

**ZONING RESOLUTION OF
HAYWOOD COUNTY, TENNESSEE**



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CHAPTER I GENERAL PROVISIONS RELATING TO ZONING

AUTHORITY

A Resolution in pursuance of the authority granted by Section 13-7-101 through 13-7-115 of the Tennessee Code Annotated, to promote the public health, safety, convenience, order, prosperity and general welfare, to provide for the establishment of districts or zones within the Haywood County Planning Region; to regulate within such districts the size and uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes; and to provide methods of administration for this Resolution and to prescribe penalties for the violation thereof.

BE IT RESOLVED BY THE COUNTY COMMISSION OF HAYWOOD COUNTY, TENNESSEE, AS FOLLOWS:

1.01 Title - This Resolution shall be known and may be cited as the "Zoning Resolution of Haywood County, Tennessee", and the map herein referred to identified by the title, "Official Zoning Map, Haywood County, Tennessee" and all explanatory matters thereon are hereby adopted and made a part of this Resolution. The Official Zoning Map shall be located in the Haywood County Courthouse and shall be identified by the signature of the County Executive attested by the County Court Clerk.

The Official Zoning Map may be amended under the procedures set forth in Chapter XIX of this Resolution provided, however, that no amendment of the Official Zoning Map shall become effective until after such change and entry has been made on said map and signed by the County Executive attested by the County Court Clerk.

1.02 Purpose - The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, and the general welfare of the Haywood County Planning Region. They have been formulated in consideration of required compliance with adopted International Building Codesⁱ, Tennessee Public Health Sewerage Regulations, and other codes and regulations applicable to counties within the State of Tennessee. They have been designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers; to provide environmental safety and protect natural resources; to provide adequate light and air, to prevent the overcrowding and misuse of land, to avoid undue concentration of population; and to facilitate the adequate provisions of transportation, water, sewage, schools, parks, and other public requirements.

They have been prepared with reasonable consideration, among other things, to the individual character of each district and the peculiar suitability of each district for particular uses; with a view of preserving the natural environment while conserving the value of buildings; and with a view of encouraging the most appropriate use of land throughout the Haywood County Planning Region.

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CHAPTER II

DEFINITIONS

2.01 Definitions

Except as specifically defined herein all words used in this Resolution have their customary dictionary definitions where not inconsistent with the context of the resolution. The term "shall" is mandatory. Words used in the present shall include the future; the singular number shall include the plural and the plural the singular number; the word "building" shall include the word "structure". In case of conflict between building code or dictionary definitions with the definitions contained in this Resolution, the definition herein shall prevail.

The categories established herein to define the permitted uses are derived from the Standard Land Use Coding Manual and adapted to the particular needs of Haywood County.

Accessory Solar Collection System: – An accessory use, consisting of a panel(s), or other solar energy device(s), that collects, inverts, stores, and distributes solar energy for the purpose of electricity generation that solely serves the principal use of the property.

Adult Oriented Businesses: A commercial enterprise that exploits sex in one form or another comprising a large variety of sexually oriented businesses including movie theaters, bookstores, video rental outlets, escort agencies, massage parlors and topless/bottomless bars. Adult oriented business also refers to the materials or services that these businesses market including movies, videos, photographs, books, magazines, sexual devices, as well as nude or semi-nude dancing and massages. The following are further definitions of specific adult oriented businesses and related terms:

A. Adult Entertainment Establishments:

1. Adult Arcade - means an establishment where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines, for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."
2. Adult Bookstore - means an establishment which has as any of its stock-in-trade and offers for sale for any form of consideration any one or more of the following:
 - a. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slide or other visual presentations which are characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas; or,
 - b. Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities".
3. Adult Cabaret - means a nightclub, bar, restaurant, or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or films, motion pictures, video cassettes, slides, or other photographic reproductions which are

characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas."

4. Adult Motel - means a motel or similar establishment offering public accommodations for any form of consideration which provides patrons which closed circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas", or,
 - a. offers a sleeping room for rent more than two times in a period of ten hours; or,
 - b. allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than 10 hours; or,
 - c. offers or allows a rate which is less than half the normal daily rate.
5. Adult Motion Picture Theater - means an establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas" This definition shall not include "R-rated" films so defined by the Motion Picture Association.
6. Adult Telecommunications Business A commercial establishment where, by means of telephone, any communication characterized by the description of "specified anatomical areas" or "specified sexual activities" is made for commercial purposes to any person, regardless of whether the maker of such communication placed the call.
7. Adult Theater - means a theater, concert hall, auditorium, or similar establishment that, for any form of consideration, regularly features live performances that are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
8. Escort A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
9. Escort Agency A person or business association, who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.
10. Massage parlor - means an establishment where, for any form of consideration, massage, alcohol rub fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state, This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

11. Nude Model Studio - Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. The terms of this resolution shall not apply if a person appearing in a state of nudity does so in a modeling class operated:
 - a. by a proprietary school, licensed by the State of Tennessee; a college, junior college, or university supported entirely or partly by taxation;
 - b. by a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.
 12. Sexual encounter establishment - means an establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with "specified sexual activities" or the exposure of "specified anatomical areas." This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in sexual therapy.
- B. Specified Anatomical Areas - means any of the following:
1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the aureole. This definition shall not include nursing mothers.
 2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
- C. Specified Sexual Activities - means any of the following:
1. Human genitals in a state of sexual stimulation or arousal;
 2. Acts of human masturbation, sexual intercourse, or sodomy;
 3. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts;
 4. Flagellation or torture in the context of a sexual relationship;
 5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
 6. Erotic touching, fondling or other such contact with an animal by a human being;
 7. Human excretory or irrigation functions as part of or in connection with any of the activities set forth in "1" through "6" above.

Agriculture: - Land devoted to the production of crops and/or livestock for sale (see Code 81 of the Standard Land Use Coding Manual).

Alley: - Any public or private way set aside for public travel, twenty (20) feet or less in width.

Animal Unit: (AU) mature dairy cow (71 animals equals 100 AUs), swine over 55 lbs. (250 equals 100 AUs), swine under 55 lbs. (2000 animals equals 100 AUs), sheep (1000

animals equals 100 AUs), turkey (10000 animals equals 100 AUs), chicken (10000 animals equals 100 AUs).

Antenna Array: - Poles, rods, panels, reflecting dishes or similar devices used for the transmission or reception of radio frequency signals.

Amusement: - An establishment which provides arcade type entertainment including such items as pinball machines, video games and pool tables; miniature golf; or other amusements. (See Code 73 in the Standard Land Use Coding Manual)

Automobile Salvage Yard: - See salvage yard.

Automobile Storage Yard: - Any land use for the parking and/or storage of one or more abandoned or impounded operable vehicles for which compensation is received.

Buffer Strip: - A strip of land, established to protect one type of land use from another with which it is incompatible, which is landscaped and kept in perpetual open space uses.

Building: - Any structure constructed or used for residence, business, industry, or other public or private purposes; or accessory thereto, and including tents, lunch wagons, dining cars, and similar structures whether stationary or movable.

Building, Accessory: - A subordinate building, the use of which is incidental to that of a principle building on the same lot.

Building, Height of: - The vertical distance as measured from the finished grade at the front line of the building to the highest point of the structure.

Building Line - Front, Side, Rear: - Lines that define the required area for the front, side, and rear yards, as set forth in this Resolution. This line is usually fixed parallel to the lot line and is equivalent to the required yard.

Building, Principal: - A building in which is conducted the primary use of the lot on which it is situated. In R, R-MH or FAR district any dwelling shall be deemed to be the principle building on the lot on which the same is situated.

Building, Coverage: - The portion of the lot area, expressed as a percent that is covered by the maximum horizontal cross section of a building or buildings. Structures that are below the finished lot grade shall not be included in building coverage. Building coverage shall not include any required yard space.

Business Service: - Establishment which provide aid or merchandise to retail trade establishments including advertising firms; consumer and mercantile credit reporting and collection firms; duplicating, mailing and stenographic services; dwelling and building cleaning services; photo finishing; and trading stamp service (see Code 63 in the Standard Land Use Coding Manual).

Camper – Any individual who occupies a campsite or otherwise assumes charge or placed in charge of, a campsite.

Campground – A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

Campsite – Any plot of ground within a campground intended for exclusive occupancy by a camping unit or units under the control of the camper.

Camping Unit – Any tent, trailer, cabin, lean-to, recreation vehicle, or similar structure, established or maintained and operated in a campground as temporary living quarters for recreation, education, or vacation purposes.

Clinic: - Any establishment housing facilities for medical or dental diagnosis and treatment exclusive of major surgical procedures for patients who are not kept overnight on the premises (see codes 6511, 6512 and 6517 in the Standard Land Use Coding Manual).

Common Open Space – Usable space (as specified in these regulations) to the mutual benefit of the subject development and the public.ⁱⁱ

Communication: - Radio, telegraph, and television broadcast receiving and relay facilities (See Code 47 in the Standard Land Use Coding Manual).

Conservation Planned Development is a land development approach that prioritizes the protection of natural resources, open space, and agricultural lands. It is a hybrid model of land development that combines new construction and land protection that generates revenue while accomplishing conservation goals.ⁱⁱⁱ

Condominium-Residential: - A multi-family or townhouse development where the individual units are owned separately with common ownership of the land surrounding the development.

County Environmentalist: - Environmentalist for Haywood County.

Cultural Activity: - Any institution concerned with the appreciation of nature and the humanities such as but not limited to museums, art galleries, historic sites, and aquariums (see Code 71 in the Standard Land Use Coding Manual).

Day Camp – means an organized camp program that campers attend for an established period of time, returning to their homes at night, and which provides creative, recreational, and educational opportunities in the out-of-doors.

Density: - Maximum number of units per acre allowed by this Zoning Resolution.

District: - Any section or sections of Haywood County for which the regulations governing the use of land and use, density, bulk, height, and coverage of buildings and other structures are uniform.

Driveway: - A paved or gravel way, on private property, providing access from a public way, street or alley to the main buildings, carport, garage, parking space or other portion of the premises.

Dwelling: - A building or portion thereof which is designed for or used for human residential habitation. For the purpose of this Resolution, the term "dwelling" shall not include boarding or rooming houses, motels, hotels, or other structures designed for transient residence.

Dwelling, Manufactured Residential: - A structure, transportable in one or more sections, which may be built on a permanent chassis and designed to be used as a single family dwelling with a permanent foundation when connected to the required utilities, and

includes the plumbing, heating, air conditioning and electrical systems contained therein. For the purpose of these regulations the term "manufactured home" does not include "mobile home" as herein defined and as further defined in Tennessee Code Annotated Section 13-24-201.

Dwelling, Mobile Home: - A factory built, residential structure constructed as a single, self-contained unit and mounted on a single chassis or undercarriage which includes axles, wheels, and a tongue or hitch. A mobile home is designed for transportation after fabrication on streets and highways on its own wheels or on a flat bed or other trailer for delivery to a mobile home dealer, or arriving at the site ready for occupancy, except for minor and incidental unpacking assembly operations, location on jacks or permanent foundations, and connections to utilities. The character of a mobile home as a nonpermanent dwelling shall not be changed by removal of the wheels and/or carriage or placement on a permanent foundation.

Dwelling, Multiple-Family: - A building or portion thereof, designed to be occupied by three (3) or more families living independently of each other. (Also see condominiums, residential and dwelling, Townhouse).

Dwelling, Single-Family - Detached: - A building designed for or occupied exclusively by one (1) family which has no connection by a common wall to another building or structure similarly designed. This term shall not include mobile homes, but shall include dwelling, manufactured residential.

Dwelling, Two-Family: - A building designed to be occupied by two (2) families, living independently of each other, and having one wall common to both dwelling units.

Dwelling, Townhouse: - An attached residential dwelling unit for occupancy by one (1) family constructed in a row with each unit occupying at least (2) stories. Each dwelling unit is separated from the adjoining unit in each story by an adjoining fire resistant wall which has no openings in it and extends from the lowest floor through the roof with each dwelling unit having independent access to the exterior in the ground floor, (also see condominium, residential).

Dwelling Unit: - One or more rooms designed as a unit for occupancy by one (1) family for cooking, living, and sleeping purposes, which is part of a two-family, or multi-family structure.

Education Services: - Established schools including primary, secondary, universities, colleges, junior colleges, and various private facilities such as correspondence schools and art, dance, and music schools (see Code 68 in the Standard Land Use Coding Manual).

Elderly Assisted Care: - A building, establishment, complex or distinct part thereof providing elderly care and housing, containing single rooms or other dwelling units which may consist of no more than bedroom and bathroom facilities, provided that 24-hour medical care and medical staffing and other services are required or provided, regardless of the ambulatory status of the residents; and, provided further that one or more regular meals is required by state law, and/or as a condition of residency. For the purpose of this ordinance, these type facilities shall include short-term care facilities; nursing, convalescent and rest homes, and rehabilitation centers.

Elderly Congregate Living: - A building, establishment, complex or distinct part thereof providing elderly congregate group housing, containing individual dwelling units which may consist one or more bedrooms, dining area, bathing and cooking facilities, or a combination thereof, provided that 24-hour medical care and medical staffing is not required, and provided that limited medical care, meals and other services may be offered as a matter of convenience and not necessity.

Essential Services: - The erection, construction, alteration, or maintenance by public utilities or county departments, or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution system, collection, communications supply or disposal systems, including poles, wire, mains, drains, sewers, pipes, conduits, cables, traffic signals, in connection therewith, but not including buildings or substations reasonably necessary for the furnishing of adequate services by such public utilities or county departments or commissions, or for the public health or safety or general welfare.

Exterior Yard: - A yard adjacent to the side or exterior boundaries of a mobile home park or a multi-family development that is clear of any structures.

Factory Built Housing: - A factory built structure designed for long term residential use. For the purposes of these regulations, factory built housing consists of three (3) types: modular homes, mobile homes, and manufactured homes.

Family: - One or more persons occupying a separate independent nonprofit housekeeping unit.

Feedlot: - A lot or building or combination of lots or buildings intended for the confined feeding, breeding, raising, or holding of 100 AUs and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Pastures and Fish Farms will not be regulated.

Finance, Insurance and Real Estate Services: - Those establishments that provide banking or bank related functions and insurance and real estate brokers (See Code 61 in the Standard Land Use Coding Manual).

Garage, Private: - A building or portion thereof for the storage of motor vehicles owned or used by the residents.

Governmental Agency: - An agency of the Federal, State, or the Local Government or any combination thereof.

Governmental Services: - Fire, police, judicial and other services provided by the government (See Code 67 of the Standard Land Use Coding Manual).

Grade: - The ground elevation used for the purpose of regulating the height of a building. The ground elevation used for this purpose shall be the average of the finished ground elevations at the front line of the building.

Gross Floor Area: - The total floor area within the walls of a structure.

Habitable Space: - Areas within the building designed and/or used as living quarters for human beings.

Height of Building: - The vertical distance from the finished grade at the building line to the highest point of the building.

Home Occupation, Incidental: - A venture for profit which is incidentally conducted in a dwelling unit as an accessory to the residential use provided that: the venture is conducted in the principal building; all persons engaged in the venture are residents of the dwelling unit; no more than fifteen (15) percent of the total ground floor area is used for the venture and no evidence of the venture is visible from any public way. The incidental home occupations shall include but not be limited to arts and crafts; dressmaking and sewing; individual instruction of music or art; individual tutoring; professional services where clients are served one at a time and distributor type sales of merchandise such as Amway or Avon in which clients generally do not come to the residence.

Home Occupation, Non-incidental: A venture for profit which is conducted in a structure accessory to a primary residential use (structure) provided that: all persons engaged in the venture shall be residents of the residential structure, the total floor area of the accessory structure shall not exceed the specified percentage of the ground floor area of the residential structure, and no evidence of the venture is visible from any public way. Non incidental home occupations shall not include automobile sales, service, repair, or disassembly for used parts.

Institution: - A building occupied or operated by a non-profit society, corporation, individual foundation, or governmental agency for the purpose of providing charitable, social, educational, or similar services of a charitable character to the public.

Junk Yard: - See salvage yard.

Kindergartens: - See Nursery.

Loading Space: - An off-street space on the same lot with a building or group of buildings for temporary parking of a vehicle while loading and unloading merchandise or materials.

Lot: - A piece, parcel, or plot of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one principle building and its accessory buildings, such a lot shall be at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other space as required. All lots shall front on and have access to a public street.

Lot Area: - The total horizontal area included within lot lines.

Lot, Corner: - A lot abutting at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred and thirty five (135) degrees.

Lot, Double Frontage: - A lot having frontage on two (2) non-intersecting streets as distinguished from a corner lot.

Lot Line: - The boundary dividing a given lot from adjacent lots or the right-of-way of a street or alley.

Lot of Record: - A parcel legally recorded in the Office of the Haywood County Register of Deeds prior to the date of the adoption of this Resolution.

Lot Width: - The width of a lot shall be determined by measurement across the rear of the required front yard, provided however, that the width between side lot lines at the points where they intersect the street shall not be less than eighty (80) percent of the required minimum lot width, except in the case of lots on the turning circle of cul-de-sac turnarounds; a minimum street abutment distance of twenty-five (25) feet shall apply to cul-de-sac turnarounds.

Medical Services: - Those establishments which provide aid or merchandise relating to or concerned with the practice of medicine; excluding sanitariums, convalescent, and rest home services. (See Code 651 in the Standard Land Use Coding Manual).

Mobile Home Park: - Any plot or ground two acres or more in size upon which three (3) or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.

Modular Home: - A dwelling unit which is built or erected from one or more three dimensional, cubical, or box shaped units which are completely factory finished and require only to be connected together on a permanent foundation at the building site. Modular housing units may include single and multifamily units and are limited to only those dwelling units that can be designed and fabricated to meet local building, housing, plumbing, and electrical codes, and other pertinent regulations.

Motor Vehicle Transportation: - Transportation services including bus, taxi, and motor freight transportation. (See code 42 of the Standard Land Use Coding Manual)

Non-Conforming: - A building, use of land, or combination of the two which was lawful when established, the new establishment of which would be prohibited by current zoning regulations.

Non-Conforming Sign: - A sign which lawfully existed prior to the adoption of the Haywood County Zoning Resolution and subsequent amendments but which no longer conforms to the regulations.

Non-Precision Instrument Runway: - Means a runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.

NEC: - Not Else Coded.

Noxious Matter: - Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the social, economic, or psychological well-being of individuals (also see toxic materials).

Nursery: - Refers to the various arrangements made by parents for the care outside their home of children under seventeen (17) years of age, for less than 24-hour periods as provided in Tennessee Code Annotated, Section 71-3-501 through 71-3-503 as well as all pertinent rules, regulations, and standards of the Tennessee Department of Human Services. Such a facility normally includes one of the following: Family Day Care Home; Group Day Care Home; or Day Care Center.

Organized Camp – means any area, place, parcel, or tract of land on which facilities are established or maintained to provide an outdoor group – living experience for children or

adults, or where one (1) or more permanent or semi-permanent structures are established or maintained as living or sleeping quarters for children or adults, and operated for educational, social, recreational, religious instruction or activity, physical education or health, or vacation purposes either gratuitously or for compensation; a. “Organized camp” is not intended to include a hunting, fishing or other camp privately owned and used exclusively for the personal pleasure of the owner and the owner’s guests; b. “Organized camp” is not intended to include a camp site on property owned by a church and used exclusively for the personal pleasure of the members of the church and such member’s guests, if:

- A. No permanent or semi-permanent structures or buildings are established or maintained on the camp site as living or sleeping quarters, restrooms, or for a cafeteria or kitchen, to provide an outdoor group-living experience for children or adults;
- B. The camp site is used for occasional weekend or overnight camping experiences for such persons; and,
- C. The campsite contains no electrical, sewage or water hookups or pads to accommodate travel trailers, truck coaches or campers, tent campers and other similar camping vehicles.

