new and existing tower sites.
- Encourage users of the towers and antennas to locate them in areas where the adverse impact on the community is minimal.
- Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact on the surrounding area.
- To enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.

The provisions of this Section are applicable to all telecommunication antennas and towers located anywhere in Lincoln County, except those located within the Towns of Ardmore, Fayetteville, and Petersburg.

A. General

1. District Height Limitations – The requirements set forth in this resolution shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas.
2. Public Property – Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this resolution, provided a license or lease authorizing such antennas has been approved by the authority.
3. Amateur Radio – This resolution shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator.
4. Pre-Existing Towers and Antennas – Any tower or antenna which is in existence prior to the effective date of this resolution shall not be required to meet the requirements of this resolution. Any antenna added to an existing tower will have to comply with all regulations set forth in this resolution.

B. Requirements

1. Towers shall be located where there will be no interference with any type of electronic reception in nearby residential areas.
2. There shall be sufficient radius of unimproved land around the tower to ensure any collapse will be contained within that unoccupied area.
3. Lot area used for the tower site shall be sufficient to meet required setbacks and collapse radii.
4. There shall be sufficient room for maintenance vehicles to maneuver on the property.
5. Site area shall be entirely enclosed by a chain link fence of not less than eight (8) feet in height with a self-latching gate. Gate shall be padlocked at all times when there is no one at the site.
6. Grounds immediately surrounding tower site and ground inside the fenced area shall be maintained at all times. Site is to be maintained in compliance with the Lincoln County Zoning Laws.
7. At a tower site, the design of the buildings and related structures shall consist of prefabricated shelters and/or outdoor cabinets housing radio equipment. Generators are subject to standard code separations and shall meet "quiet" operational specifications.
8. On-site buildings shall be used for storage of necessary supplies and equipment only.
9. Towers shall maintain a galvanized steel finish, or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
10. Road or easement to the tower site shall be at least fifty (50) feet wide and be maintained by the owner of the tower or the owner of the property. This easement shall be a private road which is used as access to the tower and will never become a County road and will not be maintained by the Lincoln County Highway Department.

11. Tower owners are required to obtain a building permit from the Building Commissioner after site plan approval from the Lincoln County Planning Commission. All inspections are to be called for by the owner and/or their contractor. All inspections are to be approved before any tower or antenna can be used. When seeking approval from the Planning Commission, each tower company carrier shall submit a listing of its existing towers or antennas in Lincoln County.
12. Lighting of towers is prohibited, except as required by the Federal Aviation Administration (FAA) and/or the Federal Communications Commission (FCC).
13. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the Federal government with the authority to regulate towers and antennas. If such government regulations are changed, the owner of a tower and antennas governed by this ordinance shall bring them into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling Federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
14. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as unobtrusive as possible.
15. When a public or private airport, heliport or landing strip is located within one-half (1 / 2) mile of any proposed tower site each tower company and/or carrier shall submit an application to the Board of Zoning Appeals for a Special Exception. This application shall include information on the location, height and design of each tower and type of aircraft facility.
16. Written evidence that the applicants have explored and exhausted all attempts to locate or collocate its' antenna on an existing tower or structure within one-half (1 / 2 /) mile of the proposed site shall be submitted to the Planning Commission along with the site plan. New towers may be permitted if the applicant demonstrates to the Planning Commission that no existing tower or structure can accommodate the applicant's proposed antenna because of the following conditions:

- a. No existing towers or structures are located within the geographic area meeting the applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - c. Existing towers or structures are not of sufficient structural strength to support the applicant's proposed antenna and related equipment.
 - d. The applicant's proposed antenna would cause radio frequency interference with the antenna(s) on the existing tower.
 - e. Any claim by the applicant that fees, costs or contractual provisions required by the owner of the existing tower or structure or to adapt an existing tower or structure for sharing, are unreasonable.
 - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
17. Any antenna or tower not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such antenna or tower shall remove it within ninety (90) days of receipt of notice from the building inspector. If said tower is not removed within the ninety (90) day period, penalties and costs shall be imposed by the Planning Commission and permission to operate the antenna or tower will be rescinded.
18. A permit for tower construction shall be valid for a period not to exceed ~~twelve~~ twenty-four (24) months. If tower construction has not been started within twelve (12) months, approval shall expire and the applicant will be required to reapply. *(Amended 9/21/2021)*
19. A building permit shall be required before any construction of a tower or antenna shall begin. The Lincoln County Board of Commissioners will from time to time set permit fees and may set an annual inspection and/or license fee for each tower and antenna(s).
20. Adjacent property owners within two-hundred (200) feet, including across any roadways, of the proposed site, shall be notified by certified mail of the intended

project. The Planning & Zoning office will prepare the notifications. The applicant is responsible to ensure the notifications are mailed a minimum of fifteen (15) days prior to the scheduled Planning Commission meeting addressed in the notifications. *(Added 9/21/2021)*

C. Plan Requirements

1. A plan of the proposed tower site shall be submitted to the Lincoln County Planning Commission. The plan shall include, but not be limited to, the following information:
 - a. Name, address, telephone number and contact person of the proposed user.
 - b. Name, address, telephone number and contact person preparing the construction drawings.
 - c. Name, address, and telephone number of the property owner.
 - d. Name, address, and telephone number of the contractor who will be constructing the tower.
 - e. Legal description of the proposed property to be used for the tower site.
 - f. Describe where the proposed tower will be located in the County.
 - g. Access to the proposed site and description.
 - h. Type of tower proposed, tower height and affected area if the tower collapses.
 - i. Surrounding property owners' names and all buildings on proposed site.
 - j. Show any public utilities and public utility easements.
 - k. Scale of the plan.
 - l. Existing public roads and right-of-ways, including private roads.
 - m. Excavation, grading, concrete and structural steel notes, if any.

- n. Staking, erosion and sediment control plans, if applicable.
- o. Radio frequency coverage.
- p. Setbacks.
- q. Required fall zone shall be shown.
- r. Plan shall remain on file with the Planning Commission.
- s. Any additional information deemed by the Planning Commission to be necessary to insure compliance with this resolution.

D. Uses Permitted

- 1. Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower or other free-standing nonresidential structure) that is fifty (50) feet in height or greater, so long as said additional antenna adds no more than twenty (20) feet to the height of said existing structure.
- 2. Installing an antenna on any existing tower of any height, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower.

E. Setbacks and Separation

- 1. The following setbacks and separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the governing authority may reduce the standard setbacks and separation requirements, if the goals of this resolution would be better served by doing so.
 - a. Tower guy and accessory facilities must satisfy the minimum zoning district setback requirements.
 - b. In zoning districts, other than industrial zoning districts, towers over ninety (90) feet in height shall not be located within one-fourth (1 / 4) of a mile from any existing tower that is over ninety (90) feet in height.

3.070. Standards for Signs, Billboards, and other Advertising Structures

Permits may be required by the Tennessee Department of Transportation and as specified in the “Rules and Regulations for the Control of Outdoor Advertising”. A State of Tennessee Publication.

3.080. Development Standards for Mobile Home Parks

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

A. Drainage

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.

B. Dimensional Requirements for Parks

1. Each mobile home park shall have a front yard of thirty (30) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.
2. Each mobile home park shall provide rear and side yards of not less than fifteen (15) feet, exclusive of any required yards for each mobile home space, from the parcel boundary.
3. In instances where a side or rear yard abuts a public street, said yard shall not be less than thirty (30) feet.
4. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
5. Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of a park and may be lighted by indirect lighting only.

C. Dimensional Requirements for Mobile Home Park Spaces

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

1. Each mobile home space shall be at least thirty-six (36) feet wide and such space shall be clearly defined by permanent markers.

2. There shall be a front yard setback of ten (10) feet from all access roads within the mobile home park.
3. Mobile homes shall be harbored on each space so there shall be at least a twenty (20) foot clearance between mobile homes; provided, however, with respect to mobile homes parked end-to-end, the end-to-end clearance shall not be less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.
4. There shall be at least two (2) off-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 mobile home space.
5. Each mobile home space shall be provided with a pad which shall be a minimum of twelve (12) feet by fifty (50) feet, which shall be constructed of four (4) inches of compacted gravel.
6. The mobile home park shall be developed to a density compatible with the district in which it is located; however, parks with sewer shall permit a maximum of four (4) mobile homes or three (3) double-wide mobile homes per acre. Parks without public sewer shall permit a maximum of two (2) mobile homes or two (2) double-wide mobile homes per acre. A lower density may be required by the TDEC Environmental Specialist for Lincoln County after appropriate soil tests have been completed and analyzed as to the capability of the soil to accommodate a septic and drain field. No mobile home park shall be permitted unless such park is served by a public water supply.
7. All parks must contain a minimum of five (5) acres with a maximum of ten (10) acres per park.

D. General Requirements

1. Roads within the mobile home park shall be paved to a width of not less than twenty-two (22) feet with six (6) inches of stone based compacted and a three (3) inch application of chip and seal, and the right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.

2. All mobile home spaces within the park shall abut an access road.
3. Each mobile home space shall be provided with the connection to the sanitary sewer line or to a septic system approved by the TDEC Environmental Specialist for Lincoln County and Board of Zoning Appeals.
4. Mobile homes, with or without toilet facilities, that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.
5. Cabanas, travel trailers, and other similar enclosed structures are prohibited.
6. Mobile homes shall not be used for commercial, industrial, or other non-residential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.
7. Ground anchors shall be installed at each mobile home space to permit tie-downs of mobile homes.
8. No mobile homes shall be permitted within floodplains or upon slopes in excess of 20%.
9. All mobile homes shall be provided with an outdoor living area for the purpose of privacy and comfort. This area shall be a minimum of 300 sq. ft. with a dimension of 15 feet.
10. All mobile home parks shall be equipped with fire hydrants spaced no more than 500 feet apart. The water system shall be capable of providing a required fire flow of 500 gallons per minute for a one (1) hour duration.
11. Solid waste collection stand shall be provided for waste container for each mobile home. Such stands shall be designed as to prevent containers from being tipped and to minimize spillage. All central waste containers shall be screened from view.
12. Mobile Home Parks shall be maintained free of litter and debris, which may harbor rodents and breed flies, etc.
13. A common walk system shall be provided and maintained between locations where pedestrian traffic is to be concentrated. Such width shall be 3.5 ft. and meet the ADA requirements.

14. Adequate recreation facilities for the residents of the park shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents. Well-equipped playgrounds of adequate size and number shall be provided where it is anticipated that children will occupy the premises.
15. A buffer strip shall be provided along the perimeter of the site boundaries. No buffering shall be allowed within 15 feet of any vehicular entrance or park entrance.
16. The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with the site plan. Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.
17. No animal pens shall be allowed on the park premises.
18. All parks will be inspected annually for compliance to these regulations.

E. Plans and Schedules Required

The following information shall be shown on the required site plan:

1. The location and legal description of the proposed mobile home park.
2. The location and size of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park.
3. The proposed use of buildings shown on the site plan.
4. The location and size of all mobile home spaces.
5. The location of all points of entry and exit for motor vehicles and internal circulation pattern.

6. The location of all off-street parking facilities.
7. The location of park and recreation areas.
8. The name and address of the applicant.
9. Such other architectural, engineering, and topographic data as may be required to permit the TDEC Environmental Specialist for Lincoln County, Building Commissioner, Planning Commission, and the Board of Zoning Appeals to determine if the provisions of these regulations are being complied with, shall be submitted with the site plan.
10. 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.