Owner/Operator – means the applicant, permittee, or other person to be in charge of an organized camp.

Overburden: - All earth and other materials that are removed to gain access to the mineral in the process of surface mining.

Planning Director – The position “Planning Director” may be either full-time or part-time or may be filled by a consultant.^{iv}

Planned Development – Development under unified control designed and planned to be developed in a single operation or by a series of prescheduled development phases according to an officially approved final primary land use plan.^v

Public Health Officer – means the director of a city, county, or district health department having jurisdiction over the community health in a specific area, or the officer’s authorized representative.

Quarry: - All or any part of the process followed in the production of minerals from a natural mineral deposit by the open pit or open cut method, auger method, high wall mining method which requires a new cut or removal of overburden, or any other mining process in which the strata or overburden is removed or displaced in order to recover the mineral; or in which the surface soil is disturbed or removed for the purpose of determining the location, quality or quantity of a natural mineral deposit.

Salvage Yards, Wrecking Yards, or Junk Yards (Including Automobiles): - Any establishment or place of business maintained, used, or operated for storage, keeping, buying, or selling, of wrecked, scrapped, ruined, or dismantled objects, articles, and products. An automobile salvage operation shall be any place of business where three (3) or more unlicensed vehicles are maintained and used for the above purposes.

Sanitary Landfill or Hazardous Waste Facility - Commercial - (Disposal Treatment, Storage) - An area or site utilized by a private entity for disposal, treatment or storage of

waste or refuse in a manner which meets the regulations and requirements imposed upon the operations and maintenance of such facilities by the Tennessee State Department of Conservation and Environment.

Sanitary Landfill - Public - An area or site utilized by a public entity for disposal, treatment, or storage of waste or refuse in a manner which meets the regulations and requirements imposed upon the operations and maintenance of such facilities by the Tennessee State Department of Conservation and Environment.

Signs: - Any structure or part thereof attached thereto or painted or represented thereon which shall display or include any letter, words, model, banner, flag, pennant, insignia, or 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.

- A. Sign-Abandoned: - A sign which directs attention to a business or product which is no longer in existence or available at the site to which the sign directs attention or which advertises a product no longer available.
- B. Sign, Bulletin Board: A ground sign with changeable text normally allowed for churches and schools.
- C. Sign, Ground: - A sign mounted at ground level.
- D. Sign, Illegal: - A sign that did not conform to the provisions of the Haywood County Code and Zoning Resolution at the time of its installation.
- E. Sign, Pole: - A freestanding sign supported from the ground by a pole or similar support structure of narrow width that because of height does not qualify as a ground sign.
- F. Sign, Portable: - A sign that is not attached by way of a rigid, non-flexible connection to a building or the ground.
- G. Sign, Real Estate: - A sign indicating that a parcel is for sale or rent. This shall include sold signs and signs that indicate that a parcel or structure has been sold through words such as "future home of company b".
- H. Sign, Off-Premise, Off Site: - Signs advertising products or services for sale on a site other than the site where the sign is located.
- I. Sign, On-Premise, On Site: - Signs advertising products or services for sale on the same site as the sign is located.
- J. Sign, Temporary: - Any sign which is due to construction or purpose to be allowed for a short period, with the exception of real estate signs. Temporary signs shall include any sign, banner, pennant, valence, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only (31 days or less). Temporary signs shall include but not be limited to street banners, posters, construction signs, real estate signs, model signs, special event signs and the permanent attachment of portable signs to a site shall not change the signs to a permanent sign.

Site Plan, Sketch Plan, and General Plan: - A plan delineating the overall scheme of the development of a tract including all items as specified in this Resolution.

Slope: - Means an incline from the horizontal expressed in arithmetic ratio of horizontal magnitude to vertical magnitude.

Solar Farm: - A utility-scale energy generation facility, principally used to convert solar energy to electricity, for the primary purpose of wholesale or retail sales of said electricity.

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

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

Street or Road: - A way for vehicular traffic, whether the road is designated as an avenue, arterial, collector, boulevard, road, highway, street, expressway, lane, alley, or other way, and for the purpose of these regulations' "roads" are divided into the following categories.

- A. Arterial Street: A major street used primarily for heavy through traffic that will be so designated on the Haywood County Major Road Plan.
- B. Collector Street: A street designed to carry traffic from minor streets to the major road system including the principal entrance streets to a residential development and the streets for major circulation within such a development. Collector streets are usually designated as such on the Haywood County Major Road Plan.
- C. Cul-de-sac or Dead-end Street: A local street with only one outlet for which there are no plans for extension and no need for extension.
- D. Marginal Access Street: A minor street that is constructed parallel and adjacent to an arterial street for providing access to abutting properties and protection from through traffic.
- E. Minor Residential or Local Streets: A neighborhood or commercial area street used primarily for access to the abutting properties.

Street Line: - The property line that bounds the right-of-ways set aside for use as a street. Where sidewalks exist and the location of the property line is questioned, the side of the sidewalk farthest from the traveled street shall be considered as the street line.

Street Center Lines: - The center of the surface roadway or the surveyed center line of the street.

Telecommunications Structure: - A building, tower, or other structure and equipment used for the transmission, re-transmission, broadcast, or promulgation of telephone, telegraph, radio, television, or other communications signals (See Code 47 in the Standard Land Use Coding).

Temporary Structure: - A movable structure (anything constructed or erected) which either is not permanently attached to a permanent foundation, concrete slab, or footing, or which is equipped with a permanent steel chassis.

Tent Camper – means a towed vehicle constructed so that the sides or top may be extended when parked and retracted while towed and designed as a temporary dwelling for travel, recreational, or vacation use.

Total Floor Area: - The area of all floors of a building including finished attics, finished basements, covered porches, and carports.

Tower Structure: - A wireless transmission facility constructed as a lattice tower with or without guy wires. Said tower may be an alternative tower structure or a monopole tower, primarily for the purpose of supporting an antenna array; and support buildings and equipment; excluding equipment under thirty (30) feet in height used for amateur radio communications.

Transient Lodging: - Temporary lodging as set forth in Code 15 of the Standard Land Use Coding Manual.

Travel Camp – means any organized camp in which provisions are made for the accommodation of travel trailers, truck coaches or campers, tent campers, tents, and other camping vehicles.

Travel Campsites – means designated camping spaces that are equipped with utility hookups.

Truck Camper – means a portable structure without a chassis or wheels, built for transport by truck, and designated as a temporary dwelling for travel, recreational, or vacation use.

Travel Trailer: - A travel trailer, pickup, recreational vehicles, converted bus, tent-trailer, tent, or similar device used for temporary portable housing or a unit which can operate independently of connections to external sewer, water, and electrical systems; contains water storage facilities and may contain a lavatory kitchen sink and/or bath facilities; and/or is identified by the manufacturer as a travel trailer.

Travel Trailer Park: - Any plot of ground three (3) acres or more in size upon which two (2) or more travel trailers, occupied for temporary living purposes, are located, regardless of whether or not a charge is made for such accommodations.

Usable Floor Area: - Measurement of usable floor area shall be the sum of gross horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. Floor area that is used or intended to be used principally for the storage or processing of merchandise or for utilities shall be excluded from this computation.

- A. For the purposes of computing parking, usable floor area shall be that area used or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers.
- B. Where detailed floor plans are not available, the following shall apply:
 - 1. Commercial Building - usable floor area shall equal 75% of the gross floor area.

2. Office buildings other than medical office - usable floor area shall equal 80% of the gross floor area.
3. Medical Office Buildings - usable floor area shall equal 85% of the gross floor area.

Use: - The special purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Utilities: - Gas, water, electricity, sewer, and telephone services provided by government agencies or private companies (see code 48 in the Standard Land Use Coding Manual).

Utility Runway: - Means a runway that is construed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

Visual Runway: - Means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an approved planning document.

Variance: - A modification of the strict application of the area (lot, yard, and open space) regulations and development standards of this Resolution due to exceptionally irregular, narrow, shallow, or steep lots, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of reasonable use of the property. The salient points of a variance are (1) undue hardship caused by exceptional physical irregularities of the property; and (2) unique circumstances due to the exceptional physical irregularities; and (3) strict application of the area regulations and development standards which would deprive an owner of reasonable use of the property. A variance is not justified unless all three elements are present.

Veterinary Hospital or Clinic: - Any establishment maintained and operated by a licensed veterinarian for the surgery, diagnosis and treatment of diseases or injuries of animals. Such an establishment may include accessory boarding facilities provided they are located within the building (see Code 8221 and 8222 Standard Land Use Coding Manual).

Warehouse: - A structure used exclusively for the storage of merchandise or commodities.

Wholesale Trade: - Establishments or places of business primarily engaged in selling merchandise to retailers, to industrial, commercial, farm, or professional business users, or to other wholesalers, or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. (See Code 51 in the Standard Land Use Coding Manual).

Yard: - A required open space other than a court occupied and unobstructed by any structure or part of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided, however, that fences, walls poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility. Swimming pools shall be allowed in yards provided that such pools are not closer than ten (10) feet to a principle building or any lot line.

Yard, Front: - A yard extending between side lot lines across the front of a lot adjoining a street. The depth of required front yards shall be measured at right angles to a straight line joining the foremost point of the side lot, in the case of rounded property corners at street

intersections, shall be assumed to be the point at which the front and side lot lines would have met without such rounding. Front and rear yard lines shall be parallel.

- A. Double Frontage Lots: Front yards shall be provided on all frontages in accordance with the general regulations of the district concerning minimum depth of front yards.
- B. Corner Lots Abutting Two Streets: Front yards shall be provided on both streets in accordance with the general regulations of the district concerning minimum depth of front yards.
- C. Corner Lots Abutting Three Streets: Front yards shall be provided on all streets in accordance with the general regulations of the district concerning minimum depth of front yards.

Yard, Rear: - A yard extending across the rear of the lot between inner side yards. In the case of double frontage lots and corner lots, there will be no rear yards. The depth of a required rear yard shall be measured in such a width required by district regulations with its inner edge parallel with the rear lot line.

Yard, Side: - A yard extending from the rear line of the required front yard to the rear lot line, or in absence of any clearly defined rear lot line to the point on the lot furthest from the intersection of the lot line involved with the street. In the case of corner lots, those yards that are not front yards shall be side yards. The width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

Yard, Special: - A yard behind any required yard adjacent to a street, required to perform the same function as a side or rear yard, but adjacent to the lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applied. In such cases, the Zoning Compliance Officer shall require a yard with minimum dimensions as generally required for a side yard or a rear yard of the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

Yurt – means a circular domed tent stretched over a collapsible lattice framework.

Zoning Districts: - Any section of the county for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of the yards and the intensity of use are uniform.

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CHAPTER III

GENERAL PROVISIONS RELATING TO ALL DISTRICTS

For the purpose of this Resolution, there shall be certain general provisions, which shall apply to all of the Haywood County Planning Region.

3.01 Zoning Affects Every Building and Land Use - No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations specified herein for the district in which such land or building is located, whether operated for or without compensation.

However, this shall not be construed as authorizing the requirement of building permits or any regulation of agricultural buildings, other than maximum allowed height requirements and setback requirement from the right-of-way of a street or alley on lands devoted to agricultural uses, except as set forth in Section 11.15 of this Resolution. Nor shall these provisions be construed as limiting or controlling or affecting in any way the agricultural uses of land.

3.02 Non-Conforming Uses and Buildings

A. Any non-conforming structure may not be:

1. Extended except in conformity with the provisions of this Resolution.
2. Rebuilt or repaired after damage exceeding seventy-five (75%) percent of replacement cost, except in conformity with the provisions of this Resolution.

B. Any non-conforming use of land may not be:

1. Changed to another non-conforming use.
2. Re-established after discontinuance of one (1) year.
3. Rebuilt or repaired after damage exceeding seventy-five (75%) percent of replacement cost, except in conformity with the provisions of this Resolution.

C. Special Exception for Non-Conforming Commercial and Industrial Uses

For any non-conformities created after the passage of Chapter 279 of the Public Act of 1973 of the State of Tennessee the following shall apply:

1. Any industrial or commercial nonconforming use created after the passage of Chapter 279 of the Public Act of 1973 shall be permitted to continue in operation provided that no change in the use of the land is undertaken by such industry or business.
2. Such nonconforming commercial and industrial uses shall be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the activities of the industry or business which were permitted and being conducted prior to the zoning change which created the nonconforming use, provided that there is a reasonable amount of space for such expansion on the property owned by such business or industry situated in the area which is affected by the zoning change so as to avoid nuisances to adjoining landowners.

3. Such nonconforming commercial and industrial uses shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business, provided that non destruction and rebuilding shall occur which changes the use classification of the nonconforming use. A building permit shall not be denied to such a nonconforming commercial or industrial use provided there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area, which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.
4. The provisions of this section apply only to land owned and in use by such affected business or industry and shall not operate to permit expansion of an existing industry or business through the acquisition of additional land.
 - (a) In order to comply with requirements of law regarding fire protection, safety of the structure, etc.
 - (b) In order to conform to the applicable district regulations.

3.03 Number of Buildings on Each Lot - In any district, more than one building housing a permitted or permissible use may be erected on a single lot in accordance with the provisions of this Zoning Resolution.

3.04 Accessory Buildings - No separate accessory buildings shall be erected within five (5) feet of any principal building, with the exception of locations in a FAR District, be located nearer to the front lot line than the principal building. In an FAR District no structure may violate any yard setback.^{vi}

3.05 Temporary Building Permitted - A temporary building for construction materials and/or equipment, and a temporary office for the sale or rental of real property, if in connection with the incidental use and not necessary to a real estate development, shall be permitted in any district providing that any building permit issued for such a building shall be valid for not more than six (6) months and may not be extended more than three (3) consecutive times.

3.06 Required Yard Cannot be Used by Another Building - No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Resolution shall be included as a part of a yard or other open space required in this Resolution for another building.

3.07 Vision Obstruction at Street Intersections Prohibited - On a corner lot within the area formed by the center line of the intersecting or intercepting streets and a line joining points on such center lines at a distance of one hundred (100) feet from their intersection, there shall be no obstruction to vision from two and one-half (2 1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. These requirements shall not be construed to prohibit any necessary retaining wall.

3.08 Submission Provisions^{vii} - The provisions of this Chapter shall apply to all application requests under this Resolution, unless otherwise stated in this Resolution. In brief, the process involves complete applications being submitted, accepted, reviewed,

and approved by staff and the Planning Commission. The Planning Commission's approval may or may not be the final approval needed for your project.

Section 3.08.1: Authority to File Applications

- (A) Applications for development approvals for a specific parcel of land shall be submitted by:
 - (1) The owner(s) of the land on which the development is proposed; or,
 - (2) The contract purchaser(s) of the land; or,
 - (3) Any other person(s) having a recognized property interest in the land (e.g., lessee); or,
 - (4) A person authorized to submit the application on behalf of the owner(s), contract purchaser(s), or other person(s) having a recognized property interest in the land, as evidenced by a letter or document signed by such owner(s), contract purchaser(s), or other person(s) with legal authority (e.g., Power of Attorney).
- (B) The applicant shall attest to the truth and correctness of all facts and information presented with the application.

Section 3.08.2: Fees

- (A) The County Commission shall determine the fees to accompany applications submitted under this Resolution. The County Commission may adjust the fees from time-to-time.
- (B) No application shall be processed until the established fee is paid.
- (C) Application fees are not refundable except where the Planning Director (or designee) determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.
- (D) Under no condition shall the fee, or any part thereof, be refunded following the acceptance of a completed application for failure of the application to be approved, or if the application is withdrawn.

Section 3.08.3: Submission Schedule - All applications must be complete (see Section 3.08.7) and must be submitted a minimum of 30 days prior to the next regularly scheduled meeting for review consideration.

Section 3.08.4: Pre-Application Conference

- (A) **PURPOSE** - The purpose of a pre-application conference is to familiarize the applicant and the County staff with the applicable provisions of this Resolution, inform the applicant about the preparation of the application, and discuss the application and review process.
- (B) **PRE-APPLICATION CONFERENCE MANDATORY**
 - (1) Except for applications initiated by the County Commission, Planning Commission, or County Staff, pre-application conferences between the

applicant and the Planning Director and/or any other appropriate County staff shall be mandatory before submission of the following types of applications:

- a) Official Zoning Map Amendments (Rezoning),
 - b) Zoning Resolution Text Amendments,
 - c) Site Plans, and,
 - d) Uses Permitted on Appeal (Special Exceptions)
- (2) Mandatory pre-application conferences shall be held a minimum of ten business days before the applicable agenda submittal deadline.
- (C) [RESERVED]
- (D) PRE-APPLICATION WINDOW
- (1) In the event that an application is not submitted within six months of the pre-application conference, the applicant is required to schedule a new pre-application conference in order to proceed with the approval process.
- (E) EFFECT
- (1) The pre-application conference is intended as a means of facilitating the application process. Discussions held in accordance with this Section are not binding on the County.
- (2) Processing times for review of applications do not begin until a formal, complete application is submitted and determined to be complete after the pre-application conference, where required.

Section 3.08.5: Water and Sewer Availability - All applications for development shall include proof of the availability of potable water and proper treatment and disposal of wastewater in accordance with applicable County and State regulations, including but not limited to, the Haywood County Subdivision Regulations and regulations governing on-site sewage disposal systems.

Section 3.08.6: Application Submission

- (A) Applications shall be submitted to the Planning Director (or designee) in the form established by the Planning Commission along with the necessary fee established by Haywood County.
- (B) Applications shall be on such forms, in such numbers, and shall be accompanied by such data and information as may be prescribed for that purpose by the Planning Commission so as to assure the fullest practicable presentation of facts for the permanent record.
- (C) Applications not meeting the requirements of Section 3.08.7 shall be considered incomplete.

Section 3.08.7: Determination of Application Completeness

(A) COMPLETENESS REVIEW

Upon receipt of an application, the Planning Director (or designee) shall determine if the application is complete. A complete application is one that:

- (1) Contains all information and materials established by this Resolution and the Planning Commission as required for submittal of the particular type of application.
- (2) Is in the form established by the Planning Commission as required for submittal of the particular type of application.
- (3) Includes specific information required for that particular application that is necessary to evaluate the application and to determine whether it complies with the appropriate substantive standards of this Resolution.
- (4) Is accompanied by the fee established for the particular type of application.

(B) APPLICATION INCOMPLETE

- (1) If the application is determined to be incomplete, the Planning Director (or designee) shall notify the applicant of the deficiencies within ten business days of submittal, and the application shall not be processed. The applicant may correct the deficiencies and resubmit the application for completeness determination for a subsequent meeting.
- (2) Notwithstanding the other provisions of this Subsection, after an application is determined to be incomplete three times, the applicant may request, and the Planning Director (or designee) shall undertake, processing and review of the application even though it is not considered a complete application.

(C) APPLICATION COMPLETE

If the application is determined to be complete, or the applicant has requested that the application be processed in accordance with Section 3.08.7: (B) (2) above, the Planning Director (or designee) shall refer the application to the appropriate staff, review agencies, and review bodies for review in accordance with the procedures and standards of this Resolution.

Section 3.08.9: Scheduling Public Meeting / Hearings

A public hearing shall be conducted by the appropriate review and/or decision-making body in accordance with all State and Local laws.

TABLE 3.08.9-1: REQUIRED PUBLIC MEETING / HEARING			
PM =PUBLIC MEETING		PH=PUBLIC HEARING	
PROCEDURE	BOARD OF ZONING APPEALS	PLANNING COMMISSION	COUNTY COMMISSION
Official Zoning Map Amendment		PM	PH
Zoning Text Amendment		PM	PH
Subdivision Amendment		PH	
Special Use	PH		
Variance	PH		
Administrative Appeal	PH		

Section 3.08.10: Notice for Public Hearings

Applications for development approval shall comply with the Tennessee Code Annotated and the provisions of this Resolution with regard to public notification.

(A) CONTENT

Notices for public hearings, whether by publication shall, at a minimum:

- (1) Identify the address or location of the property subject to the application, the name, and address of the applicant or the applicant’s agent.
- (2) Indicate the date, time, and place of the public hearing.
- (3) Describe the land involved by street address, tax map(s) and parcel number(s), or by legal description and the nearest cross street, and project area (size).
- (4) Describe the nature, scope, and purpose of the application or proposal.
- (5) Identify the location where the public may view the application and related documents.
- (6) Include a statement describing where written comments will be received prior to the public hearing.

(B) NOTICE REQUIRED

Unless otherwise noted in this Resolution, Table 3.08.10-1: Notice Required, identifies when published notice is required for each public hearing type.

(C) PUBLISHED NOTICE

- (1) When the provisions of this Resolution require that notice be published, Haywood County shall be responsible for preparing the content of the notice and publishing the notice in a newspaper of general circulation that has been selected by the County and consistent with this Resolution and State Law.

- (2) The content and form of the published notice shall be consistent with the requirements of Section 3.08.10.

TABLE 3.08.10-1: NOTICE REQUIRED			
PROCEDURE	PUBLISHED NOTICE	MAILED NOTICE	SIGN NOTICE
Zoning Text Amendment Planning Commission’s Meeting	Posted on website 7 days prior to meeting	No letters required.	No sign required
Zoning Text Amendment County Commission’s Hearing	A minimum of 15 days prior to the County’s hearing		
Official Zoning Map Amendment Planning Commission’s Meeting	Posted on website 7 days prior to meeting	Mailed written notice to all adjacent property owners a minimum of 10 days prior to the hearing.	A minimum of 10 days prior to the hearing.
Official Zoning Map Amendment County Commission’s Hearing	A minimum of 15 days prior to the County’s hearing		
Special Use – BZA	A minimum of 15 days prior to the County’s hearing		
Variance – BZA			
Appeal – BZA		No letters required.	No sign required
Subdivision Plat (more than 5 lots)	Posted on website 7 days prior to meeting	Mailed written notice to all adjacent property owners a minimum of 10 days prior to the meeting.	A minimum of 10 days prior to the meeting.
Plan Adoption – Planning Commission	30 days	No letters required.	No sign required
Plan Adoption – County Commission	30 days	No letters required.	No sign required

(D) MAILED NOTICE

- (1) The Applicant shall notify all property owners subject to the request and all property owners within 500 feet of the subject boundary by regular **USPS Certified Mail**, consistent with this Resolution and State law.
- (2) The Applicant shall provide a copy of the notice and a copy of those property owners contacted to the County.
- (3) The County shall hold a copy of the notice for a minimum of one year and shall make those available as part of the public record.

(E) OTHER NOTICES

Applicants shall be responsible for compliance with any additional notice requirements in this Resolution, other County Resolutions, or State law.

(F) SIGN NOTICE

(1) Location.

- a) Signs shall be posted along the frontage of the nearest street right-of-ways with the largest traffic volumes as determined the Planning Director (or designee) within 30 feet of each major roadway entrance into the development, with a preference to the ingress side of the entrance drive or if the tract is vacant then one sign shall be posted per 600 feet of street frontage or fraction thereof. If there is no abutting public street, then signs shall be posted along the exterior boundary lines of the subject property and within a distance of 300 feet along each major private drive providing access thereto. If more than one street abuts the property, then at least one sign shall be erected per street frontage. Additional signs may be required as otherwise determined by the Planning Director (or designee).
 - b) Each sign shall be placed no closer than five (5) but not more than 15 feet from the right-of-way line, visible from each public street on which the subject property has frontage, provided, however, that where said property is improved by a building, which is less than 15 feet from the street property line, the sign may be placed on the front side of the building or on a front door and/or window of the building.
 - c) Signs shall not be placed in the clear sight triangle of a street intersection or erected in the public right-of-way.
- (2) Size and type. Each sign shall be two (2) feet by three (3) feet in size made of waterproof corrugated plastic.

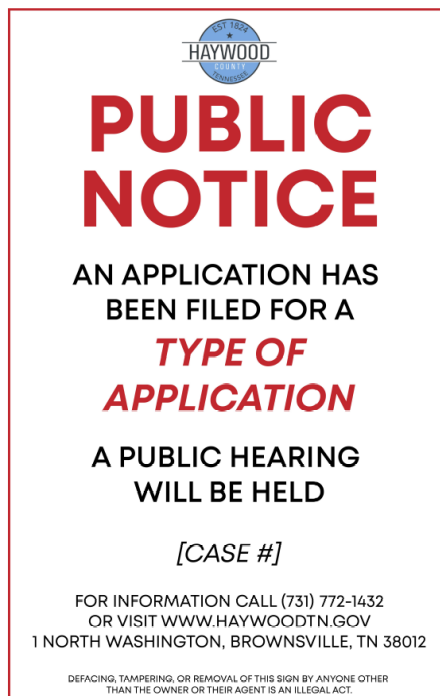


Illustration 3.08.10-1

- (3) Sign permit fees. Signs required by these regulations are not subject to any Haywood County sign permit fees.
- (4) Content of Notice. Signs shall be prepared using templates or attachable letters. Hand lettered signs are not acceptable. The required sign message shall include:
 - a) Haywood County logo and address.
 - b) The title "PUBLIC NOTICE."
 - c) Type of application for the subject property.
 - d) "Public Hearing Will Be Held"
 - e) [Reserved for case #]
 - f) For Information Call (731) 780-0432
 - (g) Language stating that "Defacing, tampering, or removal of the sign by anyone other than the owner or their agent is an illegal act."
 - h) Other information, as determined by the Planning Director (or designee).
- (5) Responsibility for Installation and Removal. The applicant shall be solely responsible for the construction, installation, and removal of the sign(s) and the associated costs.
- (6) Any sign erected shall be maintained in good condition throughout the posting period by the applicant up to the time of hearing. If the sign is damaged, vandalized, or removed prior to the hearing the applicant shall be responsible for the one-time replacement of the sign within 72 hours of notification.
- (7) The sign(s) shall be erected at least 10 calendar day prior to any public hearing date of the Haywood County Planning Commission, the Haywood County Board of Zoning Appeals, and/or the Haywood County Commission. Applicant(s) may temporarily remove the sign(s) after each public hearing, provided they reinstall the sign(s) at least 10 days prior to the next public hearing. The sign(s) shall be removed within 10 working days following final action by the Haywood County Commission.

(G) COUNTY EXEMPTION

Zoning Map Amendments initiated by the County in order to implement an adopted plan are exempt from letter and sign notification requirements.

Section 3.08.11: Public Hearing Procedures - All public hearings for applications held in accordance with this Resolution shall comply with the following procedures.

(A) CONDUCT OF PUBLIC HEARING

(1) Rights of All Persons

Any person may appear at a public hearing and submit information or evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state his or her address, and if appearing on behalf of a person or organization,

state the name and mailing address of the person or organization being represented.

(2) Continuance of Public Hearing

a) General

- i) The review body conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place.
- ii) A request for deferral of consideration of an application received by Haywood County following public notification of the public hearing shall be considered as a request for a continuance of the public hearing and may only be granted by the review or decision-making body.

(B) GENERAL PROCEDURES AND FINDINGS AT PUBLIC HEARING

The review body conducting the public hearing shall act in accord with any time limits established in the Tennessee Code Annotated or by the bylaws of the governing body, whichever is greater. Action shall include a statement of recommendation or decision of approval, approval with conditions, referral to another body, denial, or any other action allowed for the specific application review.

Section 3.08.12: Deferral of Application

- (A) An applicant may request that a review or decision-making body's consideration of an application at a public hearing be deferred by submitting a written request for deferral to the Planning Director (or designee) prior to the publication of notice for the public hearing. The Planning Director (or designee) may grant such requests, in which case, the application will be considered at the next regularly scheduled meeting.
- (B) Written requests for deferral of an application by a review or decision-making body received after publication of notice for the public hearing has occurred shall be forwarded to the review or decision-making body and shall be treated as a request for a continuance of the public hearing.

Section 3.08.13: Withdrawal of Application

(A) METHOD

Any request for withdrawal of an application shall be either submitted in writing to the Planning Director (or designee) or made through a verbal request by the applicant prior to action by the review or decision-making body.

(B) PRIOR TO NOTICE OF PUBLIC HEARING

The Planning Director (or designee) shall approve a request for withdrawal of an application if it has been submitted prior to publication of notice for the public hearing on the application. The application fee paid shall not be refunded.

(C) SUBSEQUENT TO NOTICE OF PUBLIC HEARING

If the request for withdrawal of an application is submitted subsequent to publication of notice for the public hearing, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the review or decision-making body. The application fee paid shall not be refunded.

Section 3.08.14: Conditions of Approval

Where a decision-making body may approve an application with conditions, the conditions imposed must be related in both type and amount to the impact that the proposed development would have on the public and surrounding development. Conditions imposed shall be expressly set forth in the permit or application approval.

Section 3.08.15: Notification of Decision

- (A) Following a decision, the applicant shall be notified within a reasonable amount of time about the decision of the Planning Director (or designee). Notification shall be by first class mail, by facsimile, or in person.
- (B) Issuance of a permit or completion of a sworn Statement of Compliance, if required, shall constitute a written notice of action.
- (C) If the decision is made by County staff to deny an application, the notification of decision shall include a statement informing the applicant about the appeals procedure.

Section 3.08.16: Examination and Copying of Applications and Other Documents

Documents and/or records may be inspected and/or copied as provided for in the Tennessee Code Annotated and Haywood County Policy.

Section 3.08.17: Simultaneous Processing of Applications

- (A) Whenever two or more applications are required under this Resolution, those applications may, at the option of the Planning Director (or designee), be processed simultaneously, so long as the terms of this Resolution and all applicable Local and State requirements are satisfied.
- (B) Each application is subject to review and decision on its own merits, and the simultaneous processing of the applications does not constitute any representation that the individual applications will be approved or reviewed more favorably than if they had occurred separately.

Section 3.08.18: Lapse of Approval

- (A) Lapse of approval shall occur as provided by this Resolution and consistent with Tennessee Law regarding vesting (TCA 13-3-413)
- (B) There shall be no lapse of approval for Official Zoning Map Amendments, Zoning Text Amendments, or Variances.
- (C) If no provision for lapse is given by this Resolution for a particular type of development approval or permit, and if no lapse period is imposed as part of an approval in the permit or development approval, a general lapse of approval shall occur if development is not commenced, or a subsequent permit is not obtained

within two years from date of approval.

- (D) After a lapse of approval, all new development shall be subject to new application submittals and fees in accordance with this Resolution.

3.09 Signs^{viii}

- A. Signs Hindering Traffic Prohibited - No sign shall be erected or maintained at any location where by reason of its position, working illumination, size, shape, or color it may obstruct, impair, obscure, or interfere with the view of, or be confused with, any authorized traffic control sign, signal, or device. No sign shall contain or make use of any word, phrase, symbol, shape, form, or character in such a manner as to interfere with or confuse traffic.
- B. Privately Owned Signs Prohibited in Public Right-of-Way - No sign shall be placed in any public right-of-way, except publicly owned signs.
- C. Publicly Owned Signs - Publicly owned signs, such as traffic control signs and directional signs, are allowed in all districts.
- D. Certain Electrical Signs - No signs having flashing, intermittent, or animated illumination shall be erected or permitted within three hundred (300) feet of property in districts permitting residential uses unless such sign is not visible from such property. No illuminated sign shall be permitted within fifty (50) feet of property in any residential districts unless the illumination of such sign is so designed that it does not shine or reflect light on such property.
- E. Rotating Sign - No rotating signs whether powered by electricity or some other source of energy shall be allowed in any district where they are visible from a public street.
- F. Ground Signs - No ground sign shall be located closer than ten (10) feet to a street right-of-way unless such sign is at least ten (10) feet above the ground and vision under the sign is only incidentally obstructed by supporting members.
- G. Prohibited Signs
1. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television, or other communication signals;
 2. Signs erected on public property or on private property without the owner's permission other than signs erected by a public authority for public purposes;
 3. Signs that incorporate projected images, emit any sound intended to attract attention or involve the use of live animals;
 4. Signs within ten (10) feet the public right-of-ways or two (2) hundred feet from traffic control lights that contain red or green lights that might be confused with traffic control lights;
 5. Signs that are of such intensity or brilliance as to glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way.

- H. Off-Premise Billboard Signs - Off-premise billboard signs are defined as signs with a face area of thirty two (32) square feet or greater. All off-premise billboard signs must be permitted through the Office of the Building Inspector. All off premise billboard signs shall be of sufficient strength to support the loads and forces it may encounter.

Drawings and specifications, sealed by a state-registered design professional, must be submitted with the permit application for off premise billboard signs with a sign surface area over one hundred and thirty (130) square feet.

Off-premise billboard signs are only allowed in Interstate Highway Zone, C, I-1, and I-2 Districts. Within these districts the following shall apply:

1 Interstate Highway Zone

This zone shall overlay the underlying zone district and shall be composed of an area running parallel to and 300 feet from the right-of-way of any federal interstate highway within the county. Within this area the following shall apply.

- a) Off-premise signs shall be no greater than 300 square feet in area per side and shall have no more than two (2) sides.
- b) Off-premise signs may not be stacked.
- c) The maximum height of off-premise signs shall not be greater than 50 feet. The bottom of the sign must be a minimum of 10 ft. above the ground/pavement elevation.
- d) Off-premise signs shall be placed a minimum of 2,500 linear feet from any other off premise sign on the same side of the highway.
- e) Off-premise signs must be located a minimum of twenty (20) feet from the right-of-way of any highway, street, or road and a minimum of five (5) feet from the edge of any sidewalk. In no case should a sign be located on the public right-of-way or interfere with traffic or pedestrian vision or safety.
- f) Off-premise signs may not be located closer than 1,000 feet to any residential structure or place of worship.

2 C, I-1 and I-2 Districts

Off-premise signs in these zones shall only be allowed along roads designated as major arterial, minor arterial, or bypass on the adopted Major Road Plan. Within these zones the following shall apply.

- a) Off-premise signs shall be no greater than 300 square feet in area per side and shall have no more than two (2) sides.
- b) Off-premise signs may not be stacked.
- c) The maximum height of off-premise signs shall not be greater than 35 feet. The bottom of the sign must be a minimum of 10 ft. above the ground/pavement elevation.

- d) Off-premise signs shall be placed a minimum of 2,500 linear feet from any other off premise sign on the same side of the road.
- e) Off-premise signs must be located a minimum of ten (10) feet from the right-of-way of any highway, street, or road and a minimum of five (5) feet from the edge of any sidewalk. In no case should a sign be located on the public right-of-way or interfere with traffic or pedestrian vision or safety.
- f) Off-premise signs may not be located closer than 1,000 feet to any residential structure or place of worship.

3 Non-Conforming Off-Premise Signs

Any lawfully erected sign may continue to be maintained exactly as it existed prior to the enactment of these provisions.

All non-conforming off-premise signs shall be torn down, altered, or otherwise made to conform within the time period allowed by state law from the date of the adoption of this resolution.

4 Abandoned Off-Premise Signs

All off-premise signs void of content display for shall for twelve (12) months, shall be torn down within ninety (90) days or within a time period allowed by current state law, from the date of its final lease date.

5 Illegal Off-Premise Signs

All illegal off-premise signs shall be torn down within ninety (90) days from the date of adoption of this resolution.

I. Permits^{ix}

All signs must be permitted through the Office of the Building Inspector and shall abide by the following rules:

All free standing on premise signs shall be of sufficient strength to support the loads and forces it may encounter.

All signs must conform to the following construction, lighting, and maintenance Standards:

J. Construction Standards

All signs shall be constructed in accordance with the provisions of the National Electrical Code, current edition, and additional standards hereinafter set forth.

Signs shall not be erected, constructed, or maintained so as to obstruct any fire escape, required exit way, window or door opening used as a means of egress, to prevent free passage from one part of a room to another part thereof or access thereto.

Signs shall not be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that such a sign may be erected in front of and may cover transom windows when not in violation of the provisions of the Building or Fire Prevention Codes.

The height of the signs shall in no case exceed the height restrictions for buildings in that zoning district.

In no case shall existing supports, such as utility poles or traffic control sign supports, be utilized for any sign.

Signs shall not be suspended by chains or other devices that will allow the sign to swing, due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or conditions.

Supports and braces shall be an integral part of the sign design. Angle irons, channels, or wires used for supports or braces shall be hidden from public view to the extent technically feasible.

Freestanding signs shall be self-supporting structures and be permanently attached to sufficient foundations.

Attached business signs must derive their principle and total support from the building to which they are attached.

All signs shall be constructed to withstand wind loads of 30 pounds per square foot on the largest face of the sign and structure.

In no case should the existing ground elevation be built up in order to have a taller sign.

K. Electrical Standards

Electrical service to on premise, freestanding signs shall be concealed whenever possible.

Electrical signs shall be marked with input amperes at full load.

Each illuminated and/or electrical sign shall bear thereon a label or certification visible from the ground, from the Underwriter's Laboratories, Inc., or any other approved independent electrical inspection agency qualified to make such certification or have written approval from the local Electrical Inspector.

No artificial light, of whatever type or nature used in conjunction with or the lighting of any sign, shall be constructed as to direct or reflect any artificial light onto any structure or to constitute a hazard to the safe and efficient operation of vehicles upon a street or highway.

Flashing or rotating lights, flashing signs, flashing, or moving lights on signs, and reflective pennants are prohibited, except that signs that exhibit only time, temperature, date, or other similar information are permitted.

In no case shall electrical wiring, extension cords, or any other means of power be laid on the ground or parking areas.

L. Maintenance Standards

Every sign, including, but not limited to those signs for which permits are required, shall be maintained in a safe, presentable, and good structural condition at all times, including replacement of defective parts (except when a weathered or natural surface is intended), repainting, cleaning and other acts required for the maintenance of such sign.

The ground area around any freestanding sign shall be kept free and clean of weeds, trash, and other debris.

The following signs, sign locations or conditions are prohibited:

Signs on public property, except for public signs in conjunction with city, state and federal government uses and temporary signs upon permission by the public authority having jurisdiction;

Signs erected at the intersection of any streets or alleys in such a manner as to obstruct free and clear vision; or in any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic signs, signal or device, or which makes use of the words "STOP, LOOK, DRIVE-IN", "GO SLOW", "CAUTION", or similar wording or other symbols as to interfere with, mislead or confuse traffic;

Signs which blend with or can be confused with traffic signals; and.

Signs containing reflective materials presenting a hazard or danger to traffic or nuisance to the general public.

All signs must be ten (10) feet from the right-of-way of any street.

Signs cannot extend over right-of-way or street and they must not interfere with traffic or pedestrian vision.