F. Application for Mobile Home Park Development

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

1. The written application, plans, and schedules, herein required, and a statement of approval of the proposed sewage disposal system from the TDEC Environmental Specialist for Lincoln County will be submitted to the Lincoln County Building Commissioner and the Lincoln County Regional Planning Commission. The County Regional Planning Commission shall duly review these materials and shall coordinate the review with the appropriate utility districts.
2. The Lincoln County Building Commissioner shall, after review, recommend approval or disapproval of the proposed mobile home park to the Board of Zoning Appeals, which then may authorize the issuance of a permit for construction of the park as approved, or state the conditions under which approval for construction may be granted.

3.090. Development Standards for Automobile Wrecking, Junk and Salvage Yards Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon

surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property value by their general appearance. The following standards shall be required to minimize their objectionable characteristics:

- A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared or propagated.
- B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential zone.
- C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or 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 shall be as required by ARTICLE III, SECTION 3.010.
- 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. Application for Automobile Wrecking, Junk or Salvage Yard Permit: No person shall own or maintain an automobile wrecking, junk or salvage yard within the Lincoln County Planning Region until a permit is obtained from the Lincoln County Board of Zoning Appeals. An application for said permit shall be filed in accordance with

ARTICLE VII, SECTION 7.060, of this resolution 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 7.060.

H. The following are exempt from Automobile Wrecking, Junk or Salvage Yards:

1. The site of a property zoned for car repair or towing establishments.
2. Any abandoned, wrecked, junked, partially dismantled or inoperative motor vehicles kept within a building.
3. Any farm machinery, including tractors and trucks that have been used specifically in farming activities.

3.100 Guidelines for New Cemeteries

- A. All State and County regulations for Private/Family Cemeteries must be followed.
- B. Must be at least 100 feet away from ponds, streams, rivers, springs and wells.
- C. Must have a perimeter fence around the cemetery at least 36 inches high.
- D. Must have an easement to a public roadway at least 18 feet wide.
- E. Cemetery dimensions and location must be recorded in the property deed and filed with the Register of Deeds.
- F. All gravesites must be marked with a permanent marker or headstone.
- G. A written record of who is buried in the cemetery and where they are buried must be kept and updated after each burial.

3.110 Development Standards For Multi-Family Development

(Amended 4/17/2018)

The provisions set forth herein are intended to provide design criteria for multi-family developments located on a single zoned lot or tract. Specifically, these provisions are intended to provide regulations controlling the spacing, internal orientation, etc., of multiple buildings located on a single site but may include a single building. It is the express purpose of these provisions to establish design criteria and to provide for the implementation of these provisions by Planning Commission review of the site plan.

3.110.1 Development Standards

1. General Standards

It is the intent that multi-family dwellings where they are permitted:

- a. May be appropriately intermingled with other types of housing;
- b. Shall not contain more than twelve (12) dwelling units per floor on a single, unbroken frontage; and
- c. Shall constitute groupings making efficient, economical, comfortable, and convenient use of land and open space, and serving the public purposes of zoning by means alternative to conventional arrangements of yards and buildable areas.

2. Detailed Standards

- a. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise. A minimum of twenty (20) feet shall be maintained between buildings.
- b. Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts, or garages and for convenient circulation and access to all facilities.

- c. The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features. The planting plan shall be submitted with the site development plan for the Planning Commission review and approval.
- d. Existing trees, shrubs, evergreens, and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.
- e. Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units.
- f. Attractive outdoor sitting areas shall be provided, appropriate in size, type, and number to the needs of the residents.
- g. Well-equipped playgrounds of adequate size and number shall be provided, where it is anticipated that children will occupy the premises.
- h. All public and private streets located within any multi-family development shall meet the construction specifications set forth in the Lincoln County Subdivision Regulations.
- i. The Planning Commission shall act to insure that any private drives, parking areas or other vehicular ways used for common access for two (2) or more residents will be suitably paved and maintained as a condition of approval of the project.
- j. Any central refuse disposal area shall be maintained in such a manner as to meet local health requirements and shall be screened from public view by a fence or wall of no less than six (6) feet in height. Access shall be appropriately provided. Walls shall be constructed of natural stone, brick or other weatherproof materials arranged in a linear or serpentine alignment; while fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction of buildings. All hardware is to be galvanized, or otherwise rustproofed. All walls or fences shall have a minimum opacity of eighty (90) percent.

Chain link may not be used to meet the requirements of this chapter, unless privacy screening is inserted within the chain link, meeting the opacity of eighty (80) percent. Fences and walls shall be maintained in good repair, as well as pavement surrounding refuse area.

Disposal area shall be paved and of sufficient thickness to withstand combined weight of container, refuse and removal equipment. Area to be kept free of loose waste and neglected odor.

3.110.2 **Access and Parking Requirements**

1. **Access**

- a. Each site developed for multi-family dwellings shall meet the requirements for access set forth in Sections 3.013 of this resolution.
- b. Access and circulation routes shall adequately provide for firefighting, other emergency equipment, service deliveries, furniture moving vans, and refuse collection.

2. **Parking**

- a. Parking spaces shall be provided in accordance with Section 3.010 and 3.013, of this resolution.
- b. Off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to service. At least one (1) of the two (2) required parking spaces per dwelling unit shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit the space is to serve. Where appropriate, common driveways, parking areas, walks and steps shall be maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges and screening walls.

3.110.3 **Open Space Requirements**

Any common open space established within a multi-family dwelling development shall be subject to the following:

1. **Quality Use and Improvement of Common Open Space**

- a. Common Open Space must be for amenity or recreational purposes. The uses authorized for Common Open Space must be appropriate to the scale and character of the development considering its size, density, expected population, topography and other factors.
- b. No common space may be put to any use not specified on the approved final development plan, unless such amendment has been approved by the Planning Commission. However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common space areas, and all rights to enforce the covenants is expressly reserved.
- c. Common Open Space may consist of either improved or unimproved land. In this regard the approving agency may determine that all or part of stream areas, bodies of water, and slopes in excess of fifteen (15) percent may be included in Common Open Space. In making this determination the approving agency shall be guided by the extent of these areas in relation to the development and the degree to which these areas contribute to the quality, livability, and amenity of the development.

2. Maintenance of Open Space

In an instance where units are to be sold or leased with intent to sell, common open space is to be deeded to a maintenance organization, the developer shall file a declaration of covenants and restrictions that will govern the association. This document is to be submitted with the application for final approval of the development plan. The provisions shall include, but not limited to, the following:

- a. The maintenance organization must be established and operational before any unit is sold or leased.
- b. Membership must be mandatory for each unit and must run with the land so that any successive purchaser will automatically become a member.
- c. The restrictions covering the use, etc., of the open space must be permanent; not just for a period of years.

- d. The association(s) must be responsible for liability insurance, local taxes, and the maintenance of all facilities and lands deeded to it.
- e. Homeowners must pay their pro rata share of the cost assessed by the maintenance association; said assessment by the association can become a lien on the homeowner's property for failure to pay.
- f. The association must be able to adjust the assessment of the fees to meet changing needs.

3. Maintenance of Common Open Space

All land shown on the final development plan as common open space must be conveyed under one of the following options:

- a. It may be conveyed to a public agency which will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.
- b. It may be conveyed to trustees provided in an indenture establishing an association, funded trust, or similar organization.

The Common Open Space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purposes. *(Amended 4/17/18)*

END OF ARTICLE III

**ARTICLE IV
ZONING DISTRICTS**

SECTION

4.010 Classification of Districts

4.020 Zoning Map

4.030 Zoning District Boundaries

4.040 Specific District Regulations

- 4.010 **Classification of Districts.** The following Zoning Districts are hereby established in Lincoln County, Tennessee:

<u>Zoning District</u>	<u>Zoning Abbreviation</u>
Agriculture–Forestry – Rural Residential District	A–1
Suburban Residential District	A–2
Heavy–Density Residential District (<i>adopted 2/18/2020</i>)	R–3
General Commercial District	C–1
General Industrial District	I–1
Heavy Industrial District	I–2
Special Impact District	I–3
Floodplain Overlay Zoning District	FP

- 4.020 **Zoning Map.** The location and boundaries of the Zoning Districts are bounded and defined as shown on the Map entitled Zoning Map of Lincoln County, Tennessee. The Zoning Map and any amendment thereto shall be dated with the effective date that adopts the same. Certified prints of the adopted Zoning Map and Zoning Map amendments shall be maintained in the office of the Building Commissioner and shall be available for inspection by the public at reasonable times.

(Added for informational purposes only – Zoning Map adopted 3–18–14)

- 4.030 **Zoning District Boundaries.**

- A. Unless otherwise indicated on the Zoning Map the district boundaries are lot lines, center lines of streets or alleys, or the Lincoln County boundary lines as they exist at

the time of the enactment. Questions concerning the exact locations of district boundaries shall be determined by the Lincoln County Board of Zoning Appeals.

- B. Where a District Boundary line divides a lot which was in single ownership at the time of passage of this resolution, the regulations for either portion of the lot shall not exceed five hundred (500) feet beyond the district line into the remaining portion of the lot.
- C. Where the property on one side of a street between two intersecting streets is in a business or industrial district and the property on the intersecting street, except the corner or corners, is in a residential district, the business or industrial use shall be limited to the property facing or fronting the street zoned for business 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 business or industrial district, shall be governed by the use prevailing on the intersecting street. It is the purpose to limit business and industrial uses to the property facing or fronting the street zoned for business or industry and to prohibit business or industrial uses 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 business or industrial use shall face or front so that the intent of this resolution shall be observed.

4.040 **Specific District Regulations.** The following regulations shall apply in the specific zoning districts as established in SECTION 4.010.

4.041 **A-1, Agriculture-Forestry-Rural Residential District**

A. **District Description.**

This district is intended to preserve space for agricultural and forestry uses which together comprise an important segment of the economy of Lincoln County. The primary intent of the A-1 District is to minimize conflicts between agricultural and forestry activities and various non-agricultural activities; to permit lands best suited for intense agricultural uses to be preserved for these suited purposes; and to prevent lands unsuitable for development of an urban or non-rural nature, due to topographical problems, location, or the inability to provide necessary urban services, from being encroached upon by these incompatible land uses. Areas assigned to the A-1 District are primarily areas where growth of an urban or non-rural nature is

deemed undesirable for one or more reasons outlined above. The following regulations shall apply in the A-1, Agricultural-Forestry-Rural Residential District, as defined on the Zoning Map of Lincoln County, Tennessee.

AGRICULTURAL USES OF LAND – THIS RESOLUTION SHALL NOT BE CONSTRUED AS LIMITING OR AFFECTING IN ANY WAY OR CONTROLLING THE AGRICULTURAL USES OF LAND. REFER TO ARTICLE V, EXCEPTIONS AND MODIFICATIONS, SECTION 5.070.(TN CODE ANNOTATED 13-7-114).

B. Uses Permitted.

In the A-1, Agricultural-Forestry-Rural Residential District, the following uses and their accessory uses are permitted:

1. Agricultural and forestry uses and their accessory structures, as defined in ARTICLE VI.
2. Detached single-family, two-family and mobile home dwellings.
 - a. Installation criteria and standards for mobile homes shall comply with Tennessee Code Annotated Sec. 68-126-403 and its subsequent amendments. *(Amended 10-18-2016)*
 - b. Tiny Homes – Installation and construction of tiny homes shall comply with the latest adopted international code and having a minimum area of 120 sf and a maximum area of 400 sf. *(Amended 10-15-2019)*
3. Private residential garages, barns, sheds, stables, farm buildings, and other accessory structures and uses customarily incidental to permitted uses. Agricultural structures, such as barns, stables, farm buildings, implement sheds and the like are considered principal uses within this district, whereas private residential garages and non-agricultural sheds are considered accessory uses and shall require a principal structure on site or permitted. *(Amended 11-16-2021)*
4. Agricultural processing including ginning and compressing, shelling, baling and threshing services.

5. Animal husbandry services including veterinarian services, animal hospital services, and poultry hatchery services.
6. Forestry activities and related services.
7. Utility facilities necessary for the provision of public services, including forms of alternative, renewable energy whether public or private.
(Amended 1-17-2017)
8. Feed lots and egg production houses.
9. Roadside stands for the sale of agriculture or forestry products provided that such stand does not exceed an area of one thousand (1,000) square feet and that it is located off the public right of way.
10. Customary home occupations as regulated in Article III, Section 3.040.
11. Signs as regulated by the Tennessee Department of Transportation. Local permits are not required.
12. Fisheries and related services.
13. Community Facilities – including all government buildings such are fire departments, post offices, libraries, police and civil defense.
14. Private recreational facilities as an integral part of a proposed development.
15. Hunting leases with cabins.
16. Catfish Fanning, trout fanning, aquatic farms – “Do It Yourself” or retail related farm uses.
17. Fishing lakes, hiking and biking trails.
18. Educational farm activities – farm tours, classes, school group activities.
19. Pick it yourself fruits, produce and the like.

20. Homemade furniture and crafts made and sold from a farm.
21. Mazes.
22. Bed and Breakfast Inns.
23. Agri-Tourism.
24. All other activities as defined as Agriculture by the State of Tennessee.

C. Uses Permitted as Special Exceptions.

In the A-1, Agriculture-Forestry-Rural Residential Districts, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with ARTICLE VII, SECTION 7.060.

1. Public or private educational institutions.
2. Religious Facilities and other places of assembly, including civic, social, fraternal associations and private clubs, lodges, meeting halls, community centers and the like.
3. Airports and medical facilities. *(Amended 7/19/2022)*
4. Marinas.
- ~~5. Community shopping facilities, providing the total floor space devoted to retail sales does not exceed 4,000 square feet in area.~~ *(Amended 7/19/2022)*
5. Mobile Home Parks. Refer to Section 3.080.
6. Cemeteries. Refer to Section 3.100.
7. Public or private recreational facilities.
- ~~9. Professional offices.~~ *(Amended 7/19/2022)*

~~10. Art galleries, museums, zoological gardens, aquariums, and other cultural venues.~~
(Amended 7/19/2022)

8. Rooming and Boarding houses.

~~11. Mobile homes provided they are used as accessory uses on lots used for agricultural purposes which exceed 15 acres. Two mobile homes may be placed on these tracts provided the principle residential unit on the tract is a single detached permanent dwelling. These mobile homes are intended for farm help or family members of the property owner.~~
(Amended 10/15/19)

9. Wineries.

D. Uses Prohibited.

In the A-1, Agriculture-Forestry-Rural Residential 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 A-1, Agriculture-Forestry-Rural Residential District shall comply with the following requirements except as provided in Article V.

1. Front yard setback requirement is 35 ft.
2. Rear yard setback requirement is 25 ft.
3. Side yard setback requirement is 20 ft.
4. Land Area: No farm, ranch or other parcel of land shall be reduced in area to provide separate lots or building sites of less than one (1) acre in area. However, where there is an existing lot of records of less than one (1) acre at the time of the adoption of this resolution, this lot may be utilized for the construction of one single-family dwelling. In the event that the property proposed to be subdivided is less than five (5) acres in area, then a soil analysis of the property must be conducted and the results of such an analysis shall be transmitted to the TDEC Environmental Specialist for

Lincoln County. If the results of the soil analysis indicate compliance with the required standards of the Tennessee Department of Environment and Conservation, the TDEC Environmental Specialist for Lincoln County shall submit a written statement certifying same to the Building Commissioner. Upon receipt of such a certification from the TDEC Environmental Specialist for Lincoln County, the Building Commissioner shall issue a building permit to the applicant, providing all other provisions of this Resolution are met. In the event that the results of the soil analysis or other required tests do not meet the required standards of the Tennessee Department of Environment and Conservation, then the TDEC Environmental Specialist for Lincoln County shall submit to the Building Commissioner, prior to the issuance of a building permit, a written opinion, in lieu of a certification, which shall define what lot size or configuration, or both, shall be necessary to meet the required standards. In the event that an opinion is submitted in lieu of a certification by the TDEC Environmental Specialist for Lincoln County to the Building Commissioner, the Building Commissioner shall notify the applicant of the necessary lot size or configuration or both, based upon the TDEC Environmental Specialist for Lincoln County's written opinion. The Building Commissioner shall not issue a building permit until the necessary changes have been made and the TDEC Environmental Specialist for Lincoln County submits to the Building Commissioner a certification that with these changes the standards of the Tennessee Department of Environment and Conservation have been met.

5. Maximum Lot Coverage. Non-Agricultural structures shall cover no more than fifteen (15) percent of the total land area, with the exception of permitted Utility Facilities. *(Amended 12-19-2017)*
6. Lot Width shall be 100 ft. at the front 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 V, Section 5.030.
8. Parking Space Requirements as regulated in Article III, Section 3.010.
9. A proposed Agricultural Processing, Animal Husbandry, Feed Lot, or Egg Production use or activity should take place no closer than one hundred (100) feet from an A-2 zoned parcel.

4.042 **A-2, Suburban Residential District**

A. District Description.

This district is intended to be utilized in areas where the continuation of farming or agricultural activities is undesirable or unfeasible. Although the A-2 District is primarily a suburban district, it also provides for medium to high density residential development with lot sizes for single-family dwellings being less restrictive than those of A-1, Agriculture-Forestry-Rural Residential District. In addition, a primary objective of the A-2 District is to include land uses which demand a higher level of governmental services which are available or will be provided upon development. The following regulations shall apply in the A-2, Suburban Residential District, as established on the Zoning Map of Lincoln County, Tennessee.

B. Uses Permitted.

In the A-2 Suburban Residential District, the following uses and their accessory uses are permitted:

1. Detached single-family and two-family dwellings.
2. Private residential garages and other accessory structures and uses customarily incidental to permitted uses.
3. Signs as regulated by the Tennessee Department of Transportation. Local permits are not required.
4. Utility facilities necessary for the provision of public services, including forms of alternative, renewable energy whether public or private.
(Amended 1-17-2017)
5. Private Recreational facilities as an integral part of a proposed development.

6. Community Facilities as specified in the A-1 District.
7. Customary home occupations as regulated in Article III, Section 3.040.
8. Roadside stands for the sale of agricultural or forestry products provided that such stand does not exceed an area of one thousand (1,000) square feet and that it is located off the public right of way.

C. Uses Permitted as Special Exceptions.

In the A-2, Suburban 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 7.060.

1. Religious Facilities.
2. Townhouses, apartment dwellings and the like as regulated in E. Dimensional Regulations, #4.

D. Uses Prohibited.

In the A-2, Suburban Residential 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 A-2, Suburban Residential District shall comply with the following requirements except as provided in Article V.

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 fifteen (15) feet for any permitted accessory structures.~~ *(Amended 10-15-2019)*

3. Side Yard. The side yards shall be a minimum of fifteen (15) feet for a single-story structure, plus an additional five (5) feet for each additional story.
4. Land Area. No farm, ranch, or other parcel of land shall be reduced in area to provide separate lots or building sites of **less than 30,000 square feet** in area. However, where there is an existing lot of record of less than 30,000 square feet, this lot may be utilized for the construction of one single-family dwelling. In the event that the property proposed to be subdivided is less than five (5) acres in area, then a soil analysis of the property must be conducted and the results of such an analysis shall be transmitted to the TDEC Environmental Specialist for Lincoln County. If the results of the soil analysis indicate compliance with the required standards of the Tennessee Department of Environment and Conservation, then the TDEC Environmental Specialist for Lincoln County shall submit to the Building Commissioner, prior to the issuance of a building permit, a written opinion, in lieu of a certification which shall define what lot size or configuration, or both, shall be necessary to meet the required standards. In the event that an opinion is submitted in lieu of a certification by the TDEC Environmental Specialist for Lincoln County to the Building Commissioner, the Building Commissioner shall notify the applicant of the necessary lot size or configuration, or both, based upon the aforementioned TDEC Environmental Specialist for Lincoln County's written opinion. The Building Commission shall not issue a building permit until the necessary changes have been made and the TDEC Environmental Specialist for Lincoln County submits to the Building Commission a certification that with these changes the standards of the Tennessee Department of Environment and Conservation have been met.

Whenever public sewer is available, the lot area for single family detached dwellings may be reduced to 15,000 square feet.

On lots or parcels of land where multi-family dwellings are constructed, the minimum lot size must be increased five thousand (5,000) square feet for each additional dwelling unit. More than five units must be on public sewer.

The size requirements shall be increased to accommodate the minimum lot size requirements mandated by the Tennessee Department of Environment and Conservation 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. Main farm or agricultural accessory buildings shall cover no more than fifteen (15) percent of the total land area. Permitted non-agricultural uses, both principal and accessory, shall cover no more than thirty-five (35) percent of the total land area, with the exception of permitted Utility Facilities. *(Amended 12-19-2017)*
6. Lot Width. No lot shall be less than one hundred (100) feet wide at the front 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 V, Section 5.030.
8. Parking Space Requirements. As regulated in Article III, Section 3.010.

4.043 **R-3, Heavy-Density Residential District.** *(Adopted 2/18/2020)*

A. **District Description**

The R-3, Heavy-Density Residential District, is established to provide suitable areas for heavy-density residential development and shall be served by public water and public sanitary sewerage service. ~~where sufficient services are available. These districts will be characterized by detached single family dwellings or manufactured homes. This class of district is intended also to permit public and private utility installations which are necessary to serve and do serve specifically the residents of these districts, or which installations are benefited by and compatible with a residential environment.~~ It is the express purpose of this resolution to exclude from these districts all buildings and other structures and uses having commercial characteristics whether operated for profit, or otherwise, except that special exceptions and home occupations specifically provided for in these regulations for

these districts shall be considered as not having such characteristics if they, otherwise, conform to the provisions of this resolution. *(Amended 4/21/2020)*

B. Uses Permitted

In the R-3, Heavy-Density Residential District, the following uses are permitted.

1. Detached single-family dwellings and manufactured homes.
2. Cluster Development. Intended to allow the location of two or more residential structures on a single lot or tract of land, unsubdivided.
3. Multi-Family Units, Townhouses, and the like.
4. Tiny Homes. Installation and construction of Tiny Homes shall comply with the latest adopted International Code and having a minimum area of one-hundred twenty (120) square feet and a maximum area of four hundred (400) square feet.
5. Private residential garages and their accessory structures and uses customarily incidental to the permitted uses. Refer to Article II, Section 2.070 for Accessory Use Regulations. *(Amended 4/21/2020)*

C. Uses Permitted as Special Exception

In the R-3, Heavy-Density 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 7.060.