M. Commercial (C) Districts - Within these districts the following shall apply:

The total signage area per façade shall be no greater than one foot for every linear foot of the building's width or depth.

All attached signs must be securely mounted and wired in accordance with standards cited above.

Awnings or canopies shall be constructed to be structurally sound and must be approved by the Building Inspector. Metal and Vinyl awnings or canopies are discouraged. The lowest portion shall not be less than eight (8) feet above the ground.

1. **Group Signs - Shopping Centers.** A sign designating a shopping center and its tenants shall have a maximum area of eighty (80) square feet plus ten (10) square feet for each tenant over two, not to exceed one hundred-fifty (150) square feet. Free standing signs designating individual businesses are not allowed except for those attached to business fronts.

Office Centers. A sign designating an office center and its tenants shall have a maximum area of one hundred-fifty (150) square feet.

2. Portable Signs - Portable signs will be allowed only for one week per calendar quarter per location. They must not utilize flashing lights. Portable signs shall not interfere with vehicular or pedestrian traffic. All portable signs must have a permit obtained from the Building Inspector.
3. Real Estate Signs - Real estate signs are limited to one sign per road frontage, not to exceed thirty-two (32) square feet in area in a residential zone or forty-eight (48) square feet in a commercial or industrial zone. No real estate signs shall have a height greater than twelve (12) feet.

Banners shall be allowed, after obtaining a permit, for a period not to exceed fourteen (14) days per calendar quarter. They are subject to the building setback requirements of the zone in which they are located. They may be used only in Commercial and Industrial zones and may not exceed twenty-four (24) square feet in total area. On-building banners that do not require a permit, however, the total area of all existing signs and this banner sign(s) may not exceed one foot per linear foot of the exposed wall.

4. Vehicular Signs

Any vehicle carrying or having a sign painted on it shall be considered a sign regulated under this chapter. Such signs shall be prohibited unless displayed on a vehicle in operable condition carrying all current valid licenses, tags or plates as required by all governmental authorities. This may include valid dealer licenses, tags, or plates. Vehicular signs do not require a permit; however, the total area of all existing signs and this vehicular sign(s) may not exceed one foot per linear foot of the exposed wall.

N. All Districts:

1. Construction Signs - Construction signs shall be allowed in all districts during the actual period of construction and shall be limited in size to sixty-four (64) square feet and a height of twelve (12) feet. The sign announcement shall be limited to the project name, sponsor or funding agent, owner, general contractor and subcontractors, architect, or engineer.
2. Political Signs - Political and campaign signs on behalf of candidates for public office or measures on election ballots provided that said sign conforms to the following regulations.

No sign shall be located within or over the public right-of-way.

The candidate or the candidate's organization must obtain a general sign permit covering all of the candidate's signs in Haywood County. There will be no charge for this permit.

Political signs in all districts shall be limited to thirty-two (32) square feet in all districts.

O. SIGN EXEMPTIONS

The following signs shall be allowed in all zoning districts provided that the sign conforms to the pertinent regulations of this Chapter. A sign permit is not required to erect exempt signs described below.

Signs not more than two (2) square feet which identify street numbers, owner names, occupant name, and professional names, as allowed herein.

Official National, State or Municipal flags properly displayed.

Public signs that are signs erected by, or on the order of a public officer in the performance of his public duty, such as safety signs, danger signs, legal notices and such temporary, emergency, or non-advertising signs as may be approved by the Building Inspector.

Historical markers as required by local, State, or Federal authorities.

Signs of a primary decorative nature, clearly, incidental, customary, and commonly associated with any national, local, or religious holiday.

No trespassing or no dumping signs.

Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed on bond or non-combustible material.

Public signs, or signs specifically authorized for public purposes by any law, statute, or chapter; which may be of any type, number, area, height above grade, location, illumination, or animation, required by law, statute, or chapter under which the signs are erected. Also exempted are signs on public property erected by order of the County Mayor, which shall be allowed subject to all appropriate sight, distance, and safety considerations being met, as determined by the Haywood County Commission.

Warning signs warning the public of the existence of danger, containing no advertising material, of a size as may be necessary to be removed upon the subsidence of danger.

Private property directional signs such as "no parking", "exit", "parking", etc., not to exceed five (5) square feet.

P. ILLEGAL, NONCONFORMING, AND UNUSED SIGNS

1 Illegal Signs

- a. Definition: An illegal sign is any sign erected or altered after the effective date of this Chapter not complying with the provisions thereof unless said provision was expressly waived or granted a variance.
- b. Disposition: Any illegal sign shall be removed from the premises upon which it is located within thirty (30) days from the effective date of this Chapter or notice of violation and shall not remain on the premises or elsewhere in the County until a sign permit is issued.

2. Nonconforming Signs - Any sign that has been erected, constructed, or placed in its location and that is being used as of the effective date of this Chapter, shall be conclusively presumed to have been so erected, constructed or placed and used in compliance with the codes and chapters of Haywood County pertaining to signs that were in effect immediately prior to such date.
 - a. Any sign that is non-conforming because it fails to comply with the provisions of this Chapter may not be repaired, restored, or reconstructed, provided that such work alters structurally, extends, or enlarges, in whole or in part, unless such sign as so altered, extended, or enlarged shall conform with the provisions of this Chapter and a proper permit is obtained.
 - b. No owner, user, or other person shall alter any non-conforming sign (including alterations in the colors, letters, words, numbers, objects, or symbols appearing thereon, excluding message boards), unless such sign as so altered shall conform to the provisions of this chapter. The violation of any one or more of the following regulations shall constitute a forfeiture of the right to continue to use and maintain a non-conforming sign. Consequently, this sign will now be defined as an illegal sign.
 - i. A non-conforming sign shall not be replaced with another non-conforming sign.
 - ii. A non-conforming sign shall not have any changes in the words, logo or symbols that are a part of a message unless the sign is a freestanding message board, non-portable.
 - iii. A non-conforming sign shall not be structurally altered so as to prolong the life of the sign, to be increased in size or shape, or type, or design.
 - iv. A non-conforming sign shall not be re-established after damage or destruction if the estimated expense of reconstruction exceeds 50% of the value of the original structure.
 - v. A non-conforming sign shall not be re-established after the activity or name of the business or ownership shall be changed requiring a change in the sign name or advertisement itself.
 - c. All signs which are nonconforming because of: the use of flashing, blinking, intermittent or exposed lighting (except neon); signs which constitute a traffic hazard, block or restrict the visibility of motorists or pedestrians; otherwise constitute an immediate hazard to the general health, safety and welfare of the public of the County shall be brought into conformity within ten (10) days of the effective date of this Chapter. If such signs are not removed within the aforementioned ten (10) day period, written notification of the obligation to remove such signs shall be furnished by the Building Inspector and delivered to the sign

owner/user/property owner by certified mail and the owner/user/property owner shall thereafter be required to remove said sign from the premises within five (5) days of the receipt of notification from the Building Inspector. Failure to remove such signs within the time periods provided herein shall constitute a violation of this Ordinance.

- d. Disposition: It shall be the duty of the sign owner/user and property owner to remove any nonconforming sign in accordance with the requirements of this Section.
- e. A request for a variance or interpretation of this chapter, as it pertains to the non-conformity, and which is filed within thirty (30) days of the effective date of this chapter, shall stay further administrative actions pertaining to said sign until such time as the variance or request for interpretation is acted upon.

3. Unused (Abandoned) Signs

a. Definition: An unused or abandoned sign is a sign that meets any of the following criteria:

- i. A sign that identifies an establishment or goods or services that are no longer provided on the premises where the sign is located.
- ii. A sign that identifies a time, event or purpose which has passed or no longer applies.
- iii. Sign structures with or without a sign.

b. Disposition:

i. Any sign which is defined as an unused or abandoned sign (C.(1)) of this Chapter and which condition exists for a period of six (6) months days shall be removed by the owner/user/property owner within ninety (90) days of written notice from the Building Inspector.

ii. Removal:

(1) Any illegal, nonconforming, or unused sign which is not removed from the premises by the owner/user/property owner within the time frames prescribed herein shall be considered a violation of the provisions of this Resolution and shall be subject to the maximum penalties allowed by law. Each day such violation shall continue shall constitute a separate offense.

(2) Failure to Remove: A failure to remove any illegal, nonconforming or unused sign and subsequent failure by the Building Inspector to duly notify the owner/user/property owner of the provisions of this Section shall not be deemed to constitute a waiver of any violations of this Resolution, nor shall such inaction be deemed to constitute a determination that any such

sign is legal, in conformity with this Resolution or to be given any special status.

If, through administrative neglect or inaction, any owner/user/property owner is not notified of the requirements of this Ordinance within the time frames herein set forth, but is later so notified, said owner/user/property owner shall take action to either correct the illegality, nonconformity or nonuse or shall cause the sign to be removed within ninety (90) days of such notification.

Q. APPEALS TO THE BOARD OF ZONING APPEALS

1. Right to Appeal

- a. Except for instances relating to signs located or proposed to be located on public property, which is within the jurisdiction of the County, any person who has been ordered by the Building Inspector for the removal of any sign, or any person whose application for a permit for a sign has been refused, may appeal to the Board of Zoning Appeals by serving written notice to the Building Inspector. Such appeals to the Board of Zoning Appeals shall be on forms provided by the Building Inspector and upon filing of a notice of appeal, the Building Inspector shall take no further action with regard to the sign involved until the final decision of the Board of Zoning Appeals has been rendered, unless the Building Inspector finds by reason of condition, location or nature of the sign involved presents an immediate and serious danger to the public, in which case he shall proceed immediately as provided herein.
 - b. Appeal Applicants to the BZA are expected to bring engineered drawings documenting the construction and location of the sign in question. Applications seeking a variance to grant the installation of a sign measuring above the maximum square footage shall document the location of the sign and produce a scaled rendering showing the sign installed relative to its property and surrounding buildings.
2. Variances. The Board of Zoning Appeals may grant variances concerning the height and setback of signs, the period for removal of nonconforming signs, the maximum sign area, the maximum number of signs, the removal of prohibited signs, and such others as provided for herein only if the following determinations have been made:
- a. The appeal falls within the jurisdiction of the Board.
 - b. That all parties directly in interest have been notified of the proceedings.
 - c. That the granting of the appeal would not have the effect of applying sign standards from a less restrictive zone.
 - d. That the property cannot be reasonably used in conformity with the provisions of this Ordinance.
 - e. That the difficulty complained of is unique to the property in question and is not common to all properties similarly situated.

R. PERMITS

In accordance with this Resolution, no sign shall be erected, altered, or relocated without a building permit acquired subject to the following:

1. The permit application shall contain the location of the sign structure, the name and address of the sign owner and sign erection, a drawing showing the design, location, materials, and colors of the sign.
2. Required electrical permits shall be obtained prior to submission for a building permit.
3. Fees for permanent signs shall be in accordance with the normal rate schedule for the International Building Code as adopted. Fees for temporary signs shall be the minimum permit fee.
4. A building permit for a sign shall become invalid if the sign has not been completed within twelve (12) months of the date of the permit or the sign varies in any respect from the approved design and location.
5. Normal sign maintenance to prolong the life of the sign shall not require a permit.

3.10 Off-Street Parking Requirements

- A. General - There shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by or before conversion from one zoning use or occupancy to another, permanent off-street parking as specified in this Resolution. Parking space maintained in connection with an existing and continuing principal building on the effective date of this Resolution shall not be counted as serving a new building or addition; nor shall any parking space be substituted for a parking space.
- B. Location - Off-street parking shall be located on the same lot that it serves. If the parking cannot be reasonably provided on the same lot, the Board of Zoning Appeals may permit parking spaces to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance of such principal use.
- C. Size and Maneuvering Room - Each parking space shall be equal to an area of two hundred (200) square feet. The width shall not be less than ten (10) feet and the length shall not be less than twenty (20) feet. A minimum of four hundred (400) square feet per parking space shall be used when computing parking area to include maneuvering space. Except for dwellings with one or two dwelling units, all off-street parking facilities shall be so arranged that no automobile shall have to back into any street.
- D. Access - Each parking space shall be directly accessible from a street or alley or from an adequate access aisle or driveway leading to or from a street or alley.
- E. May Serve as Yard Space - Parking spaces may be included as part of the required yard space associated with the permitted use.

F. Number of Spaces for Specific Uses

1. Dwelling units - two (2) spaces for each unit.
2. Hotel, rooming, or boarding house - One (1) space for each two (2) rooms or units to be rented.
3. Motel, tourist rooms, or tourist courts - One (1) space for each unit to be rented.
4. Elementary school or junior high school - One (1) space for each classroom, plus one (1) space for each staff member and employee other than teachers, plus ten (10) additional spaces. This provision is not applicable where parking space required for an auditorium is provided.
5. Senior High School - One (1) space for each classroom plus one (1) space for each staff member and employee other than teachers, plus one (1) space for each fifteen (15) students based on the capacity for which the building was designed. This provision is not applicable where parking space required for an auditorium is provided.
6. Stadium - One (1) space for each ten (10) spectator seats.
7. Hospital - One (1) space for each three (3) beds intended for patient use, exclusive of bassinets.
8. Theater, auditorium, church, or other place of public assembly: At least one (1) space for each five (5) seats provided in such place of assembly. In places where seating is not a measure of capacity, such as funeral parlors and club houses, at least one (1) space for each one hundred (100) square feet of floor space devoted to the particular use.
9. Public utility building - One (1) space for each employee on the largest shift.
10. Banks and office buildings - One (1) space for each one hundred and fifty (150) square feet of total floor space.
11. Bus and railroad terminals - One (1) space for each employee on the largest shift, plus one (1) space for each two hundred (200) square feet in waiting room.
12. Clinic - Three (3) spaces for each doctor, plus one (1) space for each employee on the largest shift.
13. Automobile service station - Eight (8) spaces for each grease rack or similar facility, plus one (1) space for each gasoline pump.
14. Outdoor or indoor retail business use not previously listed - One (1) space for each one hundred-fifty (150) square feet of total sales area, plus one (1) space for each employee on the largest shift.
15. Wholesale and distribution uses - One (1) space for each employee on the largest shift.

- 16. Industrial and manufacturing uses - One (1) space for each company-operated vehicle plus one (1) space for each two employees computed on the average of the two largest consecutive shifts.
- 17. Elderly assisted care and elderly congregate living facilities.
 - a) Elderly assisted living - One-half (.5) space for each assisted care living unit, plus one (1) additional space for each employee or staff member.
 - b) Elderly congregate living - One (1) space for each dwelling unit, plus one (1) additional space for each employee or staff member.

3.11 Off-Street Loading and Unloading Space - Every building used for business or trade shall provide adequate space for the loading or unloading of vehicles off the street or alley. Such space shall have access to an alley, or if there is no alley, to a street.

3.12 Access Control - In order to promote motorist and pedestrian safety and to minimize traffic congestion and conflict by reducing contact, the following regulations shall apply:

- A. Plan Submission - In order to obtain access to a street, a workable plan relative to openings for ingress and egress, maneuvering, parking, and loading spaces shall be submitted to the Zoning Compliance Officer. Such a plan shall include a scale drawing with not less than one (1) inch equaling twenty (20) feet.
- B. Access Points - There shall be no more than two (2) points of access to any one (1) public street on a lot less than three hundred (300) feet but more than one hundred (100) feet in width. Lots in excess of three hundred (300) feet may have two points of access to any one public street for each three hundred (300) feet of frontage. Lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public street.
- C. Distance of Intersections - All vehicular access points shall be located at least thirty (30) feet from the intersection of any right-of-way lines of streets or a street and a railroad.
- D. Width - A point of access, i.e., a driveway or other opening for vehicles onto a public street shall not exceed twenty-five (25) feet in width for one-way, one lane ingress or egress and shall not exceed thirty-five (35) feet in width for two-way ingress and/or egress. The Roads Commissioner may issue permits for a point of access up to fifty (50) feet in width for businesses engaged primarily in the servicing of automobile vehicles.
- E. Effect on Curbs, Drainage Ditches, and Sidewalks - No curbs shall be cut or altered or drainage ditches covered for the purpose of access without written approval by the Roads Commissioner. Where sidewalks exist, the area existing between the street and an interior parking space or driveway parallel to the street shall have an effective barrier to prevent harm to pedestrians or sidewalk by encroachment of vehicles on to the sidewalk area.

- F. Relation to State Highway Regulations - Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Transportation.
- G. VariANCES - Causes requiring variances relative to this action, and hardships not caused by the property owner, shall be heard, and acted upon by the Board of Zoning Appeals.

3.13 Manufactured Residential Dwellings - Manufactured residential dwellings, as defined in Chapter II of this Resolution, and as further defined in Tennessee Code Annotated, Section 13-24-201, where allowed as a permitted use by this Resolution shall meet the following conditions:

- A. The manufactured residential dwelling shall have the same general appearance as required for site-built homes.
- B. The unit must be installed on a permanent foundation system in compliance with all applicable requirements of the International Building Code.
- C. Within established (R) Residential & (R-MH) Residential-Mobile Home districts the following regulations shall apply: The home must be covered with an exterior material customarily used on conventional dwellings. The exterior covering material shall extend to the ground except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation. Suitable exterior materials include, but shall not be limited to clapboards, simulated clapboards, such as conventional or metal materials, but excluding smooth, ribbed, or corrugated metal or plastic panels.
- D. The hitches or towing apparatus, axles and wheels must be removed.
- E. The roof must be pitched so there is at least a two-inch vertical rise for each twelve (12) inches of horizontal run. The roof must consist of material that is customarily used for conventional dwellings including but not limited to approved wood, asphalt composition shingles or fiberglass, but excluding corrugated aluminum, corrugated fiberglass, or metal.
- F. These provisions shall not apply to manufactured homes in an approved mobile home park.

3.14 Incidental Home Occupations - Incidental home occupations, as defined in Chapter II Section 2.17 of this Resolution and where allowed as a permitted use by this Resolution shall meet the following conditions:

- A. Storage - The proposed use shall not include use as a primary or incidental storage facility for a business or industrial activity conducted elsewhere.
- B. Visibility - No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public street or alley.
- C. Advertising - The proposed use shall not be advertised by the use of signs on the lot which exceed eight (8) square feet in area.

D. Undesirable Effects - The proposed use shall not generate noise, odor, fumes, smoke, vehicular or pedestrian traffic, land erosion, water pollution, nor create a public or private nuisance of any kind which would tend to depreciate the character of the neighborhood in which the proposed use is located.

3.15 Non-Incidental Home Occupations - A non-incidental home occupation, as defined in Chapter II of this Resolution, is not a permitted use in any District, but may, following public notice and hearing and subject to appropriate conditions and safeguards, be permitted by the Board of Zoning Appeals (BZA).

3.16 Street Access. A building permit may not be issued for a building on a lot that does not abut a public street or permanent easement for at least fifty (50) feet.

3.17 Yards for Salvage, Wrecking Yards, or Junk Yards (Including Automobile) - As defined in Chapter II is not a permitted use in any district, but may following public notice and hearing and subject to appropriate conditions and safeguards, be permitted by the Board of Zoning Appeals (BZA), provided that the following standards shall apply:

- A. Allowed as a use on appeal by the provisions of this Resolution.
- B. All outdoor storage of salvage, junk, or wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway access. Storage between the road or street and such fence, screen or wall is expressly prohibited. No portion of such yards, including storage, shall be visible from the road giving access.
- C. Because of the tendency for such yards to promote the breeding of mosquitoes, rats, mice, and other vermin, no such operation shall be permitted closer than one thousand (1000) feet from any area established for residential uses. Such operations shall not be less than 1000 feet residential or principal buildings in any district.
- D. All outdoor storage of salvage, junk or wrecking operations shall be so maintained as to be in a sanitary condition and so as not to become a menace to public health or safety.

3.18 Sub-Surface Disposal of Toxic Materials - The sub-surface disposal of toxic materials, as defined in Chapter II, is a prohibited use in all zoning districts.

3.19 Sanitary Landfill or Hazardous Waste Facility - Commercial - (Disposal, Treatment, Storage) - Commercial landfills or hazardous waste facilities, as defined in Chapter 11 are not permitted in any district.

3.20 Sanitary Landfill - Public - (Disposal, Treatment, Storage) - The operation of a sanitary landfill facility is permitted as a use on appeal within the I-2 industrial district of this Resolution, but subject to appropriate conditions and safeguards provided that the following standards shall apply:

- A. Allowed as a use on appeal by this resolution.

- B. All required Federal, State, and Local permits have been received at the time of application for approval under the conditions of this ordinance.
- C. The Haywood County Highway Department must certify that existing access roads, bridges, etc., are capable of supporting the size and volume of traffic to be generated and that it will not have an adverse impact on the traveling public utilizing the same roads. Beyond other considerations, a paved access road shall be considered a minimum requirement.
- D. No proposed use shall be located in the drainage shed or water shed of a known tributary of a stream of water which supplies water to any water authority or water district within the area of Haywood County, or which supplies water to any local, state, or federally established wildlife preservation area within the area of Haywood County.
- E. For the purpose of this Resolution, a known tributary of a stream of water shall be any depression having a bed and well-defined banks, where the drainage area above the same is fifty (50) acres or more in extent, and the flow of water need not be on a continuous basis but may be intermittent resulting from the surface runoff of precipitation.
- F. No proposed use shall be located where a spring or springs emanate from under the proposed site.
- G. No portion of the proposed use shall be constructed above the existing grade level.
- H. The proposed use shall not generate undue odors, nor fumes, smoke, land erosion, water, or air pollution, nor create a public nuisance of any kind which would tend to endanger, contaminate, or cause harmful exposure.
- I. Hazardous wastes, including infectious waste disposal, shall not be allowed.

3.21 Infectious Waste. Infectious waste, as defined by the Department of Conservation and Environment regulations, shall not be disposed of in any district.

3.22 Street Access. A Zoning Compliance Permit may not be issued for a building on a lot which does not abut a public street or permanent easement for at least fifty (50) feet except, in the case of cul-de-sac turnarounds, in which case it shall be 25 feet measured around the turnaround arc.

3.23 Tower Structures – In addition to the requirements of the applicable district, where allowed, all tower structures including telecommunication tower structures shall meet the following standards:^x

- A. Lighting – Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination occurs only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent residential properties and public streets and does not exceed 0.4 foot candles measured at the property line, easement line or abutting properties zoned for residential use.

- B. Obsolete Towers – Any tower structure that is no longer in use for its original communication purpose shall be removed at the owner’s expense. The owner shall provide the County with a copy of the notice of intent to the FCC to cease operations. The owner shall be given ninety (90) days from the date of the ceasing of operations to remove the tower and all accessory structures, provided another operator has not submitted a request for a tower during that same period. In the case of multiple operators sharing the single tower, this provision shall not become effective until all users cease operations.
- C. Security – The tower structure facility shall be fully secured through the installation of a security fencing/wall system of a minimum height of eight (8) feet or the height of the accessory structures, whichever is greater.

3.24 Wildlife Sanctuary ^{xi}

- A. Wildlife Sanctuaries housing animals classified as Class 1 animals as defined by TCA 70-4-403 (Classifications of Wildlife) are a permitted use on appeal in Haywood County. (Class 1 – This class includes all species inherently dangerous to humans. These species may only be possessed by zoos, circuses, and commercial propagators, except as otherwise provided in this part.) The commission, in conjunction with the Commissioner of Agriculture, may add or delete species from the list of Class 1 wildlife by promulgating rules and regulations. The following is a listing of animals considered inherently dangerous:
 - 1. Mammals:
 - (a) Primates – Gorillas, orangutans, chimpanzees, gibbons, siamangs, mandrills, drills, baboons, Gelada, baboons;
 - (b) Carnivores
 - (i) Wolves – All species
 - (ii) Bears – All species; and,
 - (iii) Lions, tigers, leopards, cheetahs, cougars, - All species;
 - (c) Order Proboscidea: Elephants – All species
 - (d) Order Perissodactyla: Rhinoceroses – All species
 - (e) Order Artiodactyla: Hippopotamus, African buffalo; and,
 - 2. Reptiles
 - (a) Order Crocodylia: Crocodiles and alligators – All species; and
 - (b) Order Serpentes: Snakes – All poisonous species; and
 - 3. Amphibians: All poisonous species
- B. All required Federal, State, and Local permits have been received at the time of application for approval under the conditions of this ordinance.
- C. A minimum lot area of ten (10) acres is required for the housing of Class I animals.

- D. Because of the possible threat to public safety no such operation shall be permitted without a ten (10) foot perimeter fence.
- E. Because of the perceived threat to public safety, no such operation shall be permitted closer than one thousand (1,000) feet from any established Residential (R) district. Such operations shall not be less than one thousand (1,000) feet residential or principal buildings in any district, excluding the residence of the owners of the operation.

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CHAPTER IV ESTABLISHMENT OF DISTRICTS

4.01 Classification of Districts. For the purpose of this Resolution, Haywood County, Tennessee, is hereby divided into seven (7) districts, designated as follows:

FAR	Forestry, Agriculture, Residential
AE	Agricultural Estate ^{xii}
R	Residential
R-MH	Residential - Mobile Home
C	Commercial
I-1	Light Industrial
I-2	Restricted Industrial

Overlay Districts

FH	Flood Hazard
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4.02 Boundaries of Districts

- A. General - The boundaries of districts in Section 4.01 of this Chapter are hereby established as shown on the Official Zoning Map entitled "Official Zoning Map, Haywood County, Tennessee", which is a part of this Resolution and which is on file at the Courthouse.
- B. Exact Determination - Unless otherwise indicated, boundaries as shown on the Official Zoning Map indicated as following lot lines, the center lines of railroad rights-of-way lines; or regional boundary lines shall be constructed to follow such lines.

The Board of Zoning Appeals shall determine questions concerning the exact locations of district boundaries.

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CHAPTER V

PROVISIONS GOVERNING FORESTRY, AGRICULTURE, RESIDENTIAL (FAR) DISTRICTS

General Description - This district is intended to be used primarily for agriculture, forestry, and low density residential development. The basic intent is to permit lands best suited for agriculture and forestry to be used for those purposes and to place necessary restrictions on residential development. As the Haywood County Regional Planning Commission determines that there is sufficient demand for additional open land suitable for development and that there are adequate provisions for water supply and sewage disposal, then selected portions of this district, suitable for the uses to be allowed, may be rezoned for more intensive forms of development.^{xiii}

Within the FAR (Forestry-Agriculture-Residential) District, the following regulations shall apply.

- 5.01 Uses Permitted** - Forestry and agricultural uses; single-family and two-family dwellings and customary accessory buildings; two-family dwellings;^{xiv} mobile homes; manufactured residential dwellings as defined in Chapter II and subject to the provisions of Chapter III, Section 3.13 of this Resolution; incidental home occupations as defined in Chapter II and subject to the provisions of Chapter III, Section 3.13 of this Resolution; small roadside stands for sale of farm products raised on the same property; signs; and elderly assisted care and elderly congregate living facilities subject to the provisions of Sub-Section 5.05.
- 5.02 Uses Permitted on Appeal** - Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit:
- A. Churches; schools; non-incidental home occupations; public recreation uses; other suitable public and semi-public uses; and customary accessory buildings for these uses.
 - B. Telecommunication's structures and equipment subject to the provisions of Chapter III, Section 3.23, as well as, to the following standards:^{xv}
 1. That a documented attempt has been made by the applicant to make shared use of existing or planned telecommunications structures in the County and that such shared use has been denied. A list shall be provided of all owners contacted, the date of such contact, and the form and content of such contact.
 2. That shared use is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared site. The Board of Zoning Appeals may consider expert testimony to determine whether the fee and costs are reasonable. Costs exceeding new tower development are presumed unreasonable.

3. That any shared use of existing telecommunications structures is technically impractical as supported by technical documentation from a licensed professional independent of the applicant.
 4. That any proposed telecommunications structure may not be located closer than 1,500 feet to any residential structure.
 5. That telecommunications structures may not be located such that a collapse from any cause may pose a hazard to any other structures or to vehicular traffic.
 6. That all telecommunications towers and accessory structures shall be setback from the property lines a distance equal to twenty (20) percent of the tower height plus ten (10) feet. Prior to the approval of any application for a tower, the applicant shall provide written certification from a registered structural engineer that the tower's height and design is viable and complies with these regulations and applicable structural standards. The letter should also certify that the proposed tower is able to withstand winds of a minimum of seventy (70) miles per hour with one-half (0.5) inch radial ice.
- C. Private Landing Strips for Fixed Wing Single Engine Aircraft subject to the following standards as determined by the Board of Zoning Appeals:
1. A site plan of the proposed landing strip shall be presented at the time of the appeal.
 2. A minimum of fifteen (15) acres of land is required.
 3. The landing strip shall be a minimum of one hundred (100) feet wide and two thousand (2,000) feet long.
 4. No landing strip shall be located any closer than two hundred (200) feet from any residence.
 5. The landing strip shall be situated in such a manner that, under no circumstances, shall an approach or departure be over a residence, provided that the residence be located a minimum of two hundred (200) feet beyond the end of the required thousand (2,000) feet for the landing strip.
 6. Any other requirements, which in the opinion of the Board of Zoning Appeals should be required, to protect the safety and welfare of the surrounding area^{xvi}
- D. Recreational Uses
1. Following public notice and hearing and subject to appropriate condition and safeguards, the Board of Zoning Appeals may permit:
 - a. Paintball Fields
 1. Minimum Lot Size - Five (5) Acres
 2. Minimum Lot Width - Two hundred Fifty (250) Feet
 3. Minimum Front Yard Depth - One-hundred (100) Feet

4. Minimum Side Yard Width - Fifty (50) Feet
5. Minimum Rear Yard Depth - Fifty (50) Feet
6. Maximum Height of Building - Twenty (25) Feet
7. Off-Street Parking Requirements - Refer to Chapter 3, Section 3.09 and 3.10.
8. The proposed use shall have access to and front on an arterial or collector status road.
9. No recreational use shall be located closer than one thousand (1000) feet, or greater as required by the Board of Zoning Appeals, from any residence (other than owner's residence), school, church, or daycare.
10. Public or private water supply shall be available to the site.
11. Adequate public restroom facilities will be provided with an approved subsurface waste water disposal system.
12. All recreational use lighting shall be situated in such a manner that under no circumstances shall this lighting be directed or reflected toward any residential property other than owner's residence.
13. Concessions incidental to recreational operations shall operate only in conjunction with recreational activities.
14. No alcoholic beverages shall be sold or consumed on the site.
15. Screening shall be required between the recreational use and residential property. Such screening may be a strip of densely planted with shrubs or trees which may be expected to form a year-round dense screen; may be a berm; or may be a wall, barrier, or uniformly painted fence at least 6 feet in height but not more than 8 feet high, as measured from the finished grade. Such wall, barrier or fence may be opaque or perforated. Such wall shall be maintained in good condition at all times.
16. Any other requirements which in the opinion of the Planning Commission or Board of Zoning Appeals would be required to protect the safety and welfare of the surrounding area.

E. Commercial Animal Feedlot Operations (CAFO) ^{xvii}

Purpose and Intent: Agriculture is an important part of the history and future of Haywood County. Livestock such as beef, pork and chickens provide a daily source of meat, milk, eggs, and fiber to our diet. If left unabated, feedlots can have a detrimental impact on surrounding residential and agricultural uses. Protecting agricultural, human health and welfare, and the natural environment is the primary purpose of these regulations.

Definitions:

Animal Unit (AU) mature dairy cow (71 animals equals 100 AUs), swine over 55 lbs. (250 equals 100 AUs), swine under 55 lbs. (2000 animals equals 100 AUs), sheep (1000 animals equals 100 AUs), turkey (10000 animals equals 100 AUs), chicken (10000 animals equals 100 AUs).

Feedlot – A lot or building or combination of lots or buildings intended for the confined feeding, breeding, raising, or holding of 100 AUs and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Pastures and Fish Farms will not be regulated.

All dairy, pork and chicken feedlots are permitted in FAR districts as a use on appeal. In addition, to granting the use, the BZA shall comply with following regulations.

Minimum Lot Size 200 Acres

Setbacks:

Front yard setback	1,500 feet
Side yard setback	200 feet
Rear yard setback	200 feet

Minimum distance from a:

Residence	1,500 feet
Church or School	1,500 feet
Municipal City Limit	½ mile
Existing Feedlot	2 mile radius

To assure environmental protections CAFOs are prohibited from being constructed in a floodway or floodplain and must be at least 1,000 feet from a lake, stream/river. Onsite detention pond is required for all CAFOs. Additionally, all Applicable Federal and State Licenses and Permits must be presented when appearing before the BZA. All expansions of feedlots must be approved by the BZA.

Permit Fees will be determined in accordance with building permit charges as set forth by Haywood County.

~~F. Travel Trailer Parks ^{***iii}-Deleted as a use permitted on appeal (Passed January 17, 2023).~~

F. Campgrounds

The Board of Zoning Appeals may permit campgrounds as uses permitted on appeal at their discretion provided the following regulations:

1. The submittal of a detailed site plan, which shall show:
 - (a) Area and dimensions of the site to a scale of not less than 1” = 100’;
 - (b) Property lines;
 - (c) Number, location, and dimensions of all camping spaces;

- (d) Number, size, type, and location of all permanent and semi-permanent structures;
 - (e) Location of water supply and sewage disposal;
 - (f) Location and width of roads; and
 - (g) Number, location, and type of acceptable firefighting equipment;
 - (h) Plans and specifications shall indicate the proposed layout arrangement, mechanical plans, construction materials, work areas, and the type and model of proposed fixed equipment and facilities.
- 2 Camping Units shall be located a minimum distance of 500 feet from any single-family detached residential structure;
 - 3 Campgrounds shall be located on properties containing a minimum of 100 acres.
 - 4 All campsites / camping unit(s) shall be visibly screened from the public view on all public roads in which campgrounds have frontage via vegetative screening and or trees;
 - 5 No more than two (2) camping units allowed per site. Only one (1) may be a wheeled or mobile camping unit. A second tent, small or medium size, is allowed for immediate family living in the same household under the age of 18.
 - 6 Maximum stay: Fourteen (14) consecutive days from May 1 to September 30. The camper and camping unit must leave the campground for at least 14 days. From October 1 to April 30, maximum stay on any single campsite is 14 days.
 - 7 Camping is permitted at designated (numbered) sites only. A maximum of eight (8) people, including visitors, are allowed per campsite. Designated non-profit groups, such as scout troops, will be allowed some exemptions.
 - 8 Dumping waste or gray water onto the ground is prohibited.
 - 9 A maximum of three (3) vehicles allowed per campsite (if site will accommodate). Boat trailers & wheeled camping units are counted as vehicles, as are automobiles & motorcycles. Vehicles must be on the paved or gravel surface of site.
 - 10 No place or site in Haywood County, Tennessee shall be established or maintained by any person as a campground operator, unless the person holds a valid permit issued by the Building Inspector after first obtaining a permit issued by the State of Tennessee Commissioner of Health in the name of the person for the specific campground operation.
 - 11 The building inspector is authorized to issue, suspend, or revoke permits.
 - 12 The annual permit fee to operate a campground operation is \$100.00.
 - 13 Inspections –Right-of-entry. (a) The Building Inspector is authorized and directed to make inspections to determine the conditions of campground

operations, in order to perform such person's duty of safeguarding the health and safety of occupants of campground operations and of the public. (b) The State of Tennessee Commissioner of Health and the Haywood County public property, for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter or of regulations promulgated under this chapter.

- 14 Enforcement is the duty of the Building Inspector.
- 15 Penalties. Any person who violates this chapter or the rules and regulations adopted pursuant to this chapter or fails to perform the reasonable requirements of the department or public health officer after receipts of ten (10) days' written notice of such requirements, shall be fined not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each offense. Each day of continued violation after conviction constitutes a separate offense.

G Organized Camps

The Board of Zoning Appeals may permit organized camps as uses permitted on appeal at their discretion. Persons desiring to establish organized camps shall adhere to Chapters 68-110-101 through 68-110-106 of the Tennessee Department of Health Bureau of Health Services Administration Division of General Environmental Health Rules for Organized Camps as revised July 2002.

- H. Solar Farms, subject to site plan review by the Board of Zoning Appeals (BZA) and the following conditions:^{xix}
 1. To protect the agricultural heritage and agricultural economy of Haywood County, the total acreage of all solar farms in FAR, I-1 districts and I-2 districts do not exceed three (3) percent (10,252.8 acres) in Haywood County.
 2. Solar farm operations equipment enclosed by perimeter fencing to restrict unauthorized access.
 3. Adequate screening for solar farm operations that will be located on arterial status roads deemed a scenic highway by the State of Tennessee. This can be achieved by vegetative screening being placed beyond the perimeter fence to a density and height that adequately buffers the solar farm from any nearby uses. Screening along the side and rear of solar farm operations located on all other roads. This may be achieved by vegetative screening being placed beyond the perimeter fence to a density and height that adequately buffers the solar farm from any nearby uses. However, this requirement may be waived at the discretion of the Board of Zoning Appeals when the proposed solar farm operation is in an area in which the surrounding properties are primarily vacant.
 4. Solar farm operations shall have a front-yard setback requirement of 100 feet on Arterial Status Roads. Solar farm operations shall have a front yard setback of requirement of 60 feet on all other roads.

5. Solar farm operations shall adhere to the side and rear setback, height, and coverage requirements of the district.
6. Solar farm operation structures must be setback a minimum of 500 feet from residential structures.
7. Solar farm operations must be located on a site not less than 150 acres.
8. Solar farm operations must not produce glare that would constitute a nuisance to occupants of neighboring properties or persons traveling neighboring roads.
9. All solar facilities must meet or exceed the standards and regulations of the Federal Aviation Administration (FAA), and any other agency of the local, state, or federal government with the authority to regulate such facilities that are in force at the time of the application.
10. To ensure the structural integrity of the solar facility, the owner shall ensure that it is designed and maintained in compliance with standards contained in all applicable local, state, and federal building codes and regulations that were in force at the time of the permit approval.
11. Lighting shall use fixtures to minimize off-site glare and shall be the minimum Not Else Coded necessary for safety and security purposes.
12. Solar farms that become inactive for a period exceeding one (1) year shall be removed at the owners or operators' expense and the site shall be returned to its natural state. This includes the obligation to dismantle and remove from the site all electrical generating equipment, cables, panels, foundations, buildings, and ancillary equipment. To the extent possible, the operator shall restore and reclaim the site to its pre-project topography and topsoil quality. Any agreement between the operator and landowner for removal to a lesser extent than set forth in this paragraph shall be required prior approval by the board. The restoration activities must be complete within 18 months from the date the Building Official declares in writing to the solar farm operator the solar farm inactive.
13. The applicant shall submit to the board a decommissioning plan describing the way the applicant anticipates decommissioning the project. The plan shall include a description of the way the applicant will ensure that it has the financial capability to carry out the restoration requirements.
14. The BZA may from time to time request the operator to submit a report describing how it is fulfilling this obligation. The BZA shall decide if it is prudent to include provisions that ensure financial resources will be available for decommissioning. This may include bonding or other methods of guaranteeing performance, such as establishing an escrow account into which the developer / operator will deposit funds on a regular basis over the life of the project that would allow Haywood County to have access to the escrow account for the explicit purpose of decommissioning in the event of default.