1. Religious Facilities
2. Utility Facilities necessary for the provision of public services, including forms or alternative, renewable energy, whether public or private. *(Amended 4/21/2020)*

D. Uses Prohibited

In the R-3, Heavy-Density Residential 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 R-3 Heavy-Density Residential District shall comply with the following requirements except as provided in Article V and shall be served by public water and public sanitary sewerage service. *(Amended 4/21/2020)*

Detached single-family dwellings and manufactured homes

1. Front yard minimum setback requirement is 30 ft.
2. Rear yard minimum setback requirement is 25 ft.
3. Side yard minimum setback requirement is 5 ft. *(Amended 4/21/2020)*
4. Land Area: No minimum land area shall be required in the R-3, Heavy-Density Residential District, where public water and sanitary sewer service (not including individual, private subsurface septic systems) is available.
5. Maximum Lot Coverage: On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty (30) percent of the total lot area.
6. Lot Width: Sixty (60) feet as measured at the front 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 V, Section 5.030.
8. Parking Space Requirement: As regulated in Article III, Section 3.010.
9. All public and private streets shall meet the construction specifications set forth in the Lincoln County Subdivision Regulations. *(Amended 4/21/2020)*

Cluster Development

1. Front yard minimum setback requirement is 30 ft.
2. Minimum spacing between structures is 10 ft.
3. Development shall maintain a minimum perimeter buffer of 25 ft. No principal structure shall encroach into the required buffer. Accessory structures shall comply with regulations set forth in Article II, Section 20.70.
4. Land Area: No minimum land area shall be required in the R-3, High-Density Residential District, where public water and sanitary sewer service (not including individual, private subsurface septic systems) is available.
5. Maximum Lot Coverage is not applicable for Cluster Developments.
6. Height Requirement: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Article V, Section 5.030.
7. Parking Space Requirement: As regulated in Article III, Section 3.010.
8. All public and private streets shall meet the construction specifications set forth in the Lincoln County Subdivision Regulations. *(Amended 4/21/2020)*

Multi-Family Units, Townhouses

Refer to Article III, Section 3.110 for additional regulations.

1. Front yard minimum setback from any building to the traveled way shall be 30 ft., not including parking.
2. Minimum spacing between structures is 20 ft.

3. Development shall maintain a minimum perimeter buffer of 25 ft. No principal structure shall encroach into the required buffer. Accessory structures shall comply with regulations set forth in Article II, Section 20.70.

4. Land Area: No minimum land area shall be required in the R-3, High-Density Residential District, where public water and sanitary sewer service (not including individual, private subsurface septic systems) is available.

5. Maximum Lot Coverage is not applicable.

6. Height Requirement: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Article V, Section 5.030.

7. Parking Space Requirement: As regulated in Article III, Section 3.010.

8. All public and private streets shall meet the construction specifications set forth in the Lincoln County Subdivision Regulations. *(Amended 4/21/2020)*

Tiny Homes

1. Front Yard minimum setback requirement is 30 ft.

2. Rear yard minimum setback requirement is 25 ft.

3. Side yard minimum setback requirement is 5 ft.

4. Land Area: No minimum land area shall be required in the R-3, Heavy-Density Residential District, where public water and sanitary sewer service (not including individual, private subsurface septic systems) is available.

5. Maximum Lot Coverage: On any lot, the area occupied by all structures, including accessory structures, shall not exceed thirty (30) percent of the total lot area.

6. Lot Width: Sixty (60) feet as measured at the front 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 V, Section 5.030

8. Parking Space Requirement: As regulated in Article III, Section 3.010.

(Amended 4/21/2020)

4.044 **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 in Lincoln County. Regulations are designed to preserve the traffic-carrying capacity of the streets and roads in Lincoln County and to provide for necessary off-street parking and loading. The following regulations shall apply in the C-1, General Commercial District, as established in the Zoning Map of Lincoln County, Tennessee.

B. **Uses Permitted.**

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

1. Wholesale Trade.

- a. Motor vehicles and automotive equipment;
- b. Drugs, chemicals and allied products;
- c. Dry goods and apparel;
- d. Groceries and related products;
- e. Farm products;
- f. Electrical Goods;
- g. Hardware, plumbing, heating equipment and supplies;
- h. Machinery, equipment, and supplies.

2. Retail Trade.

- a. Building Materials, hardware, and farm equipment;
- b. General merchandise;
- c. Food;
- d. Automotive, marine craft, and accessories;
- e. Apparel and accessories;
- f. Furniture, home furnishings, and equipment;
- g. Eating and drinking;
- h. Drug, antiques, books, sporting goods, garden supplies, jewelry, fuel, and ice.
- i. Agricultural products.

3. Hotels, motel, and tourist courts.

4. Religious Facilities.

5. Professional Services.

6. Medical Facilities.

7. Gasoline service stations.

8. Commercial recreation uses.

9. Finance, insurance and real estate services.

10. Personal services, Beauty salons, Day Spa, and the like.

11. Business services

12. Repair services.
13. Contract construction services.
14. Warehouses or storage facilities, except those used for storing hazardous materials.
15. Kennels or animal hospitals.
16. Funeral parlors.
17. Governmental services, including fire stations.
18. Educational services.
19. Transportation, communication and utility services except solid waste disposal. Utility services shall include forms of alternative, renewable energy whether public or private. *(Amended 1-17-2017)*
20. Signs are regulated by the Tennessee Department of Transportation. No local permits are required.
21. Agricultural uses.
22. Roadside stands for the sale of agricultural or forestry products provided that such stand does not exceed an area of one thousand (1,000) square feet and that it is located off the public right of way.

C. Uses Permitted as Special Exceptions.

In the C-1, General 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 7.060.

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

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 are prohibited.

E. Dimensional Regulations.

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

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 requirement 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 agricultural or residential 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 a 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 22,000 square feet, except that lots of record smaller than the required minimum, at the time of the adoption of this resolution, may be utilized, provided that said lot of record is not smaller than 15,000 square feet. Where no public water or sewer service is available, there shall be a minimum land area of three (3) acres. All attached buildings must meet applicable area and space requirements and share a common fire resistant wall.
5. Maximum Lot Coverage. No maximum lot coverage shall be imposed in the C-1, General Commercial District.
6. Lot Width. No lot shall be less than one hundred (100) feet wide at the front building setback line.
7. Height Requirement. No building shall exceed four (4) stories or fifty (50) feet in height, except as provided in Article V, Section 5.030.
8. Parking Space Requirement. As regulated in Article III, Section 3.010.

4.045 **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 rail, water, or highway transportation routes. The following regulations shall apply in the I-1, General Industrial District, as established in the Zoning Map of Lincoln 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.
8. Fabricated metal products manufacturing.
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, tobacco, liquor, and gasohol manufacturing.
11. Transportation, communication and utilities, excluding airports and solid waste disposal. Utility services shall include forms of alternative, renewable energy whether public or private. *(Amended 1-17-2017)*
12. All types of wholesale trade.
13. Other Light Industrial uses as defined and with no greater impacts than those listed above.
14. Other functions only where it is directly related to or housed within the industrial establishment in which it is located.

15. Signs as regulated by the Tennessee Department of Transportation. Local permits are not required.
16. Fire stations and other governmental uses.
17. Utility Facilities including forms of alternative, renewable energy whether public or private. *(Amended 1/17/2017)*
18. Agricultural uses.
19. Roadside stands for the sale of agricultural or forestry products provided that such stand does not exceed an area of one thousand (1,000) square feet and that it is located off the public right of way.
20. Educational Institutions.

C. Uses Permitted as Special Exceptions.

In the I-1 General Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article VII, Section 7.060.

1. Non-inventory sales. *(Amended 4-18-2017)*

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 District, shall comply with the following requirements except as provided in Article V.

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 agricultural or residential 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 for the use and shall not be less than five (5) acres.
5. Maximum Lot Coverage. No maximum lot coverage shall be imposed in I-1 District.
6. Lot Width. No lot shall be less than one hundred fifty (150) feet wide at the front building setback line.
7. Height Requirements. No height limitations shall be imposed in the I-1, General Industrial District, except as provided in Article V, Section 5.030.
8. Parking Space Requirements. As regulated in Article III, Section 3.010.
9. Loading and unloading requirements. As regulated in Article III, Section 3.020.

4.046 I-2, Heavy Industrial District

A. District Description.

The I-2, Heavy Industrial District is intended to provide areas for the types of industrial activities which by reason of volume of raw materials or freight, scale of operations, type of structures required, or other similar characteristics required, or other similar characteristics require locations relatively isolated from non-industrial uses. These land uses generally do not depend primarily on frequent personal visits by clients or customers, but generally require good accessibility to major rail, water, or highway transportation routes. The following regulations shall apply in the I-2, Heavy Industrial District, as established in the Zoning Map of Lincoln County, Tennessee.

B. Uses Permitted.

In the I-2, Heavy Industrial District, the following uses and their accessory uses are permitted.

1. Meat products manufacturing.
2. Dyeing and finishing of textiles.
3. Airports.
4. Signs as regulated by the Tennessee Department of Transportation. Local permits are not required.
5. Agricultural uses.
6. Roadside stands for the sale of agriculture or forestry products provided that such stand does not exceed an area of one thousand (1,000) square feet and that is located off the public right of way.
7. Utility facilities necessary for the provision of public services including forms of alternative, renewable energy, whether public or private.

(Amended 1-17-2017)

C. Uses Permitted as Special Exceptions.

In the I-2, Heavy 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 7.060.

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 VIII, Section 3.090.
3. Paper and allied products manufacturing.
4. Chemicals and allied products manufacturing.
5. Petroleum refining and related industries.
6. Rubber and miscellaneous plastic products manufacturing.
7. Primary metal industries.
8. Ordnance and accessories manufacturing.
9. Adult-oriented (Entertainment) Establishment. These uses shall meet all special conditions as listed and defined in Subsection 4.045,F.
10. Non-inventory sales. *(Amended 4-18-2017)*

D. Uses Prohibited.

In the I-2, Heavy 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-2, Heavy Industrial Districts, shall comply with the following requirements except as provided in Article V.

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.
3. Side Yard. The minimum depth of the side yard shall be thirty (30) feet, except the side yards for industrial lots adjacent to agricultural or residential districts shall be a minimum of fifty (50) feet.
4. No yard shall be required for that portion of a lot which is adjacent to a railroad or rail spur line.
5. 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 for the use and shall not be less than five (5) acres.
6. Maximum Lot Coverage. No maximum lot coverage shall be imposed in the I-2 District.
7. Lot Width. No lot shall be less than one hundred fifty (150) feet wide at the front building setback line.
8. Height Requirements. No height limitations shall be imposed in the I-2, Heavy Industrial District, except as provided in Article V, Section 5.030.
9. Parking Space Requirement. As regulated in Article III, Section 3.010.

10. Loading and Unloading Requirements. As regulated in Article III, Section 3.020.

F. Special Conditions and Definitions for Adult-Oriented (Entertainment) Establishments.

Special Conditions:

1. No establishment shall be located within two thousand (2,000) feet (measured property line to property line) of any residence, religious facility, school ground, college campus or park.
2. All establishments shall be located at least two thousand (2,000) feet (measured property line to property line) of any other adult entertainment business.
3. No establishment shall be located within two thousand (2,000) feet (measured property line to property line) from any residential zoned property.
4. Be in compliance with all provisions of the Tennessee Code, Sections 7-51-1101 through 7-51-1122 and 7-51-1401 through 7-51-1406, and any applicable regulations of Lincoln County.
5. All other zoning regulations shall apply.