If the Solar Farm operation involves more than one property owner, a surety is required for each landowner. Financial provisions shall not be so difficult as to make the solar farm unfeasible.^{xx}

5.03 Uses Prohibited - All uses not specifically permitted herein.

5.04 Regulations Controlling Lot Size, Width, Yards, and Building Height - Minimum allowed requirements for land area; lot width at building line; front yard depth; rear yard depth; side yard depth; maximum allowed land coverage; and maximum allowed building height are defined in the Appendix.

5.05 Regulations Governing Elderly Congregate Living and Elderly Assisted Living Facilities: The principal building shall be located so as to comply with the following requirements:

- A. Open space. A minimum forty (40) percent of the total area to be developed for an elderly living facility shall be devoted to open space.
- B. Minimum Lot Area.
One acre or 43,560 square feet or more for compliance Public Health sewer regulations plus:
 - 1. 1,200 square feet for each assisted care living unit.
 - 2. 2,000 square feet for each congregate living unit.
- C. Minimum lot width at the building line.
See Appendix requirement for two-family dwellings.
- D. Yard requirements.
See Appendix requirement for two-family dwellings.
- E. Height regulations.
See Appendix
- F. Parking requirements
See Chapter III, Sub-Section 3.09 F.17. (a) and (b).
- G. Accessory buildings.
 - 1. Accessory buildings shall not extend into the required front or side yards.
 - 2. Such buildings shall not be closer than fifteen (15) feet to the principal building.
 - 3. Accessory buildings shall not exceed twenty (20) feet in height and shall not be closer than five (5) feet to a recorded easement. However, this provision shall not apply to structures containing habitable space.
- H. Site plan approval.
See Chapter XV.
- I. Where appropriate, all requirements of Title 68, Chapter 11 of the Tennessee Code Annotated, together with any and all other statutes and rules and regulations of the State of Tennessee, the United States and/or any other regulatory authority governing such facilities shall be met.

CHAPTER VI

PROVISIONS GOVERNING AGRICULTURAL ESTATE (AE) DISTRICTS^{xxi}

6.01 General Description and Intent – This district was created to help implement a prevailing theme during the public input sessions regarding “Haywood Next – Future Land Use Plan.” The prevailing theme was to protect and preserve the rich agricultural history and resources of Haywood County. Creating this district will allow landowners the opportunity to place their property in a district that does not allow for the traditional, “one house per acre” pattern of development – a pattern that the plan proves to be unsustainable and wrought with economic disadvantages. Care should be taken in the future that allows for uses truly not suited for maintaining the rural character of Haywood County.

Within the AE (Agricultural Estates) District, the following provisions will apply:

- 6.02 Uses Permitted** - Forestry and agricultural uses; single-family dwellings and customary accessory buildings; incidental home occupations as defined in Chapter II and subject to the provisions of Chapter III, Section 3.13 of this Resolution; small roadside stands for sale of farm products raised on the same property; and signs.
- 6.03 Uses Permitted on Appeal** – Telecommunication Towers/Structures as controlled by Chapter III, Section 3.22 and other provisions related to these uses in other districts.
- 6.04 Use Prohibited** – All uses not specifically allowed.
- 6.05 Regulations Controlling Lot Size, Width, Yards, and Building Height** - Minimum allowed requirements for land area; lot width at building line; front yard depth; rear yard depth; side yard depth; maximum allowed land coverage; and maximum allowed building height are defined in Appendix.

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CHAPTER VII

PROVISIONS GOVERNING RESIDENTIAL (R) DISTRICTS

General Description - This district is intended primarily to allow low density single-family residential development in areas suitable for such development. These areas tend to have access to a public water system but not a public sewerage system. This situation is reflected in the district regulations. The district is also intended to allow on appeal residential uses other than single-family and certain uses which provide various services to the district or the district and other parts of the County, provided that appropriate conditions and safeguards are satisfied.

Rezoning requests shall meet one of the following conditions: that there exists six (6) single family homes within a ½ mile radius or that the area under consideration for reclassification abuts an existing Urban Growth Boundary.^{xxii}

Within the R (Residential) District, the following regulations shall apply:

- 7.01 Uses Permitted** - Single-family dwellings and customary accessory buildings; manufactured residential dwellings as defined in Chapter II and subject to the provisions of Chapter III, Section 3.13 of this Resolution; incidental home occupations as defined in Chapter II and subject to the provisions of Chapter III, Section 3.13 of this Resolution; real estate signs advertising the sale, rental, or leasing of only the premises on which they are maintained provided that they are not over four (4) square feet in area, and at least fifteen (15) feet from all lot lines.
- 7.02 Uses Permitted on Appeal** - Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit:
- A. Duplex (two family dwelling) and customary accessory buildings.
 - B. Multi-family dwellings and customary accessory buildings for these uses.
 - C. Churches; schools; non-incidental home occupations; other suitable public and semi-public uses; and customary accessory buildings for these uses.
 - D. Elderly assisted care and elderly congregate living facilities subject to the provisions of Sub-Section 7.05.
- 7.03 Uses Prohibited** - Mobile homes, mobile home parks, and other uses not specifically permitted or implied, including telecommunications structures.
- 7.04 Regulations Controlling Lot Size, Width, Yards, and Building Height** - Minimum allowed requirements for land area; lot width at building line; front yard depth; rear yard depth; side yard depth; maximum allowed land coverage; and maximum allowed building height are defined in Appendix.
- 7.05 Regulations Governing Elderly Congregate Living and Elderly Assisted Living Facilities** - The principal building shall be located so as to comply with the following requirements:

- A. Open space. A minimum forty (40) percent of the total area to be developed for an elderly living facility shall be devoted to open space.
- B. Minimum lot area - One acre or 43,560 square feet or more for compliance Public Health sewer regulations plus:
 - 1. 1,200 square feet for each assisted care living unit.
 - 2. 2,000 square feet for each congregate living unit.
- C. Minimum lot width at the building line. See Appendix requirement for two-family dwellings.
- D. Yard requirements. See Appendix requirement for two-family dwellings.
- E. Height regulations. See Appendix.
- F. Parking requirements. See Chapter III, Sub-Section 3.09 F.17. (a) and (b).
- G. Accessory buildings.
 - 1. Accessory buildings shall not extend into the required front or side yards.
 - 2. Such buildings shall not be closer than fifteen (15) feet to the principal building.
 - 3. Accessory buildings shall not exceed twenty (20) feet in height and shall not be closer than five (5) feet to a recorded easement. However, this provision shall not apply to structures containing habitable space.
- H. Site plan approval. See Chapter XV.
- I. Where appropriate, all requirements of Title 68, Chapter 11 of the Tennessee Code Annotated, together with any and all other statutes and rules and regulations of the State of Tennessee, the United States and any other regulatory authority governing such facilities shall be met.

CHAPTER VIII PROVISIONS GOVERNING RESIDENTIAL-MOBILE HOME (R-MH) DISTRICTS

General Description - This district is intended to allow a mixture of single-family residential development with individual mobile homes and mobile home parks. Areas designated as Residential-Mobile Home will be suitable for low to moderate density development in the form of mobile home subdivisions, mobile home parks, as well as multi-family dwellings. The designated areas will be served by public water, but not necessarily public sewer, and will provide appropriate safeguards to guarantee a high quality of life to its residents. In addition, certain other uses are allowed on appeal.

Within the R-MH (Residential-Mobile Home) District, the following regulations shall apply:

8.01 Uses Permitted - Single-family dwellings and customary accessory buildings; multi-family dwellings, (duplexes, apartments, townhouses, and condominiums); mobile home parks subject to the provisions of Chapter XIX of this Resolution; mobile homes and manufactured residential dwellings as defined in Chapter II and subject to the provisions of Chapter III, Section 3.13 of this Resolution; incidental home occupations as defined in Chapter II and subject to the provisions of Chapter III, Section 3.13 of this Resolution; real estate signs advertising the sale, rental, or leasing of only the premises on which they are maintained provided that they are not over four (4) square feet in area, and at least fifteen (15) feet from all lot lines.

Travel Trailer Parks (January 2023 – Removed from FAR)

The intent of these regulations is to allow the temporary locating of travel trailers accommodating a transient labor force needed for construction locations in Haywood County. No Travel Trailer Park will be located within any area designated as an Urban Growth Boundary or a Planned Growth Area. An exception to this is the Planned Growth Area owned by the State of Tennessee under the control of the Megasite Authority.^{xxiii}

Review and consideration of these sites:

Maximum Density is 7.6 units per acre;^{xxiv}

Minimum Lot Size – Three (3) acres;

Minimum Lot Width - Two hundred fifty (250) feet;

Minimum Front Yard - Sixty (60) feet on Arterial Status Roads and thirty-five (35) feet on all others;

Minimum Side Yard – Thirty-five (35) feet;

Minimum Rear Yard – Thirty (30) feet;

Anchoring of travel trailer units is recommended but not required;

Driveway and parking areas shall be of compacted gravel or paved;

Internal spacing between travel trailers allow for separation distances of 10' or 20' depending on automobile parking configuration;

Site plan must be accompanied by approved water, sewer, and electric permits;

All sites shall be buffered on all sides by an existing six-foot fence or landscaped screen or by installing a six-foot opaque fence or landscaped screen.^{xxv}

No travel trailer will be located closer than 500 feet from an existing residential dwelling.^{xxvi}

Each site will provide one point of ingress/egress for every 35 travel trailer pads.^{xxvii}

One externally lit sign, in compliance with the Haywood County Sign Provisions contained in 3.09 of the Haywood County Zoning Resolution is allowed for each entrance.^{xxviii}

Each Travel Trailer site shall obtain a letter from the Haywood County Fire Chief stating that the site plan meets approval for acceptable fire protection standards.^{xxix}

Each Travel Trailer site shall obtain a letter from the Haywood County Solid Waste Director stating that the site has made acceptable garbage collection arrangements that meet the standards for Haywood County.^{xxx}

The applicant will provide the Building Inspector/Code Enforcement Officer a complete set of guidelines for those staying at the Travel Trailer Park.^{xxxi}

The initial permit will be issued for five (5) years. Subsequent to this initial permit, the building inspector/code enforcement officer may grant a permit for one (1) additional year. This subsequent permit may be granted up to four (4) additional times. Thus, the total Travel Trailer Park permit shall not exceed ten (10) years. Additional permitting fees shall apply with each permit.

At any time, the building inspector/code enforcement officer, with good cause, may issue a letter to the permit owner rescinding the permit. Should the holder of the permit challenge this decision, they must appeal their case to the Board of Zoning Appeals within 30 days of receiving this letter.^{xxxii}

Any subsequent change in use documented with a site plan and presented to the planning commission for review.^{xxxiii}

8.02 Location Requirement – All R-MH Districts shall be located (near) at the intersection of Collector/Collector, Arterial/Collector or Arterial/Arterial status roads, in accordance with Haywood County's Major Road Plan.^{xxxiv}

8.03 Traffic Study – All development proposed within an R-MH district with 25 or more pad sites shall submit a Traffic Study to document need/no need for road improvements or enhancements such as additional shoulders, acceleration/deceleration lanes or traffic control devices.^{xxxv}

- 8.04 School Impact Study** – All development proposed within an R-MH district with 50 or more pad sites shall submit a School Impact Study.^{xxxvi}
- 8.05 Uses Permitted on Appeal** - Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit: Churches; schools; public recreation areas; non-incidental home occupations; other suitable public and semi-public uses and customary accessory buildings for these uses.
- 8.06 Uses Prohibited** - Any use not specifically permitted or implied, including telecommunications structures.
- 8.07 Regulations Controlling Lot Size, Width, Yards, and Building Height** - Minimum allowed requirements for land area; lot width at building line; front yard depth; rear yard depth; side yard depth; maximum allowed land coverage; and maximum allowed building height are defined in Appendix.

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CHAPTER IX PROVISIONS GOVERNING MOBILE HOME PARKS

9.01 **Jurisdiction** - The regulations established within this Chapter shall govern all mobile home parks within the unincorporated area Haywood County. Any owner of land within this area wishing to develop a mobile home park shall comply with the procedures outlined in this Chapter and shall make those improvements necessary to comply with the minimum standards of this Chapter.

9.02 **Definitions** - Except as specifically defined herein, all words used in this Chapter have their customary dictionary definition where not inconsistent with the context. The term "shall" is mandatory. When not inconsistent with the context, words used in the singular number include the plural. Words used in the present tense include the future. For the purpose of this Chapter certain words or terms are defined as follows:

Approved - Means acceptable to the appropriate authority having jurisdiction.

Building Code - Unless otherwise designated, this term shall mean the most recently adopted International Building Code and its amendments.

Building Inspector - The person appointed by the Haywood County Commission having jurisdiction over the County for the enforcement of the building code and other local developmental regulations, including this Chapter.

Common Area - Any area or space designed for joint use tenants occupying mobile home developments.

Developer - The person, firm, or corporation having a proprietary interest in a mobile home park for the purpose of preceding under this Chapter.

Diagonal Tie - Any tie down designated to resist horizontal forces.

Electric Feeder - That part of the electric distribution system between the transformer and the electrical connections of a mobile home.

Ground Anchor - Any device at a mobile home stand designed for the purpose of securing a mobile home to the ground.

Health Officer - The director of the county or district health department having jurisdiction over the community health in the County, or his duly authorized representative.

Internal Street - In a privately owned mobile home park, this term shall mean a private street owned, constructed, and maintained by the developer which provides access to all spaces and facilities for common use by park occupants.

Mobile Home (Trailer) - A detached single-family dwelling unit with any or all of the following characteristics:

- A Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

- B Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailer or detachable wheels.
- C Arriving at the site where it is to be occupied as a complete dwelling including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, locations of foundation supports, connection to utilities, and the like.

Mobile Home Lot - A parcel of land rented for the exclusive use of the occupants of a single mobile home.

Mobile Home Park - A parcel of land within the County under single ownership which has been improved for the placement of two (2) or more mobile homes for non-transient use.

Mobile Home Stand - That part of a mobile home park subdivided into lots, each lot individually owned or rented, to be utilized as the site for placement of a single mobile home and its facilities.

Occupied Area - The total of all of the lot area covered by a mobile home and its accessory buildings on a lot or space.

Plat - A map or plan of an area indicating the location and boundaries of individual lots.

Service Buildings - A structure or structures housing a toilet, laundry facilities, office, or storage space.

Sewer Connection - Consists of all pipes and fittings from the drain outlet of the mobile home to the inlet of the sewerage disposal system.

Site Plan - This shall be the document, the contents of which are outlined within this Chapter, representative of the physical design of the mobile home park.

Subdivision Regulations - This term shall refer to the Subdivision Regulations adopted by and in force within the County.

Tie Down - Any device designed for the purpose of attaching a mobile home to ground anchors.

Travel Trailer - A vehicular portable structure designed as a temporary dwelling for travel, recreational, and vacation uses, which:

- A is identified on the unit by the manufacturer as a travel trailer;
- B is not more than eight (8) feet in body width;
- C is of any weight provided its body length does not exceed 29 feet; or;
- D is of any length provided its gross weight, factory equipped for the road, does not exceed 4,500 pounds.

Water Connection - Consists of all pipes and fittings from the water inlet pipe of the mobile home to the outlet of the water distribution system or source.

Yards - That area on the mobile home lot or space between all lot or space lines and the sides of the mobile home and its attachments.

Zoning Resolution - This term shall mean the Zoning Resolution adopted by and in force within the County.

- 9.03 Permits** - The following requirements for permits apply to any mobile home park within the County. The purpose of these permits shall be to provide contents to assure compliance with this Chapter and other existing Resolutions; the public welfare demanding such.
- A. No place or site within Haywood County shall be established by any person, group of persons, or corporation as a mobile home park unless he holds a valid permit issued by the building inspector in the name of such person or persons for the specific mobile home park.
 - B. It shall be unlawful for any person or persons to maintain or operate, within Haywood County , any existing mobile home park unless such person or persons first obtain a permit therefor. Mobile home parks in existence as of the effective date of this Chapter shall be required to obtain a mobile home park permit. Pre-existing mobile home parks which cannot comply with the requirements regarding mobile home parks shall be considered as a non-conforming use.
 - C. Every person holding a mobile home park permit shall give notice in writing to the building inspector with in twenty-four (24) hours after having sold, transferred, given away, or otherwise disposed of interest in, and control of any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership of control of such mobile home park for the purpose of transferring the permit.
 - D. No mobile home park in Haywood County shall operate without the appropriate County permits or licenses.
 - E. It shall be unlawful to construct any building including accessory buildings, to move or alter any building, or locate a mobile home on any lot or space until the building inspector has issued a building permit for such use.
 - F. Any permit issued shall become void six (6) months from the date of issuance unless substantial efforts have been made by that date to exercise that power permissible by the permit.
 - G. Any use, arrangement, or construction at variance with those originally authorized plans submitted as a basis for any permit shall be deemed a violation of this Chapter and shall void the permit.
 - H. In accordance with Tennessee State Law, a permit for the installation of the mandatory mobile home anchoring system is required and obtainable from the appropriate state agency.
 - I. No mobile home shall be used, place, stored or serviced by utilities within Haywood County or within any mobile home park in the County unless there is posted near the door of said mobile home a valid Tennessee State License or a HUD inspection sticker.

- J. The building inspector is authorized to issue, suspend, or revoke permits in accordance with the provisions of this Chapter.
- K. All Mobile Home Parks may allocate up to thirty (30) percent of their spaces for travel trailers.^{xxxvii}

9.04 Fees - In order to assure a more cost effective system for the provision of inspection services, permit fees are hereby established as follows:

- A. Mobile Home Park Permit Fee - An annual mobile home inspection fee shall be required for all mobile home parks within Haywood County. This fee for the mobile home park permit shall be collected by the building inspector.
- B. Business Permit (License) Fees - Appropriate County fees are required for business permits and licenses and shall be obtained prior to the construction of any mobile home park within Haywood County.
- C. Electrical Inspection Fee - An electrical inspection fee is required and shall be levied in accordance with Tennessee statutes for inspection services.
- D. Anchoring Fee - The state anchoring system inspection fee, as required by Tennessee statutes, shall be levied in accordance with said statutes.
- E. Tennessee License Fee - A state license fee for mobile homes is required by Tennessee statutes and shall be levied in accordance with said statutes.

9.05 Inspection Services - The building inspector, county health officer and all other authorized inspectors are hereby authorized and directed to make inspections within Haywood County for the purpose of safeguarding the health and safety of the occupants of mobile home parks, and of the general public. These representatives on, behalf of Haywood County, shall have the authority to enter at reasonable times upon any private or public property for the purpose of inspections and investigations related to the performance of their duties concerning the enforcement of this Chapter and other related regulations. Specifically, their inspections shall include but not be limited to the following duties:

- A. Building Inspector - Upon inspection of a mobile home park or a mobile home by the building inspector, the following actions shall be undertaken for compliance with this Chapter and other related regulations of Haywood County which may apply:
 - (1) Sections of this Chapter concerning the minimum standards acceptable for the development and operation of a designated mobile home park.
 - (2) A review shall be conducted of all necessary permits for not only the park, but also individual mobile homes with all violations reported by the building inspector to the appropriate authority.
 - (3) A visual review of the general health and safety conditions with any possible violations noted and reported by the building inspector to the appropriate authority.