DEFINITIONS:

ADULT-ORIENTED ESTABLISHMENT: Any adult bookstore, motion picture theater, or commercial establishment which for a fee or incidentally to another service, such as the serving of beer or other alcoholic beverages, sells or presents material or exhibition distinguished or characterized by a predominant emphasis on matter depicting explicit sexual activities or partially or completely uncovered human genitals or mammary glands. Adult oriented establishments include, but are not limited to:

Adult Book Stores: which means any corporation, partnership or business of any kind which has as its principal or predominant stock in trade books, magazines or other periodicals and which offers, sells or rents for a fee:

- a. Any sexually-oriented material which is available for viewing by patrons on the premises by means of the operation of movie machines or slide projectors; or
- b. Any sexually-oriented material which has a substantial portion of its contents devoted to the pictorial depiction of sadism, masochism or bestiality; or
- c. Any sexually-oriented material which has as its principal theme the depiction of sexual activity by, or lascivious exhibition of, the uncovered genitals, pubic region or buttocks of children who are or appear to be under eighteen (18) years of age;

Adult Motion Picture Theaters: which means an enclosed building used for presenting films which are distinguished by an emphasis on matter depicting, describing or relating to specified sexual activities for observation by patrons therein; and

Adult Shows or Adult Peep Shows: which includes all adult shows, exhibitions, performances or presentations which contain acts or depictions of specified sexual activities. This term also includes adult arcades, adult cabarets and massage parlors.

SEXUALLY ORIENTED MATERIAL: Means any book, article, magazine, publication or written matter of any kind, drawing, etching, painting, photograph, motion picture film or sound recording that depicts sexual activity, actual or simulated, involving human beings or animals, or which exhibits uncovered human genitals or pubic region in a lewd or lascivious manner or which exhibits male genitals in a discernibly turgid state if completely uncovered.

SPECIFIED ANATOMICAL AREAS: Means any of the following:

- a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITY: Means any of the following:

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse or sodomy;
- c. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
- d. Flagellation or torture in the context of a sexual relationship;
- e. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
- f. Erotic touching, fondling or other such contact with an animal by a human being;
- g. Human excretion, urination, menstruation, vaginal or an irrigation as part of or in connection with any of the activities set forth in “a” through “f” above.

4.047 **I-3, Special Impact Industrial District**

A. **District Description and Purpose**

This district is designed to provide suitable areas for those uses that 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 the proposed use, the preliminary development plan, the operational data, and the environment assessments to the site location criteria. This review will evaluate whether the proposed use should be permitted through a rezoning to the I-3, Special Impact Industrial District, by weighing public need for and benefit to be derived from 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, 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 Lincoln County will be affected.

B. Site Location Criteria

1. The proposed site will be located in areas apart from concentrations of residential developments and community facilities 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 concentrations that 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 Lincoln County.
8. The proposed lot site 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-3, Special Impact Industrial District.

1. Preliminary Review

All applications for rezoning to the I-3, Special Impact Industrial District, shall be made by the landowner or his/her authorized agent to the Building Inspector 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 of one inch equals two hundred feet (1" = 200').
- (4) Land use evaluation, 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 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 Commission whether the proposed use should be rezoned to the I-3, Special Impact Industrial District. If the County Commission 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 Commission, 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 of 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-3, Special Impact Industrial District, the following uses are permitted:

1. Special Impact Facilities

- a. Arsenals
- b. Asphalt and Concrete Plants
- c. Atomic Reactors

- d. Bio solids – Handling or Distribution
- e. Explosives Manufacturing and Storage
- f. Fireworks Manufacturing
- g. Electricity Generating Facilities
- h. Hazardous Wastes
- i. Interstate or Multi-county Pipelines
- j. Mining and Quarrying
- k. Pumping Stations
- l. Radioactive Wastes
- m. Slaughter House and Rendering Plant
- n. Solid Waste Landfills
- o. Solid Waste Processing and Recycling
- p. Storage Tank Farms
- q. Waste Incinerators, Including Hospital and Medical Waste
- r. Any other use with characteristics comparable to the above uses which, in the opinion of the Regional Planning Commission:
 - (1) Imposes special or unusual burdens on roads or poses a special or unusual traffic pattern, or
 - (2) Has special or unusual infrastructure requirements, or
 - (3) Poses special or unusual risks for local environmental resources, or

- (4) May pose a health risk to residents of properties in close proximity to the proposed use, or
- (5) Has special or unusual noise characteristics associated with it, or
- (6) Causes vibration, gas, smoke, or odor which impact surrounding properties.

E. Accessory Uses and Structures

- 1. Signs in compliance with the regulations set for in Section 3.070.
- 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 3.010 and 3.020.

F. Uses Permitted as Special Exceptions

There are no uses permitted as special exceptions in the I-3, Special Impact Industrial District.

G. Uses Prohibited

In the I-3, Special Impact Industrial District, any use not permitted by right or by accessory use as defined above 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 groundwater 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.

11. Sanitary toilet facilities shall be provided on-site in accordance with all State and Local requirements.

I. 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 two hundred (200) 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 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 two hundred (200) feet from any site boundary line.
- c. A security guard shall be stationed at the site at all times for whom a suitable shelter 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 two hundred (200) 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 shall be provided.

5. Requirements for Crypto-Digital Mining and the like

- a. This section excludes residential accessory level mining from a personal computer that does not generate audible noise from the operation that is detectable directly outside the dwelling nor shall the operation consume an unusual amount of energy as determined by the local utility company.
- b. All listed standard requirements as set forth within the I-3 district regulations shall be applicable in addition to the listed criteria within this section.
- c. Because commercial digital mining has a potential of excessive energy consumption, an approved plan for developing or purchasing new renewable energy to offset one-hundred (100) percent of the electricity consumed by the operation shall be submitted to and approved by both the local applicable electric utility provider and Lincoln County Planning Commission (LCPC). Either of which may exercise the right to require outside professional assistance to determine if the plan is viable. Costs associated with the third-party service shall be the responsibility of the developer.
- d. No structure shall be located closer than five hundred (500) feet from any site boundary line.

- e. Noise generated from the operation shall not exceed 40dB as measured from any site boundary line.
- f. An approved fire suppression system, designed for electrical fires shall be provided onsite for all equipment prone to continual use and heat. Developer shall coordinate with the local fire department to devise an appropriate safety plan.
- g. A landscape plan shall be submitted during the review process for approval. A landscape buffer shall be provided along all site boundary lines. Buffer shall consist of evergreen plantings that will provide a minimum fifty (50) foot buffer. Plantings shall consist of trees and shrubs, providing a consistent visual and sound barrier. Trees shall have a minimum caliper of two (2) inches in diameter at initial planting and shall be of a species that have a growth rate of at least three (3) feet per year. Shrubs shall be spaced to fill any gaps between the trees.
- h. Review and approvals shall be secured from the Fayetteville–Lincoln County Utility Committee, Lincoln County Planning Commission and the Lincoln County Legislative Board prior to operation.

(Adopted 6/21/2022)

J. Dimensional Requirements

All uses permitted in the I–3, 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 feet

2. Minimum Yard Requirements

Front Yard Setback	150 feet
Side Yard Setback	100 feet

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 feet

except where the rear yard abuts or is adjacent to a residential zoned property, in which case the minimum setback for that rear 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.

5. Parking Space Requirements

As regulated in Section 4.010.

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. Performance Bond Required

Prior to final site approval by the Planning Commission, a performance bond 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 bond may be in form of cash, irrevocable letter of credit, or surety bond.

In the event that the applicant fails to comply with the approved site plan, the County Attorney shall cause the bond 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 performance bond by the developer shall constitute prior permission for the proper designated parties to enter upon said property to complete these improvements.

- 4.048 Floodplain Zoning. Please see the most recently adopted Lincoln County Floodplain Resolution requirements.

END OF ARTICLE IV

ARTICLE V
EXCEPTIONS AND MODIFICATIONS

SECTION

5.010 Scope

5.020 Nonconforming Uses

5.030 Exceptions to Height Limitations

5.040 Lots of Record

5.050 Exception to Front Setback Requirements

5.060 RESERVED

5.070 Agricultural Use of Land

5.010 **Scope.** ARTICLE V is devoted to providing for necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in ARTICLE III and ARTICLE IV.

5.020 **Nonconforming Uses.** It is recognized that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this resolution is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that will violate the provisions hereof. It is the intent to so administer the elimination of nonconforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings, and structures existing at the time of passage or amendment hereto 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 tract of land occupied by such use as of the effective date hereof or the applicable amendments hereto. A nonconforming use of a building or buildings shall not be enlarged to additional land.
- C. When a nonconforming use of any structure or land 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 provisions hereof. *(Note – TCA permits commercial use to discontinue after 30 months.)*

- 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 application for reconstruction is filed within twelve (12) months of such damage.
- E. A nonconforming building or building housing a nonconforming use shall not be structurally altered except in conformance with the provisions of this resolution. These provisions shall not be construed to prevent normal maintenance and repairs, or alterations required for structural safety.
- F. Except as provided above, no nonconforming use shall be eliminated by condemnation proceedings in order to bring about conformance herewith.

5.030 **Exceptions to Height Limitations.** The height limitations 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.

5.040 **Lots of Record.** The following provisions shall apply to all existing lots of record.

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

tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

5.050 **Exceptions to Setback Requirements.** The front setback requirement for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

5.060 **Reserved.**

5.070 **AGRICULTURAL USE OF LAND.** THIS RESOLUTION SHALL NOT BE CONSTRUED AS AUTHORIZING THE REQUIREMENT OF BUILDING PERMITS NOR PROVIDING FOR ANY REGULATION OF THE ERECTION, CONSTRUCTION, OR RECONSTRUCTION OF ANY BUILDING OR OTHER STRUCTURE ON LANDS NOW DEVOTED TO AGRICULTURAL USES OR WHICH MAY HEREAFTER BE USED FOR AGRICULTURAL PURPOSES, EXCEPT ON AGRICULTURAL LANDS ADJACENT OR IN PROXIMITY TO STATE FEDERAL-AID HIGHWAYS, PUBLIC AIRPORTS OR PUBLIC PARKS, PROVIDED, HOWEVER, SUCH BUILDING OR STRUCTURE IS INCIDENTAL TO THE AGRICULTURAL ENTERPRISE. THIS RESOLUTION SHALL NOT BE CONSTRUED AS LIMITING OR AFFECTING IN ANY WAY OR CONTROLLING THE AGRICULTURAL USES OF LAND.

END OF ARTICLE V

ARTICLE VI DEFINITIONS

SECTION

6.010 Scope

6.020 Definitions

6.010. Scope. In order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as follows:

- a. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- b. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- c. The word “shall” is mandatory.
- d. The word “may” is permissive.
- e. The words “used” or “occupied” includes the words “intended”, “designed”, or “arranged to be used” or “occupied”.
- f. The word “lot” includes the words “plot” or “parcel”.

6.020. Definitions. The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this resolution. Terms not herein defined shall have their standard dictionary and “A Planners Dictionary” Planning Advisory Service Report Number 5xx/5xx published by the American Planning Association, April 2004, or such as the context may imply.

ACCESS: The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

ACCESSORY BUILDING OR STRUCTURE: A subordinate building, the use of which is incidental to that of a principal building and located on the same lot therewith.

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

ADVERTISING: Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designed, used, or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, wallboard, root board, frames, supports, fences or other man-made structure, and any such advertising is a structure within the meaning of the word “structure” as utilized in this resolution.

ADVERTISING SIGN OR STRUCTURE: See Sign.

AGRICULTURAL USE:

1. The land, buildings, and machinery used in the commercial production of farm products and nursery stock;
2. The activity carried on in connection with the commercial production of farm products and nursery stock; and
3. Recreational and educational activities on land used for the commercial production of farm products and nursery stock.

As used in this definition of agriculture, the term “farm products” mean forage and sod crops; grains and feed crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing; fruits; vegetables; flowers; seeds; grasses; forestry products; fish and other aquatic animals used for food; bees; equine; and all other plants and animals that produce food, feed, fiber or fur.

As used in this definition of agriculture, the term “nursery stock” means all trees, shrubs, or other plants, or parts of such trees, shrubs or other plants, grown or kept for, or capable of, propagation, distribution or sale on a commercial basis.

This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided that all appropriate laws and regulations are complied with.

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

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

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

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

ATTACHED: An enclosure having continuing walls, roof and floor.

AUTOMOBILE WRECKING: The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof and with no intent to return to operative condition.

AUTOMOBILE WRECKING, JUNK, AND SALVAGE YARD: Any lot or place which is exposed to weather and upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative are placed, located, or found.

AVERAGE GROUND ELEVATION: The elevation of the mean finished grade at the front of a structure.

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

BOARD: The Lincoln County, Tennessee Board of Zoning Appeals.

BUFFER STRIP: A planted strip not less than ten (10) feet in width. Such a planted strip shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) 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) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

BUILDING: Any structure having a roof supported by columns or by walls, including tents (not used for camping only), lunch wagons, dining cars, mobile homes or trailers (used as a dwelling or for commercial purposes), and similar structures, whether stationary or movable.

BUILDING AREA OF A LOT: That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

BUILDING COMMISSIONER: The zoning compliance official or his authorized representative appointed by the Lincoln County Commission.

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

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

BUILDING SETBACK LINE, FRONT: A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established, from that future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to the street right-of-way.

BUILDING SETBACK LINE, REAR: A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

BUILDING SETBACK LINE, SIDE: A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

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

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

CERTIFICATE OF OCCUPANCY: A written statement or certificate issued by the Building Commissioner indicating that the land, structure or part thereof is found to be in conformity with the provisions of this resolution.

CLINIC: See Medical Facility.

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, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as conditional uses, only when specific provisions for such use are made in this Resolution. For the purposes of administration of this resolution, conditional uses shall be construed as synonymous with special exceptions, as controlled by Section 13-7-107, Tennessee Code Annotated.

CONVENIENCE SALES: The retail sale of small convenience items such as toiletries, tobacco, and magazines. The dispensing of petroleum products may be included as accessory to convenience food products retailing.

CONVENIENCE SERVICES: Services which are typically needed frequently or recurrently, such as barber and beauty care, and includes the operation of self-service laundromats but excludes other apparel, cleaning and repair services.

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

COUNTRY CLUB: A chartered, nonprofit membership club, with facilities catering primarily to its membership for social amenities: golf, riding, club house, pool, dining facilities, lounge.

DAY CARE HOME OR CENTER: Any place, home, or institution, which receives five (5) or more unrelated young children for general care, exercise, play, or observation.

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

DEVELOPMENT PERMIT: Defined as a permit issued by the Building Commissioner for a proposed use of land or structure, or the alteration of land or a structure, or the location or erection of a structure after having been found to be in conformity with the provisions of the Zoning Resolution of Lincoln County, Tennessee.

DISTRICT: Any section or sections of the area lying within Lincoln County, Tennessee, for which the resolution governing the use, density, bulk, height, and coverage of buildings and other structures are in force.

DWELLING: A building or part thereof used as a habitation under one of the following categories:

- a. Single detached dwelling means a building and accessories thereto principally used, designed, or adapted for use by a single household.
- b. Duplex dwelling means a building and accessories thereto principally used, designed, or adapted for use by two (2) households, the living quarters of each of which are completely separate.
- c. Apartment dwelling means a building and accessories thereto principally used, designed or adapted for use as occupancy the three (3) or more households each of which has separate living quarters.
- d. Rooming house or boarding house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants.

- e. Multi-family means an occupancy by three (3) or more households each of which has separate living quarters.
- f. Prefabricated dwelling means a detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal and/or sanitary or onsite systems, and such structures are distinguished from mobile homes as described elsewhere in this resolution when they have no horizontal exterior dimensions of less than 15 feet not including porches or carports. When such a structure meets the above stated requirements it shall qualify as a single detached dwelling.
- g. Mobile home or trailer means a transportable structure built on a permanent chassis, designed for year-round occupancy, and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein. Recreational vehicles and travel trailers are not included in this definition of mobile homes.

EGG PRODUCTION HOUSES: Any place or premises where chickens are kept for the production of eggs for resale to processors, wholesalers or retailers.

FAMILY: One or more persons occupying the premises and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding or similar dwelling for group use.

FAMILY BURIAL GROUNDS: A zoned lot in private ownership which may contain one or more sites used or intended to be used, for interment of human remains, for the benefit of the owners of the lot or their immediate family members.

FEED LOT: Business of feeding or fattening livestock for slaughter in a facility designed or used to feed or fatten more than two hundred (200) head of cattle or one thousand (1,000) head of swine within one year of time.

FENCE: An enclosure or barrier, such as wooden posts, wire, iron, etc., that is used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth. *(Amended 6/16/20)*

FLOOR AREA: The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.

FRONTAGE: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

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

GRADE, FINISHED: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

HEIGHT OF BUILDING OR STRUCTURES: The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building or structure.

HOME OCCUPATION: See Section 3.040.

HOSPITAL: See Medical Facilities.

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

JUNK MOTOR VEHICLE: Any automobile, motor vehicle or the metal scraps and remains of the foregoing items, which are incapable of being operated and which it would not be economically practical to make operative and which are not fully placed or located within and fully surrounded by a substantial and durable building. The term shall not include items on the premises or establishment constituting automobile graveyards within the

meaning of Tennessee Code, Section 54-20-201, et. seq., or establishments having facilities for processing scrap metal.

JUNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running conditions for the sale of parts thereof.

LIGHT INDUSTRY: Is defined, for the purpose of this resolution, on the basis of performance in terms of absence of objectionable noise, smoke, odor, dust, dirt, noxious gases, glare and heat; and of the creation of hazards to health and life by reason of fire, effects of industrial wastes, psychological effects and generation of motor vehicle traffic.

LIVESTOCK: Cattle, sheep, swine, poultry and other animals or fowl which are being produced primarily for use as food or food products for human consumption.

LOADING SPACE: An area ten (10) feet by fifty (50) feet with a fourteen (14) foot height clearance provided for the standing, loading, or unloading of a truck or other vehicle. All such spaces are designed so as to not require trucks and other vehicles to back onto public streets.

LOT: A piece, plot or parcel of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one or more principal buildings, or not more than three principal dwellings in agricultural areas as provided in Section 2.020 of these regulations, and their accessory buildings, including the open spaces required under this resolution.

LOT, AREA: The total surface land area included within lot lines.

LOT, CORNER: A lot of which at least two adjoining sides abut their full lengths on a street.

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: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The boundary dividing a given lot from the street, an alley or adjacent lots.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the County Registrar of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the County Registrar of Deeds prior to the effective date of this Zoning Resolution.

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

MARINA: A facility for the docking and servicing of boats.

MEDICAL FACILITIES:

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

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

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

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

Substance Abuse Treatment Facility: *(Per TCA 33-2-402)* An institution, treatment resource, group residence (boarding home, sheltered workshop, activity center), rehabilitation center, hospital, community mental health center, nonresidential office-based opiate treatment facility, nonresidential substitution-based treatment center for opiate addiction, DUI school, counseling center, clinic, halfway house, or other entity, by these or other names, providing alcohol and drug services; provided, that a DUI school operated by a state institution of higher education shall

not be considered an alcohol and drug treatment facility for the purposes of this definition; provided, further, that “alcohol and drug prevention and treatment facility” does not include any facility otherwise licensed by the TN Department of Health or approved by the Department of Education.

Alcohol and drug services includes evaluation, treatment, residential personal care, habilitation, rehabilitation, counseling or supervision of persons who abuse or are dependent upon alcohol or drugs, or services to persons designed to prevent alcohol or drug abuse or dependence that either receive funds from the TN Department of Health or assess fees for services provided; provided, that a DUI school operated by a state institution of higher education shall not be considered alcohol and drug services.
(Adopted 7/19/2022)

MINIMUM FLOOR ELEVATION: The lowest elevation permissible for the construction, erection or other placement of any floor, including a basement floor.

MOBILE HOME PARK: A place or tract of land not subdivided upon which three (3) or more mobile homes, occupied for dwelling or sleeping purposes, are located (See Section 3.080).

NONCONFORMING USE: A building, structure, or use of land existing at the time of enactment of this resolution which does not conform to the regulations of the district in which it is located.

NOXIOUS MATTER: Material in gaseous, liquid or solid form which is capable of causing injury to living organisms, chemical reactions, or detrimental effects upon the social, economic or psychological well-being of individuals.

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

OWNER: Includes his duly authorized agent or attorney, a purchaser, devise, fiduciary, and a person having a vested or contingent interest in the property in question.

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 motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

PERMANENT EASEMENT: The right granted by the owner of land to another party by deed or prescription, to allow vehicular access across one parcel of land to another.

PLANNING COMMISSION: The Lincoln County Regional Planning Commission.

PLAT: A map, plan or layout indicating the location and boundaries of individual properties.

PRINCIPAL STRUCTURE: A structure in which is conducted the principal use of the lot on which it is situated. In any residential or agricultural district, any dwelling shall be deemed the principal structure on the lot on which the same is situated. Carports and garages if permanently attached to the principal structure shall be deemed a part of the principal structure. Awnings, porches, patios, or similar attachments shall be deemed a part of the principal structure in meeting any yard requirement.

PRINCIPAL USE: The specific primary purpose for which land or a building is used.

PRIVATE ROAD: A private road is any street serving one (1) or more lots where the access has been dedicated as an exclusive and perpetual right-of-way for the benefit of those being served by it. Private roads are not maintained by the county but are maintained by agreement of the land owners. All such roads shall be approved by the Planning Commission and recorded with the Register of Deeds. *(Amended 6/16/20)*

PRIVATE WASTEWATER TREATMENT: Individual subsurface sewage disposal systems (i.e., septic tanks), package treatment plans or individual aeration systems employed for the collection and treatment and/or disposal of wastewater, as approved and permitted by the Tennessee Department of Environment and Conservation.

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

PUBLIC USES: Public Parks, schools, and administrative, cultural, and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

PUBLIC WASTEWATER SYSTEM: A municipal, community, or utility district sewage treatment and disposal system of a type approved by the Tennessee Department of Environment and Conservation.

PUBLIC WATER: A municipal, community or utility district water treatment and distribution system of a type approved by the Tennessee Department of Environment and Conservation.

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

SANITARY LANDFILL: An area of 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 sanitary landfill sites by the State Department of Environment and Conservation.

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

SIGN, BILLBOARD, OR OTHER ADVERTISING DEVICE: Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit.

Business Sign: A sign which directs attention to the business or profession conducted on the premises.

Advertising Sign: A sign which directs attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises if at all.

Billboards: A type of advertising sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.

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

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

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

Indirect Illumination Sign: Any illuminated non-flashing sign whose illumination is derived entirely from an external artificial source and is so arranged that no direct rays of light are projected from such artificial source into residence or streets.

Off-Premises Sign: A sign relating to a product, service, or establishment that is not on the premises on which the sign is located.

On-Premises Sign: A sign relating to a product, service, or establishment that is on the premises on which the sign is located.