- B. Electrical Inspector - The electrical inspector shall make inspections in accordance with those powers designated by the appropriate State regulations.
- C. Anchorage Inspector - The anchorage inspector shall make inspections of the mobile home anchorage and tie down facilities in accordance with Sections 68-126-401 through 68-126-412 of the Tennessee Code Annotated and the State Fire Marshall's Office.
- D. The officials noted in the above subsections, in the performance of their respective duties, shall have the authority to inspect the register containing a record of all residents of a mobile home park.
- E. It shall be the duty of the owners or occupants of mobile home parks and mobile homes, or of the person in charge thereof, to give the designated inspectors free access to such premises at reasonable times for the purpose of inspection.
- F. It shall be the duty of every occupant of a mobile home park to give the owner thereof or his agent or employee, access to any part of such mobile home park or its premises at reasonable times for the purpose of making alterations as are necessary to comply with this or other local regulations.
- G. Upon inspection of any mobile home park in which conditions or practices exist in violation of this Chapter or other related regulations, the building inspector shall give notice in writing to the person to whom the permit was issued, that unless such conditions or practices are corrected within a six (6) month period, the mobile home park permit shall be revoked and the operation of the mobile home park shall cease operation.

9.06 Application Procedure

- A. The developer shall consult early and informally with the planning commission and all applicable County departments for advice and assistance before the preparation of the site plan and the formal application for approval in order to become familiar with all regulations and area plans.
- B. Applications for a mobile home park shall be filed with the planning commission for review and recommendation. Plans of the proposed mobile home park shall be filed with the building inspector at least fifteen (15) days prior to the planning commission meeting at which it is to be considered. The plan shall contain the following information and conform to the following requirements:
 - 1 The plan shall be clearly and legibly drawn to a scale not smaller than one hundred (100) feet to one (1) inch;
 - 2 Name and address of owner of record;
 - 3 Proposed name of park and the total acreage involved;
 - 4 Existing zoning classification;
 - 5 North point and graphic scale and date;
 - 6 Vicinity map showing location and acreage of mobile home park;

- 7 Exact boundary lines of the tract by bearing and distance;
 - 8 Names of owners of record of adjoining land;
 - 9 Existing streets, utilities, easements, and water courses on and adjacent to the tract;
 - 10 Contour lines at 2' intervals, or as required by the planning commission with input from the county engineer or staff planning adviser;
 - 11 Proposed design including streets, proposed street names, lot lines with approximate dimensions, easements, land to be reserved or dedicated for public uses, and any land to be used for purposes other than mobile home spaces;
 - 12 Provisions for water supply, sewerage, and drainage;
 - 13 Such information as may be required by the County to enable it to determine if the proposed park will comply with legal requirements;
 - 14 The applications and all accompanying plans and specifications shall be filed in triplicate with the building inspector;
 - 15 Certification that the applicant is the land owner;
 - 16 Certification by the state health officer concerning the acceptability of the sewage disposal and water system;
 - 17 Certification of approval by the county engineer;
 - 18 Certification of approval to be signed by the secretary of the planning commission.
- C. Within sixty (60) days after submission of the site plan, the planning commission will review it and recommend approval or disapproval, or approval subject to modification. If disapproved, reasons for such shall be stated in writing.

9.07 Development Site

- A. The proposed mobile home park shall be located only in areas zoned to allow such developments.
- B. The development site shall be suitable for residential use. It shall not be subject to hazards such as insect or rodent infestation, objectionable smoke, noxious odors, unusual noise, or the probability of flooding or erosion. The soil, ground water level, drainage, and topography shall not create hazards to the property, or to the health and safety of occupants.
- C. The development site for a mobile home park shall comprise an area of not less than two (2) acres. All sites shall consist of a single plat so dimensioned and related as to facilitate efficient design and management.
- D. Essential community facilities and services for residential development shall be reasonably accessible to the development site, or provisions shall be made to assure that such facilities and services will be provided.

- E. Direct vehicular access to the development site shall be provided by an abutting improved public street.

9.08 Site Improvement

- A. Site improvements shall be harmoniously and efficiently developed in relation to topography and the shape of the site. Full attention should be paid to use, appearance, and livability. Site improvements shall be fitted to the terrain with a minimum disturbance of the land. Existing trees, rock formations, and other natural site features should be preserved to the extent practical.
- B. When necessary, grading shall be utilized to preserve desirable site features through the diversion of surface water away from mobile home stands, the prevention of standing water and excess soil saturation, and the disposal of water from each mobile home space or lot. In no cases, however, shall grading be permitted to direct excessive surface water flow onto adjacent property.
- C. In the case of fill work at the development site, all fill material shall be uniform in texture and free from debris. Fill material shall be applied in uniform layers, raked, and compacted to minimize settlement.
- D. Specific areas for the collection and disposal of surface and subsurface water shall be provided to protect the mobile home and provide safe use of other improvements. Surface water shall be directed toward existing off-site drainage facilities located in public right-of-ways. Internal drainage facilities shall be of adequate size, design, and construction and assured of permanent maintenance through easements or other means.

The planning commission, upon advice from technical staff such as the county engineer or planning staff, may require other drainage measures as deemed necessary.

- E. Exposed ground surfaces in all parts of every development site shall be either paved, covered with stone or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
- F. An evergreen buffer strip consisting of trees, shrubs, or hedges shall be planted along all boundaries of the mobile home park, if required by the planning commission. Trees or shrubs may be required for internal screening of garbage collection areas, and to provide adequate privacy among the individual mobile home units.
- G. The provision of designated open space and recreation areas is encouraged to the extent necessary to meet the anticipated needs of the occupants. A centralized location is preferable for convenience and efficient maintenance.

9.09 Transportation System

- A. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot and other

improved park facilities. Access shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic.

- B. The street system shall be designed to recognize and protect existing easements, utility lines, etc.
- C. All streets, either public or internal (private), shall be constructed to current local standards.
- D. Before any proposed street may be constructed, the area must first be inspected by the county engineer who will, at that time, review the size of culvert(s) necessary to prevent future drainage problems. The developer will be responsible for the provision of the specified culvert(s) and installment in the manner as is indicated by the county engineer.
- E. Surfaced streets are required, and all streets shall meet the technical specification for base and asphaltic concrete paving as required by current local standards.
- F. All streets located within a mobile home park shall be illuminated with lighting units consisting of 400 watt lamps at intervals of 100 feet approximately 30 feet from the ground.
- G. Off-street parking areas shall be provided in all mobile home parks for the use of the occupants and guests without interference with the normal movement of traffic. All parking spaces shall be located so access can be gained only from internal streets of the mobile home park. Specific parking facility requirements are detailed in Resolution.
- H. All mobile home parks shall be provided with safe and convenient pedestrian access between mobile homes and park facilities. A common walkway system may be required for those areas in which pedestrian traffic is concentrated in a large development.

9.10 Utilities

- A. Water Supply - An adequate supply of safe water under adequate pressure shall be provided in each mobile home park. Where a public supply of water of satisfactory quantity, quality, and pressure is available, connection shall be to this system and used exclusively.
 - 1 The bacteriological and chemical quality of the water shall be acceptable to the Haywood County Health Officer in accordance with minimum requirements for the State of Tennessee.
 - 2 The source of water supply shall be capable of supplying a minimum volume of 250 gallons of water per day per mobile home with pressure of not less than twenty (20) pounds residual pressure per square inch under normal operating conditions at each mobile home. The individual size of the feeder water lines shall be a minimum of 4" or more as required by the county engineer.

- 3 The water system must be adequate to provide 500 gallons per minute fire flow and maintain a 20 psi residual pressure. All fire hydrants shall be located with a minimum distance of 400 feet.
 - 4 The water supply system shall be connected by pipes to all mobile homes and other facilities requiring water. Connections shall be made in such a manner that neither underground nor surface contamination will reach the water from any source. All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with the Plumbing Code and Tennessee State Health regulations. Written approval from the Tennessee Department of Conservation and Environment shall be required for all water line extensions.
 - 5 Where required in developments, all fire hydrants shall be the 3 way type, or as specified by County standards.
- B. Sewage Disposal - An adequate and safe sewerage disposal system shall be provided in all mobile home parks for conveying and disposing of all sewage. Mobile home parks shall connect to a satisfactory public sewage system, or an approved septic tank system or package treatment plant. In addition, the sewage disposal system shall meet the following general requirements:
- 1 The sewage disposal system shall be approved in writing by the Tennessee Department of Conservation and Environment and subject to maintenance inspections.
 - 2 All sewer lines shall be located in trenches of sufficient depth to prevent breakage from traffic or other movements and constructed in such a manner as to have watertight joints. Sewer lines shall be separated from the water supply system and be constructed and maintained in accordance with the Plumbing Code and Tennessee Department of Conservation and Environment regulations.
 - 3 All sewer lines shall be at a grade which will insure a velocity of two feet per second when flowing full and designed for a minimum volume flow of 250 gallons of sewage per day per mobile home.
- C. Electrical Distribution - Every mobile home park shall contain an electrical wiring system consisting of wiring, fixtures, and equipment installed and maintained in accordance with the applicable codes and regulations governing electrical distribution systems. The electrical distribution system shall also meet the following general requirements:
- 1 Main primary lines not located underground shall be suspended at least eighteen (18) feet above the ground. There shall be a minimum horizontal clearance of three (3) feet between overhead wiring and any mobile home or other structure.
 - 2 All direct buried cables shall be without splices or taps between junction boxes and protected by ridged conduit at all points of entry or exit from the ground. Such cables shall be located no less than eighteen (18) inches below

the ground surface and located in a separate trench not less than one (1) foot radial distance from water, sewer, gas, and other piping.

- 3 Demand factors for feeder and service lines shall be calculated in accordance with the adopted building code to determine the appropriate line sizes.

D. Gas Supply - Natural gas and liquefied petroleum gas systems equipment and installations within a mobile home park shall be designed and constructed in accordance with the applicable codes and regulations. The natural gas supply system shall meet the following general requirements:

- 1 Underground piping shall be buried at a sufficient depth to protect it from physical damage as outlined in the Gas Code. No piping shall be installed underground beneath a mobile home or other structure.
- 2 All gas regulators, meters, valves, and other exposed equipment shall be protected from physical damage by vehicles or other causes.
- 3 A readily accessible and identified emergency shut-off valve controlling the flow of gas to the entire internal gas piping system of a mobile home park shall be installed near to the point of connection to the service piping.
- 4 Demand factors for use in calculating gas piping systems shall be in accordance with the Gas Code.

E. Garbage Disposal - The storage, collection, and disposal of refuse in a mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. A commercial dumpster system shall be utilized exclusively for solid waste disposal. In addition, the refuse disposal system shall meet the following general requirements:

- 1 All refuse shall be stored in fly proof, watertight, and rodent proof containers, which shall be located not more than 150 feet from any mobile home space or lot. These containers shall be located on concrete dumpster pads designed to prevent or minimize spillage and container deterioration.
- 2 A sufficient number of containers of adequate capacity, as required by the County, shall be provided to safely store all refuse. The refuse within these containers shall be collected and disposed of on at least a weekly basis in the approved manner.

9.11 Mobile Home Site.

- A. Every mobile home site shall meet the minimum requirements, as set forth in this section, for the development of individual sites. These criteria are for the purpose of assuring privacy, adequate natural light and air, and convenient access and circulation around each mobile home.
- B. Each mobile home space shall be adequate for the type of unit to occupy the space. Mobile homes shall be parked on each space so that there will be at least twenty-five (25) feet of open space between individual mobile homes, including

attachments such as garages or porches. A minimum fifteen (15) feet shall be provided between mobile homes and any other building or structure on the lot. A minimum of twenty (20) feet shall be provided between any trailer and a mobile home park property line. No mobile home shall be located less than fifty (50) feet from the right-of-way of any public street or highway. In addition, each mobile home space shall contain:

- 1 A minimum lot area of four thousand (4,000) square feet.
 - 2 A minimum depth with end parking of an automobile equal to the length of the mobile home plus thirty (30) feet.
 - 3 A minimum depth with side or street parking equal to the length of the mobile home plus fifteen (15) feet.
 - 4 A minimum width of at least forty (40) feet and a minimum depth of at least seventy-five (75) feet with the limits of each mobile home space being clearly marked by permanent ground stakes.
- C. Each mobile home space shall have an area designated as a mobile home stand or pad which meets all the setback requirements and affords practical access for the placement and removal of a mobile home. Piers and foundations shall meet the requirements of the adopted International Building Code.
- D. All mobile homes shall be secured to the site through an anchorage system consisting of over the top tie downs to restrict overturning and frame tie downs to restrict the unit from being pushed from its foundation piers. These tie downs shall meet the anchorage requirements specified by Tennessee State Statutes and the International Building Code for installation and inspection requirements.
- E. An individual water connection shall be provided at each site with at least a 3/4 inch connecting water riser pipe. This pipe shall extend in a vertical position at least four (4) inches above ground level at the appropriate location. Adequate provisions shall be made to prevent the freezing of service lines, valves, and riser pipe. The riser pipe shall be capped when the site is unoccupied. At each site, a shut off valve located below the frost line shall be provided near the water riser.
- F. Each site shall be provided with at least four (4) inch corrosive resistant sewer riser pipe. This pipe shall extend in a vertical position at least four (4) inches above the ground level at the appropriate location. This service pipe shall consist of water tight joints and slope at least one-fourth (1/4) inch per foot to a collector line. Provisions shall be made to plug the drain when the site is unoccupied. All sewer lines shall be laid in trenches separated at least ten (10) feet horizontally from any drinking water supply line.
- G. Electrical service drops from feeder distribution lines shall be provided, installed, and maintained in accordance with the National Electrical Code and Tennessee Department of Insurance and Banking Regulations. A weather-proof over-current protection device and disconnecting means shall be provided for

each site. All exposed metal parts of the mobile home shall be properly grounded.

- H. Each site provided with natural or liquefied petroleum shall have an approved manual shut off valve installed upstream of the gas outlet. Underground piping shall be at a sufficient depth to be protected from physical damage and shall not be installed beneath a mobile home stand unless it is installed in an approved gas tight conduit. Liquefied petroleum gas shall be securely but not permanently fastened to prevent accidental over-turning. No containers shall be stored within or beneath any mobile home. All gas systems shall be installed and maintained in accordance with the applicable codes and regulations governing such systems.
- I. Off-street parking spaces shall be provided in sufficient number to meet the needs of the occupants and their guests. Such facilities shall be provided at the rate of at least two (2) spaces per mobile home. The size of the individual parking space shall consist of a minimum width of not less than ten (10) feet and a length of not less than twenty (20) feet. Each space shall be constructed of either a hot mix or concrete hard surface.
- J. It is recommended that provision be made for external storage facilities at each site. These facilities should be designed in a manner that would enhance the appearance of the development.

9.12 Miscellaneous Requirements.

- A. The growth of brush, weeds, and grass in open areas shall be controlled and maintained to prevent heavy undergrowth of any description. Special emphasis shall be placed on preventing the growth of ragweed, poison ivy, poison oak, poison sage, and other noxious weeds considered to be detrimental to health.
- B. Care shall be taken to control dry brush, litter, rubbish, and other such flammable materials which might communicate fire between mobile homes and other structures.
- C. A mobile home shall not be occupied for dwelling purposes unless it is professionally installed on a mobile home stand and connected to all utilities. The park management shall supervise such installations.
- D. No mobile home shall be admitted to a mobile home park unless it can be demonstrated that it meets the requirements of the Mobile Home Standards for Plumbing, Heating, and Electrical Systems or any state administered code insuring equal or better systems. Mobile homes manufactured prior to 1976 shall be exempt from this requirement.
- E. No dogs, cats, or other pet type animals shall be permitted unrestricted freedom within the limits of a mobile home park. No kennels or pens for such animals shall be allowed in any mobile home park.
- F. Pre-existing mobile home parks shall comply with all state regulations applicable thereto which were in force prior to the establishment of this mobile

home park Chapter. Expansion shall only occur after compliance with the requirements of this Chapter.

- G. Every mobile home park within Haywood County shall be operated with adequate supervision to assure the park, its facilities, and equipment are maintained in good repair and operated in a clean and sanitary condition at all times.

9.13 Enforcement

- A. It shall be the duty of the building inspector to enforce the provisions of this Chapter and the duty of those inspectors specifically mentioned in Chapter XVII of this Chapter to enforce those regulations under their jurisdiction as those regulations apply to this Chapter.
- B. The developer or the person to whom a permit for a mobile home park is issued shall be the sole individual responsible for compliance with this Chapter and the other related regulations. Actions toward the enforcement of this Chapter and all other related regulations shall be directed toward the person to whom the mobile home park permit is issued.

9.14 Amendment

- A. Whenever the public necessity, convenience, or general welfare justifies such action, the Haywood County Commission may amend or supplement this Chapter. Any person may petition the County Commission for an amendment or amendments to this Chapter.
- B. Any proposed amendment or supplement shall be first submitted to the planning commission for its recommendation to the Haywood County Commission. Absence of action after thirty-five (35) days from submission of a petition to the planning commission shall constitute a positive recommendation for such amendment to the County Commission.

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CHAPTER X

PROVISIONS GOVERNING COMMERCIAL (C) DISTRICTS

General Description - The primary purpose of this district is to allow a wide range of commercial establishments in areas suitable for such development. It provides small towns and rural areas with an opportunity to have adequate access to a variety of commercial goods and services through concentrations of general commercial activities rather than through extended strip commercial areas. Regulations are designed so as to discourage the degeneration of future commercial areas, to preserve the carrying capacity of streets, to provide for adequate off-street parking and to reflect the rural area characteristics of the district and the surrounding areas. Public and semi-public uses are also allowed in the district to serve the district or the district and other parts of the County, provided that appropriate conditions and safeguards are satisfied.

Within the C (Commercial) Districts, the following regulations shall apply.

10.01 Uses Permitted

A. Wholesale Trade limited to:

1. Motor vehicles and automotive equipment - wholesale except auto junk yards.
2. Drug, chemicals, and allied products - wholesale.
3. Dry goods and apparel - wholesale.
4. Groceries and related products - wholesale.
5. Electrical goods - wholesale.
6. Hardware, plumbing, heating equipment, and supplies - wholesale.
7. Machinery, equipment, and supplies - wholesale.
8. Other wholesale trade, NOT ELSE CODED limited to:
 - a. Tobacco and tobacco products - wholesale.
 - b. Beer, wine, and distilled alcoholic beverages - wholesale.
 - c. Paper and paper products - wholesale.
 - d. Furniture and home furnishings - wholesale.
 - e. Lumber and construction materials - wholesale.
 - f. Other wholesale trade, NOT ELSE CODED.