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

Wall or Flat Sign: Any sign erected parallel to the face or on the outside wall of any building which projects out at any angle therefrom and projects no more than twelve (12) inches beyond the face of such wall.

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

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

Temporary Sign: Temporary signs shall include any sign, banner, pennant, valance, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frame, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only.

SPECIAL EXCEPTION: A use which is specifically permitted if the owner can demonstrate to the satisfaction of the Board that it will meet certain standards, enumerated safeguards, or qualifying conditions.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more head clearance equals fifty (50) percent or more of the floor area of the next story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below shall be a "half-story". A basement shall be considered as a story if more than half of its height is above the average ground level from which the "height of a building" is measured or if it is used for commercial purposes.

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

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

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

For the purposes of this resolution, substantial improvement is considered to occur when the alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not this alteration affects the external dimensions of the structure. The term does not, however, include, either: (1) any project for the improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions; or (2) any alteration or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

TOXIC MATERIALS: Materials (gaseous, liquid, solid, particulate) which are capable of causing injury to living organisms even when present in relatively small amounts.

TRAVEL TRAILER: A vehicular, portable structure designed as a temporary dwelling for travel, recreation, and vacation uses.

TRAVEL TRAILER PARK: A plot of land designed and equipped to accommodate travel trailers for short periods of time.

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

UTILITY EASEMENT: The right granted by the owner of land to allow utility facilities to be constructed, maintained, or preserved. Utility easement shall include, but is not limited to, easement for storm drainage, water lines, electric power lines and pipelines.

WALL: A constructed barrier of concrete, stone, brick, tile, or similar type material that closes, marks, or provides a barrier. *(Amended 6/16/20)*

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

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

YARD, FRONT: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front lot line.

YARD, REAR: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the rear lot line.

YARD, SIDE: The required space unoccupied except as herein provided, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.

ZONING RESOLUTION: This zoning resolution shall be known as the official Zoning Resolution of Lincoln County.

END OF ARTICLE VI

**ARTICLE VII
ADMINISTRATION AND ENFORCEMENT**

SECTION

- 7.010 Administration of the Resolution**
- 7.020 The Enforcement Officer**
- 7.030 Zoning Compliance Permits (Building Permits)**
- 7.040 Temporary Use Permits**
- 7.050 Inspections of Compliance**
- 7.060 Procedure for Authorizing Special Exceptions**
- 7.070 County Board of Zoning Appeals**
- 7.080 Variances**
- 7.090 Amendments**
- 7.100 Special Exceptions**
- 7.110 Administrative Review**
- 7.120 Call for Special Meeting**
- 7.130 Penalties**
- 7.140 Remedies**
- 7.150 Separability**
- 7.160 Interpretation**
- 7.170 Effective Date**

(Section Numbers amended to reflect changes for 2-21-17 & 12-18-18 Resolution)

- 7.010 **Administration of the Resolution.** Except as otherwise provided, no structure or land after the effective date shall 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 of this resolution the provisions 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 resolutions or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other resolutions or regulations is mandatory.
- 7.020 **The Enforcement Officer.** The provisions shall be administered and enforced by the Building Commissioner who is empowered to make inspections of buildings or premises necessary to carry out his duties in the enforcement hereof. The Building Commissioner is accountable to the Board of County Commissioners through the County Mayor who shall administratively supervise his activities. In performance of administering and enforcing this resolution, the Building Commissioner shall:
- A. Issue all building permits and make and maintain records thereof.
 - B. Conduct all inspections of 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. Receive, file and forward to the Board of Zoning Appeals all applications for variances, appeals, and other matters on which the Board is required to act.
- F. Conduct inspections as required in this resolution and such other inspections as are necessary to insure compliance with the various other general provisions of this resolution. The Building Commissioner 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 (Building Permits).**

- A. 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 repair of any structure including expansion, 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 without a permit thereof, issued by the Building Commissioner. Agriculturally related construction is exempt. (See Section 5.070.)
- B. No Building Permit shall be issued by the Building Commissioner except in conformity with the provisions of this resolution, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided herein.

C. Application.

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

1. The actual shape, location, and dimensions of the lot to be built upon.
2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site.
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 resolution are being observed.

D. Sealed Plans.

Plans stamped and sealed by a Tennessee registered professional architect or engineer shall not be required for structures classified as business, factory-industrial, hazardous, mercantile, residential, or storage if such structures meet the following criteria:

1. Less than 3 stories in height.
2. Less than 5,000 sq. ft. in total gross area.
3. Is a one or two family dwelling or domestic out-building.
4. Farm buildings not designed or intended for human habitation.

Except as stated above, all other plans must be “sealed plans”, that is plans prepared by a registered architect or engineer.

E. Fees.

The Lincoln County Commission shall from time-to-time establish a schedule of fees and a collection procedure for Building Permits. The new, yearly Building Valuation Chart, issued by International Code Council will be effective each March 1st in an effort to keep permit values in line with average construction costs. The schedule of fees shall be posted in the Office of the Building Commissioner. Only the County Commission may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application. See Appendix “A”, page VII-15. *(Amended 4-16-2019) (Amended 11-15-2022)*

F. Issuance of Permit.

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

G. Construction Progress.

Any Building Permit issued becomes invalid if work authorized is not commenced within twelve (12) 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.

H. Building Codes Adopted.

Pursuant to the authority granted by Tennessee Code Annotated §5-20-102 to 5-20-106, and for the purpose of regulating the construction, alteration, repair, use, occupancy and location of every building or structure within the incorporated areas of Lincoln County, TN, the following codes, listed Appendices and subsequent amendments or additions to said codes, as prepared and adopted by the International Code Council and ADA Standards issued by the Department of Justice, are hereby adopted and incorporated as part of the Zoning Resolution as fully as if copied herein verbatim, and is hereinafter referred to as the Building Code. This Resolution shall not be construed as limiting or affecting in any way or controlling the agricultural uses of land as stipulated in TCA 13-7-114. See Appendix "B", pages VII-3b & 3c.

(Amended 1-15-2019)

- 7.040 Temporary Use Permits. It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the Building Commissioner as provided for in ARTICLE III, SECTION 3.030. Application for a Temporary Use Permit shall be made in writing to the Building Commissioner on the form provided for that purpose. A schedule of fees shall be established from time-to-time by the Lincoln County Commission. Such schedule shall be posted in the office of the Building Commissioner. 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 Building Commissioner shall conduct a second inspection to insure compliance with this resolution. It is the owner's responsibility to correct deficiencies or be held in violation.
- 7.060 Procedure for Authorizing Special Exceptions. The following procedure is established to provide procedures for review of a proposed use as conditional use or special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required under Section 13-7-107 and 13-7-108 of the Tennessee Code Annotated, by this resolution, or whether a review is requested by the Building Commissioner to determine whether a proposed use is potentially noxious, dangerous or offensive.

(Amended 2-21-2017)

A. Application.

An application for review shall be filed with the Board of Zoning Appeals. 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, including the following:

1. Newspaper Publication. Notice of public hearing is required to be published at least fifteen (15) days prior to the Board of Zoning Appeals meeting. Publication shall be placed in at least one (1) newspaper of general circulation in the County. Notice shall contain the following information; date, time, place and purpose of the public hearing, as well as the location and

description of the proposed Special Exception. Planning staff will prepare and cause publication of notice.

2. Mail Notice. Certified mailed notices, stating date, time, place and purpose of the public hearing, as well as the description of the proposed Special Exception shall be sent to all adjacent property owners within two hundred (200) feet and/or adjacent of the subject property. Adjacent property shall include any property across any roadway that would adjoin by removal of the roadway. In cases where the adjacent property is owned or leased by the owner (applicant), notification shall extend to the next non-interested land owner. Planning staff will provide applicant with adjacent property owner information and require applicant to mail all certified notices as well as provide proof of mailings.

(Amended 12-18-2018)

3. Property Posting. The property shall be posted with a notice provided by the planning office in a conspicuous place on the property, facing and visible from the roadway servicing the property. Corner lots shall have at least one (1) posted notice per corner. Posted notice shall remain in place at least fifteen (15) days prior to the hearing and until conclusion of the public hearing. Planning staff shall prepare and post notice(s) on the property of request. *(#1-3 above Amended 2-21-2017)*

B. 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 other property in the area in which it is located.
3. Is within the provision of "Special Exceptions" as set forth in this Resolution.
4. Conforms to all applicable provisions of this Resolution 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.

C. 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 at 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 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 the items in 1 and 2 above.
4. Utilities, with reference to locations, availability, and compatibility.
5. Screening and buffering with reference to type, dimensions and character.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with property in the District.
7. Required yard and another open space.
8. General compatibility with adjacent properties and other property in the District.

D. 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 purpose of this Resolution.

E. 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.

F. Time Limit.

All applications reviewed by the Board shall be decided within thirty-five days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

- 7.070 **County Board of Zoning Appeals.** A Lincoln County Board of Zoning Appeals is hereby established in accordance with 13-7-106 through 13-7-109 of the Tennessee Code Annotated. The Board of Zoning Appeals shall consist of ~~five~~ (5) seven (7) members appointed by the Lincoln County Commission. The Board members shall be appointed to five-year terms; however, the initial appointments shall be arranged so that the term of no more than two (2) members will expire each year.

(Amended 4/16/24)

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 records.

B. Appeals to the Board.

An appeal to the Lincoln 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 Building Commissioner based in whole or in part upon the provisions hereof. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Building Commissioner shall transmit to the Board all papers constituting the record upon which the appeal is taken. The Board shall fix a reasonable time for the hearing of the appeal, given a minimum of fifteen (15) days public notice thereof, as well as due notice (by registered mail) to the parties in interest, and decide the same within thirty-five (35) days of the meeting. At any 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 Building Commissioner 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 a court of competent jurisdiction on an application, on notice to the Building Commissioner, and on due cause shown.

D. Appeal to the Court.

Any person aggrieved by any decision of the Board may seek review by a court of competent jurisdiction of such decision in a manner provided by the laws of the State of Tennessee.

E. Powers of the Board.

The Board of Zoning Appeals shall have the following powers:

1. Administrative Review.

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Building Commissioner or other administrative official in the carrying out or enforcement of any provision of this Resolution. The Board may further hear requests made by the Building Commissioner to determine whether a proposed use is potentially noxious, dangerous or offensive as stated in Section 7.060.

(Amended 2/21/2017)

2. Special Exceptions.

To hear and decide applications for special exceptions as allowed in this resolution, hear requests for interpretation of the Zoning Map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass. Refer to Section 7.060 for procedures.

(Amended 2/21/2017)

3. Variances.

To hear and decide applications for variances from the terms of this resolution.

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

A. Application.

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

B. Variance Fee.

A fee as established from time-to-time by the Lincoln County Commission 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. All fees are due upon submittal of application.

(Amended 2-21-2017)

Variance Fee

\$150.00

C. Hearings.

Upon a receipt of the application and fee, the Board shall hold a hearing to decide whether a variance, is, in fact, necessary to relieve necessary 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 thirty-five 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 the following criteria are met.

1. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the Board, do not apply generally in the district.
2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
3. For reasons fully set forth in the findings of the Board, the aforesaid circumstances of conditions are such that the strict application of the provisions of this resolution 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 resolution and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
5. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the persons applying therefore.
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.

- A. The regulations, restrictions, and boundaries set forth in this resolution may from time to time be amended, supplemented, changed, or repealed by the Lincoln County Commission.
- B. Any member of the County Commission may introduce such legislation, or any official, board, or any other person may present a petition to the County Commission requesting an amendment or

amendments. Amendments must be in relation to the Lincoln County Plan and the general welfare of the county.

- C. No change or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission.
- D. No amendment shall be adopted unless it shall have been proposed by or shall have first been submitted to the Planning Commission for review and recommendation. The Planning Commission shall have thirty-five days within which to submit its report. If the Planning Commission fails to submit a report within the thirty-five (35) day period, it shall be deemed to have approved the proposed amendment.
- E. Before finally adopting any such amendment, the County Commission shall hold a public hearing thereon, at least fifteen (15) day's 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.
- F. Zoning Amendment and Rezoning Fees. A fee established from time-to-time by the Lincoln County Commission shall be due and payable at the time of filing any petition with requests to amend. The fee is to be used by Lincoln County to defray costs resulting from action required upon such petition and any subsequent amendment. All fees are due upon submittal of application.

Rezoning Request Fee

\$200.00

(Amended 12-18-2018)

- G. Newspaper Publication. Notice of Public Hearing is required to be published in accordance with Section 7.090, Subsection E. The notice shall contain the following information: date, time, place and purpose of the public hearing, as well as the location and legal description of the proposed rezoning. Planning staff will prepare and cause publication of notice.
- H. Mail Notice. Certified mailed notices, stating date, time, place and purpose of the public hearing, as well as the location of the proposed rezoning shall be sent to all adjacent property within two hundred (200) feet and/or adjacent of the subject property. Adjacent property shall include any property across any roadway that would adjoin by removal of the roadway. In cases where the adjacent property is owned or leased by the owner (applicant), notification all extend to the next non-interested land owner. Planning staff will provide applicant with adjacent property owner information and require applicant to mail all certified notices as well as provide proof of mailings.

(Amended 12-18-2018)

- I. Property Posting. The property shall be posted with a notice provided by the planning office in a conspicuous place on the property, facing and visible from the roadway servicing the property. Corner lots shall have one (1) posted notice per corner. Posted notice shall remain in place at least fifteen (15) days prior to the hearing and until conclusion of the public hearing. Planning staff shall

prepare and post notice(s) on the property of request.
and Amended 2-21-2017)

(G-I added

7.100 Special Exceptions.

- A. Special Exceptions are under the authority of the Board of Zoning Appeals. The Board shall hear and decide special exception uses as specified per zoning district and may attach to it such conditions regarding the location, character, or other features of the proposed building structure, or use as the Board may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety or general welfare.
- B. A fee as established from time-to-time by the Lincoln County Commission shall be due and payable at the time of filing of any petition with requests for Special Exception review by the Board of Zoning Appeals. The fee is to be used by Lincoln County to defray costs resulting from action required upon such petition and any subsequent amendment. Planning Staff will provide applicant with adjacent property owner information and require applicant to mail all certified notices as well as provide proof of mailings.

Special Exception Request Fee

\$150.00

(Amended 12-18-2018)

(7.100 added and Amended 2-21-2017)

7.110 Administrative Review.

- A. Administrative Reviews are under the authority of the Board of Zoning Appeals. The Board shall hear and decide appeals where it is alleged by the appellant that there is error in any order, requirements, permit decision, determination or refusal made by the Building Commissioner or other administrative official in the carrying out or enforcement of any provision of this resolution. The Board may further hear requests made by the Building Commissioner to determine whether a proposed use is potentially noxious, dangerous or offensive as permitted in Section 7.060.
- B. A fee as established from time-to-time by the Lincoln County Commission shall be due and payable at the time of filing of any petition with requests for Administrative Review by the Board of Zoning Appeals. The fee is to be used by Lincoln County to defray costs resulting from action required upon such request and any subsequent amendment. All fees are due upon submittal of application.

Administrative Review Request Fee

\$150.00

(Amended 12-18-2018)

(7.110 added by Resolution 2-21-2017)

7.120 Call For Special Meetings.

A. Call for Special Meeting pertaining to Board of Zoning Appeals or Planning Commission based on urgent need for a quick review due to time constraints with Applicant when regularly scheduled meetings will not fulfill deadline requirements for Applicant.

B. Planning Staff will provide Applicant with adjacent property owner information and require Applicant to mail all certified notices as well as provide proof of mailings.

Special Meetings Fee

\$500.00

(Amended 12-18-2018)

(7.120. added by Resolution 12-18-2018)

7.130 **Penalties.** Any person or persons violating any provisions of this Resolution shall be guilty of a misdemeanor, and upon conviction shall be fined appropriately for each offense. Each day such violations continue shall constitute a separate offense.

7.140 **Remedies.** In addition to provisions for criminal sanctions provided by State law, in case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used, in violation of this Resolution, the Building Commissioner or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

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

7.160 **Interpretation.** Wherever the conditions hereof require more restrictive standards than are required in or under any other statute, the requirements hereof shall govern. Whenever the conditions of any other statute require more restrictive standards than are required herein, the conditions of such statute shall govern.

7.170 **Effective Date.** This resolution shall become effective upon passage, and the provisions of the Zoning Resolution shall become effective immediately upon passage, the public welfare requiring it.

APPENDIX "A" Zoning Resolution Article VII, Section 7.030(E) Fees

EFFECTIVE MARCH 1, 2024

PERMIT FEE SCHEDULE

RESIDENTIAL - No Plans Required At This Time

New Construction – Single Family Dwelling	Total Conditioned Area Sq. Ft. x .441 = Fee
Based on Feb 2018 Building Valuation Data Chart, Type VB / R3	Total Unconditioned Area Sq. Ft. x .222 = Fee
	Add Both Calculated Fees for TOTAL PERMIT FEE
New Construction – Duplex	Same As Above
Mobile Home	\$25.00
Remodeling	Valuation x 1.0%
Including But Not Limited To: Structural Alterations, Window Replacement (egress), Decks w/ Railing	
Agricultural Use Structures	Exempt. See TCA 13-7-114 for Criteria
Detached Non-Living	Total Unconditioned Area Sq. Ft. x .222 = Fee
Decks & Reroof	\$25.00
Pools – Above Ground	\$25.00
Pools – In Ground	\$25.00 + (Valuation x 1.0%)
Demolition	\$25.00
Re-Inspection Fee (assessed after 2 failed inspections)	\$30.00

MULTI-FAMILY

**Requires Utility Committee and Planning Commission approval. Contact Planning & Zoning Department.
Once UC & PC approved, submit 2 each sets of *sealed* (>3 stories, >5,000sf.) plans with site plan.**

New Construction	Total Conditioned Area x 108.61 x .004 = Fee
Based on Feb 2018 Building Valuation Data Chart, Type VB R2	Total Unconditioned Area x 47.80 x .004 = Fee
	Add both calculated fees for TOTAL PERMIT FEE
Remodeling	
Included But Not Limited To: Structural Alterations, Window Replacement (egress), Decks w/Railing	Valuation x 1.0%

COMMERCIAL / INDUSTRIAL

**Requires Utility Committee and Planning Commission approval. Contact Planning & Zoning Department.
Once UC & PC approved, submit 2 each sets of *sealed* (>3 stories, >5,000sf.) plans with site plan.**

New Construction	
Based on Feb 2018 Building Valuation Data Chart	SF x Occupancy & Type of Constr. X .004 = Fee
Remodeling	
Included But Not Limited To Alterations in Path of Egress, Change in Occupancy	Valuation x 1.0%
Re-Inspection Fee (assessed after 2 failed inspections)	\$30.00
Solar	Valuation x .004= Fee

FEE EXEMPT – Religious Facilities, Schools, other Non-Profits and Agricultural uses per TCA 13-114.

Other criteria pertain for these uses, please check with Planning & Zoning.

APPENDIX “ B “

A. 2018 International Building Code

Including

1. Appendix A - Employee Qualifications
2. Appendix E - Supplementary Accessibility Requirements
3. Appendix F - Rodent Proofing
4. Appendix G - Flood Resistant Construction
5. Appendix I - Patio Covers
6. Appendix J - Grading
7. Appendix N - Replicable Buildings

B. 2018 International Plumbing Code

Including

1. Appendix C - Structural Safety
2. Appendix D - Degree Day and Design Temperatures
3. Appendix E - Sizing of Water Piping System

C. 2018 International Mechanical Code

Including

1. Appendix A - Chimney Connector Pass-Through

D. 2018 International Fuel Gas Code

Including

1. Appendix A - Sizing and Capacities of Gas Piping
2. Appendix B - Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances and Appliances Listed for Use with Type B Vents
3. Appendix C - Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems
4. Appendix D - Recommended Procedure for Safety Inspection of an Existing Appliance Installation

E. 2018 International Residential Code

Excluding

1. Section R313.2 One and Two-Family Dwelling Automatic Fire Sprinkler Systems

Including:

1. Appendix A - Sizing and Capacities of Gas Piping
2. Appendix B - Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances and Appliances Listed for Use with Type B Vents

3. Appendix C - Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems
4. Appendix D - Recommended Procedure for Safety Inspection of an Existing Appliance Installation
5. Appendix E - Manufactured Housing Used As Dwelling
6. Appendix F - Radon Control Methods
7. Appendix G - Piping Standards for Various Applications
8. Appendix H - Patio Covers
9. Appendix J - Existing Buildings and Structures
10. Appendix K - Sound Transmission
11. Appendix M - Home Day Care, R-3 Occupancy
12. Appendix N - Venting Methods
13. Appendix O - Automatic Vehicular Gates
14. Appendix P - Sizing of Water Piping Systems
15. Appendix Q - Tiny Houses
16. Appendix T - Solar Ready Provisions; Detached one and Two-Family Dwellings and Townhouses
17. Amend - 2018 Int'l Residential Code, Chapter 4 – Foundations, Section R4.03.1.3 Footing and Stem Wall Reinforcing in Seismic Design Categories D0, D1, D2 to include Seismic Design Area B. allowing rebar or metal fiber in footings. (Amended 7/16/2019)

F. 2018 International Energy Conservation Code

Including

1. Appendix RA - Solar Ready Provisions; Detached One and Two-Family Dwellings and Townhouses
2. **Remove** 2018 Int'l Energy Efficiency Tables:
 - N1102.1.2 Insulation and Fenestration Requirements by Component
 - N1102.1.4 Equivalent U-Factors
 - N1102.2.6 Steel-Frame Ceilings, Wall and Floor Insulation R-Values

(Amended 7/16/2019)
3. **Replace with** 2009 Int'l Energy Efficiency Tables:
 - N1102.1 Insulation and Fenestration Requirements by Component
 - N1102.1.2 Equivalent U-Factors
 - N1102.2.6 Steel-Frame Ceilings, Wall and Floor Insulation R-Values

(Amended 7/16/2019)

G. 2018 International Property Maintenance Code

Excluding

1. Chapter 3, Section 302 - Exterior Property Areas
2. Chapter 3, Section 308 - Rubbish and Garbage
3. Chapter 3, Section 309 - Pest Elimination
4. Chapter 7 - Fire Safety Requirements

H. 2010 ADA Standards for Accessible Design

I. 2018 International Swimming Pool and Spa Code

Section 101.1. Insert: Lincoln County, Tennessee

Section 105.6.2 Insert: See Appendix "A"

Section 105.6.3 Insert: Excluded

Section 107.4 Insert: Class C Misdemeanor

Section 107.4 Insert: Amount to be determined by judicial court system

Section 107.4 Insert: Excluded

Section 107.5 Insert: \$50.00 (both locations)

END APPENDIX B

END OF ARTICLE VII