B. Retail Trade limited to:

1. Building materials, hardware, and farm equipment:
 - a. Lumber and other materials, retail;
 - b. Heating and plumbing equipment - retail;
 - c. Paint, glass, and wallpaper - retail
 - d. Electrical supplies, retail

- e. Hardware and farm equipment - retail.
- 2. General Merchandise limited to:
 - a. Department stores - retail.
 - b. Mail order houses - retail.
 - c. Limited price variety stores - retail.
 - d. Merchandise vending machine operators - retail.
 - e. Direct selling organizations - retail.
 - f. Other retail trade - general merchandise, NOT ELSE CODED.
- 3. Food limited to:
 - a. Groceries (with or without meat) - retail.
 - b. Meats and fish - retail.
 - c. Fruits and vegetables - retail.
 - d. Candy, nut, and confectionery - retail.
 - e. Dairy products - retail.
 - f. Bakeries - retail.
 - g. Other retail trade food, NOT ELSE CODED.
- 4. Automotive, Marine Craft, Aircraft, and Accessories limited to:
 - a. Motor vehicles - retail.
 - b. Tires, batteries, and accessories - retail.
 - c. Gasoline services stations - retail.
- 5. Apparel and accessories limited to:
 - a. Men's and boys' clothing and furnishings - retail.
 - b. Women's ready-to wear - retail.
 - c. Women's accessories and specialties - retail.
 - d. Children's and infants' wear - retail.
 - e. Family clothing - retail.
 - f. Shoes - retail.
 - g. Custom tailoring.
 - h. Furriers and fur apparel - retail.
 - i. Other retail trade apparel and accessories, NOT ELSE CODED.
- 6. Furniture, home furnishings and equipment limited to:
 - a. Furniture, home furnishings, and equipment - retail.
 - b. Household appliances - retail.
 - c. Radios, televisions, and music supplies - retail.

7. Eating and drinking establishments
8. Other retail trade, NOT ELSE CODED limited to:
 - a. Drug and proprietary - retail.
 - b. Antiques and second hand merchandise - retail.
 - c. Books and stationery - retail.
 - d. Sporting goods and bicycles - retail.
 - e. Farm and garden supplies - retail.
 - f. Jewelry - retail.
 - g. Fuel and ice - retail.
 - h. Other retail trade, NOT ELSE CODED.
- C. Finance, Insurance and Real Estate Services
- D. Personal Services except:
 1. Beauty and barber service
 2. Funeral and crematory services; cemeteries
- E. Business Services limited to:
 1. Advertising services
 2. Consumer and mercantile credit reporting services; adjustment and collection services
 3. Duplicating, mailing and stenographic services.
 4. Dwelling and other building services, except for disinfecting and exterminating services.
 5. News syndicate services
 6. Employment services
 7. Warehousing and storage services, limited household goods warehousing and storage (mini-warehousing)
 8. Other business services, NOT ELSE CODED.
- F. Repair Services limited to:
 1. Automobile repair and services, except for establishments with outside storage, salvage operations or where parts are dismantled from existing vehicles, is involved.
 2. Other repair services, NOT ELSE CODED.
- G. Professional Services
- H. Contract, Construction Services
- I. Governmental and Public Institutional Uses

- J. Philanthropic Uses
- K. Educational Services
- L. Miscellaneous Services
- M. Cultural Activities and Nature Exhibitions
- N. Public Assembly, limited to Entertainment Assembly only
- O. Amusements
- P. Accessory structures and uses customarily incidental to any permitted use.
- Q. Signs as specified in Section 3.09.

10.02 Uses Permitted on Appeal^{xxxviii} - Following public notice and hearing and subject to appropriate conditions and safeguards, the Board of Zoning Appeals may permit:

- A. Recreational activities, except that other sports activities shall not include pistol ranges.
- B. Resorts and group camps
- C. Parks
- D. Other cultural, entertainment, and recreational activities, NOT ELSE CODED.
- E. Beauty and Barber Services
- F. Funeral and Crematory Service; cemeteries
- G. Adult Oriented Businesses

Adult oriented businesses as defined in Chapter II of this resolution may be permitted provided that no Zoning Compliance Permit or Certificate of Occupancy for such use shall be issued without approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of the neighborhood in which the proposed use is located; and provided further that:

- 1. Such use is conducted under or in conjunction with the permitted uses allowed by right within this district, and;
- 2. Such use may not be located within 2,500 feet of another such business, pre-existing religious institutions, schools, boy's club, girls' club, or similar existing youth organizations, public parks, public buildings or any structure or building used for residential purposes in the following zones:

- FAR (Forestry, Agriculture, Residential)
- AE (Agricultural Estate)
- R (Residential)
- R-MH (Residential-Mobile Home)

- 3. Such use is located on a major or minor arterial as identified on the Official Major Road Plan.

4. All signs and exterior displays relative to such use shall be limited to exclude obscenities including depictions, likeness, or representations of “Specified Anatomical Areas” and “Specified Sexual Activities” as defined in Chapter II of this resolution.
 5. The property and the facility housing such use meets all yard standards, parking requirements, site plan review requirements and all other applicable provisions of this resolution.
- H. Telecommunication’s structures and equipment subject to the provisions of Chapter III, Section 3.23, as well as, to the following standards:
1. That a documented attempt has been made by the applicant to make shared use of existing or planned telecommunications structures in the County and that such shared use has been denied. A list shall be provided of all owners contacted, the date of such contact, and the form and content of such contact.
 2. That shared use is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared site. The Board of Zoning Appeals may consider expert testimony to determine whether the fee and costs are reasonable. Costs exceeding new tower development are presumed unreasonable.
 3. That any shared use of existing telecommunications structures is technically impractical as supported by technical documentation from a licensed professional independent of the applicant.
 4. That any proposed telecommunications structure may not be located within two (2) miles of any existing telecommunications structures.
 5. That any proposed telecommunications structure may not be located closer than 1,500 feet to any residential structure.
 6. That telecommunications structures may not be located such that a collapse from any cause may pose a hazard to any residential or other structures, or to vehicular traffic.
 7. That all telecommunications towers and accessory structures shall be setback from the property lines a distance equal to twenty (20) percent of the tower height plus ten (10) feet. Prior to the approval of any application for a tower, the applicant shall provide written certification from a registered structural engineer that the tower’s height and design is viable and complies with these regulations and applicable structural standards. The letter should also certify that the proposed tower is able to withstand winds of a minimum of seventy (70) miles per hour with one-half (0.5) inch radial ice.

10.03 Uses Prohibited - Any use that is not specifically permitted or permitted as a use on appeal prohibited.

- 10.04 Off-Street Parking and Loading and Unloading Requirements** - These requirements are specified in Chapter III, Section 3.10 and 3.11.
- 10.05 Regulations Controlling Lot Size, Width, Yards, and Building Height** - Minimum allowed requirements for land area; lot width at building line; front yard depth; rear yard depth; side yard depth; maximum allowed land coverage; and maximum allowed building height are defined in Appendix.
- 10.06 Site Plan Review** - Prior to the issuance of a building permit, all site plan requirements as set forth in Chapter XV shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of Haywood County.

CHAPTER XI

PROVISIONS GOVERNING LIGHT INDUSTRIAL (I-1) DISTRICTS

General Description - This district is intended to allow a versatile range of industrial establishments in areas suitable for industrial development. It provides small towns and rural areas with the opportunity to expand and grow through thoughtful industrial planning. These regulations are designated with consideration given to potential future growth; availability or reasonable ease of access to all public utilities; with a view of encouraging industrial growth and expansion while maintaining an environment safe from public nuisance or harmful exposure; and with a view of promoting industrial growth while retaining the rural characteristics of each district.

Within the Light Industrial (I-1) Districts, the following regulations shall apply:

11.01 Uses Permitted

A. Wholesale Trade limited to:

1. Motor vehicles and automotive equipment - wholesale, except auto junk yards
2. Drugs, chemicals, and allied products - wholesale.
3. Dry goods and apparel - wholesale.
4. Groceries and related products - wholesale.
5. Electrical goods - wholesale.
6. Machinery, equipment, and supplies - wholesale.
7. Other wholesale trade, NOT ELSE CODED limited to:
 - a. Tobacco and tobacco products - wholesale.
 - b. Beer, wine, and distilled alcoholic beverages - wholesale.
 - c. Paper and paper products - wholesale.
 - d. Furniture and home furnishings - wholesale.
 - e. Lumber and construction materials - wholesale.
 - f. Other wholesale trade, NOT ELSE CODED.

B. Retail Trade limited to:

1. Building materials, hardware, and farm equipment limited to:
 - a. Lumber and building materials, retail;
 - b. Hardware and farm equipment - retail.

C. Business Services - limited to:

1. Dwelling and Other Building Services
2. Warehousing and storage services - excluding:
 - a. Stockyards

3. Other business services - limited to:
 - a. Research, development, and testing
 - b. Equipment rental and leasing services
 - c. Automobile and truck rental services
- D. Contract, construction services
- E. Governmental and Public Institutional Uses
- F. Philanthropic Uses
- G. Agricultural Activities and Related Activities
- H. Manufacturing limited to:
 1. Apparel and other finished products made from fabrics, leather, and similar materials - manufacturing except for leather tanning and finishing.
 2. Lumber and wood products (except furniture) - manufacturing
 3. Furniture and fixtures - manufacturing
 4. Paper and allied products - manufacturing - limited to:
 - a. converted paper and paperboard products (except containers and boxes) - manufacturing
 - b. paperboard containers and boxes - manufacturing
 5. Printing, publishing, and allied industries
 6. Chemicals and allied products - manufacturing limited to:
 - a. Drug - manufacturing
 7. Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks - manufacturing
 8. Miscellaneous manufacturing limited to:
 - a. Jewelry, silverware, and plated ware - manufacturing
 - b. Musical instruments and parts - manufacturing
 - c. Toys, amusement, sports, and athletic goods - manufacturing
 - d. Pens, pencils, and other office and artists materials - manufacturing
 - e. Costume jewelry, costume novelties, buttons, and miscellaneous notions (except precious metals manufacturing.
 - f. Tobacco - manufacturing
 - g. Motion Picture Production
 - h. Other miscellaneous manufacturing, NOT ELSE CODED limited to:
 - (1) Brooms and brushes - manufacturing
 - (2) Lamps shades - manufacturing

- (3) Signs and advertising displays - manufacturing
- (4) Umbrellas, parasols, and canes - manufacturing
- (5) Other miscellaneous - manufacturing, NOT ELSE CODED

- I. Railroad, rapid rail transit, and street railway transportation
- J. Motor vehicle transportation
- K. Aircraft transportation
- L. Marine Craft transportation
- M. Highway and street right-of-way
- N. Automobile parking
- O. Communication
- P. Other transportation, communication, and utilities, NOT ELSE CODED
- Q. Government services and public institutional uses, except for solid waste disposal
- R. Signs as permitted in Section 3.09.
- S. Accessory uses and structures customarily incidental to any aforementioned permitted use.

11.02 Uses Permitted on Appeal - The following uses and their accessory uses may be permitted on appeal if, in the opinion of the Board of Zoning Appeals, such use will not be detrimental to the district in which it is located, and subject to such conditions and safeguards as may be required by the Board of Zoning Appeals:

- A. Airports
- B. Paper and allied products manufacturing not listed under Section 12.01.F7.
- C. Telecommunication's structures and equipment subject to the provisions of Chapter III, Section 3.23, as well as, to the following standards:
 - 1. That a documented attempt has been made by the applicant to make shared use of existing or planned telecommunications structures in the County and that such shared use has been denied. A list shall be provided of all owners contacted, the date of such contact, and the form and content of such contact.
 - 2. That shared use is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared site. The Board of Zoning Appeals may consider expert testimony to determine whether the fee and costs are reasonable. Costs exceeding new tower development are presumed unreasonable.

3. That any shared use of existing telecommunications structures is technically impractical as supported by technical documentation from a licensed professional independent of the applicant.
 4. That any proposed telecommunications structure may not be located within two (2) miles of any existing telecommunications structures.
 5. That any proposed telecommunications structure may not be located closer than 1,500 feet to any residential structure.
 6. That telecommunications structures may not be located such that a collapse from any cause may pose a hazard to any residential or other structures, or to vehicular traffic.
 7. That all telecommunications towers and accessory structures shall be setback from the property lines a distance equal to twenty (20) percent of the tower height plus ten (10) feet. Prior to the approval of any application for a tower, the applicant shall provide written certification from a registered structural engineer that the tower's height and design is viable and complies with these regulations and applicable structural standards. The letter should also certify that the proposed tower is able to withstand winds of a minimum of seventy (70) miles per hour with one-half (0.5) inch radial ice.
- D. Solar Farms, subject to site plan review by the Board of Zoning Appeals and the following conditions:^{xxxix}
1. Solar farms shall be enclosed by perimeter fencing to restrict unauthorized access at a height of eight (8) feet.
 2. Adequate screening shall be provided. This can be achieved either by the required perimeter fencing being constructed as a board-to-board privacy fence or by vegetative screening being placed beyond the perimeter fence to a density and height that adequately buffers the solar farm from any nearby uses.
 3. Solar farms shall adhere to the setback, height, and coverage requirements of the district.
 4. Solar farm structures must be setback a minimum of 500 feet from residential structures.
 5. Solar farms must be located on lots of no less than 100 acres in size.
 6. Solar farms must not create increased noise levels that are discernible to nearby residential uses.
 7. Solar farms must not produce glare that would constitute a nuisance to occupants of neighboring properties or persons traveling neighboring roads.
 8. All electrical interconnection and distribution lines within the project boundary shall be underground.

9. Solar farms that become inactive for a period exceeding one (1) year shall be removed at the owners or operators' expense and the site shall be returned to its natural state. This includes the obligation to dismantle and remove from the site all electrical generating equipment, cables, panels, foundations, buildings, and ancillary equipment. To the extent possible, the operator shall restore and reclaim the site to its pre-project topography and topsoil quality. Any agreement between the operator and landowner for removal to a lesser extent than set forth in this paragraph shall be required prior approval by the board. The restoration activities must be complete within 18 months from the date the solar farm becomes inactive.
10. The applicant shall submit to the board a decommissioning plan describing the manner in which the applicant anticipates decommissioning the project. The plan shall include a description of the manner in which the applicant will ensure that it has the financial capability to carry out the restoration requirements. The board may from time to time request the operator to submit a report describing how it is fulfilling this obligation. The board shall decide if it is prudent to include provisions that ensure financial resources will be available for decommissioning. This may include bonding or other methods of guaranteeing performance, such as establishing an escrow account into which the developer / operator will deposit funds on a regular basis over the life of the project that would allow Haywood County to have access to the escrow account for the explicit purpose of decommissioning in the event of default. Financial provisions shall not be so difficult as to make the solar farm unfeasible.

11.03 Uses Prohibited - Any use not specifically permitted by the terms of this Chapter or permissible on appeal is prohibited.

11.04 Off-Street Parking, Loading and Unloading Requirements - These requirements are indicated in Chapter III, Section 3.09 and 3.10.

11.05 Regulations Controlling Lot Size, Width, Yards, and Building Height - Minimum allowed requirements for land area; lot width at building line; front yard depth; rear yard depth; side yard depth; maximum allowed land coverage; and maximum allowed building height are defined in Appendix.

11.06 Site Plan Review - Prior to the issuance of a building permit, all site plan requirements as set forth in Chapter XV shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of Haywood County.

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CHAPTER XII

PROVISIONS GOVERNING RESTRICTED INDUSTRIAL (I-2) DISTRICTS

General Description - This district shall be utilized to place those industrial uses understood to be of a hazardous or obnoxious nature but which are deemed necessary or desirable for the economic development of Haywood County. Because of the nature and intent of this district, these regulations shall limit the permitted use categories.

Within areas designated (I-2) Restricted Industrial on the Official Zoning Map of Haywood County, Tennessee, the following provisions shall apply:

12.01 Uses Permitted

- A. Wholesale Trade:
- B. Retail Trade limited to:
 - 1. Building materials, hardware, and farm equipment
 - 2. Other retail trade, NOT ELSE CODED, limited to:
 - a. Farm and garden supplies;
 - b. Fuel and ice retail.
- C. Business Services - limited to: (51)
 - 1. Warehousing and storage services
 - 2. Other business services, NOT ELSE CODED limited to:
 - a. Research, development, and testing services.
- D. Contract, construction services
- E. Governmental Services
- F. Manufacturing Services - limited to:
 - 1. Food and kindred products - manufacturing, except for meat products - manufacturing
 - 2. Textile mill products-manufacturing
 - 3. Apparel and other finished products made from fabrics, leather, and similar materials limited to leather tanning and finishing.
 - 4. Lumber and wood products (except furniture) - manufacturing
 - 5. Furniture and fixtures - manufacturing
 - 6. Printing, publishing, and allied industries - manufacturing
 - 7. Paper and allied products - manufacturing
 - 8. Chemicals and allied products - manufacturing
 - 9. Petroleum refining and related industries - manufacturing
 - 10. Rubber and miscellaneous plastic products - manufacturing
 - 11. Stone, clay, and glass products, manufacturing

12. Primary metal industries - manufacturing
 13. Fabricated metal products – manufacturing
 14. Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks - manufacturing
 15. Miscellaneous manufacturing, NOT ELSE CODED.
- G. Railroad, rapid rail transit, and street railway transportation
- H. Motor vehicle transportation
- I. Aircraft transportation
- J. Highway and street right-of-way
- K. Utilities limited to:
1. Electric utilities including but not limited to solar farms, subject to site plan review by the Planning Commission and the following standards for said solar farms:^{x1}
 - a. Solar farms shall be enclosed by perimeter fencing to restrict unauthorized access at a height of eight (8) feet.
 - b. Adequate screening shall be provided. This can be achieved either by the required perimeter fencing being constructed as a board-to-board privacy fence or by vegetative screening being placed beyond the perimeter fence to a density and height that adequately buffers the solar farm from any nearby uses.
 - c. Solar farms shall adhere to the setback, height, and coverage requirements of the district.
 - d. Solar farm structures must be setback a minimum of 500 feet from residential structures.
 - e. Solar farms must be located on lots of no less than 100 acres in size.
 - f. Solar farms must not create increased noise levels that are discernible to nearby residential uses.
 - g. Solar farms must not produce glare that would constitute a nuisance to occupants of neighboring properties or persons traveling neighboring roads.
 - h. All electrical interconnection and distribution lines within the project boundary shall be underground.
 - i. Solar farms that become inactive for a period exceeding one (1) year shall be removed at the owners or operators' expense and the site shall be returned to its natural state. This includes the obligation to dismantle and remove from the site all electrical generating equipment, cables, panels, foundations, buildings, and ancillary equipment. To the extent possible, the operator shall restore and reclaim the site to its pre-project topography and topsoil quality. Any agreement between the operator

and landowner for removal to a lesser extent than set forth in this paragraph shall be required prior approval by the board. The restoration activities must be complete within 18 months from the date the solar farm becomes inactive.

- j. The applicant shall submit to the board a decommissioning plan describing the manner in which the applicant anticipates decommissioning the project. The plan shall include a description of the manner in which the applicant will ensure that it has the financial capability to carry out the restoration requirements. The board may from time to time request the operator to submit a report describing how it is fulfilling this obligation. The board shall decide if it is prudent to include provisions that ensure financial resources will be available for decommissioning. This may include bonding or other methods of guaranteeing performance, such as establishing an escrow account into which the developer / operator will deposit funds on a regular basis over the life of the project that would allow Haywood County to have access to the escrow account for the explicit purpose of decommissioning in the event of default. Financial provisions shall not be so difficult as to make the solar farm unfeasible.

- 2. Gas Utilities, limited to:
 - a. Gas pipeline right-of-way
 - b. Gas pressure control stations
- 3. Water utilities and irrigation
- 4. Other transportation, communication, and utilities, NOT ELSE CODED.

L. Signs as permitted in Section 3.09.

M. Accessory uses and structures customarily incidental to the permitted use.

12.02 Uses Permitted on Appeal - The following uses and their accessory uses may be permitted on appeal if, in the finding of the Board of Zoning Appeals, such use will not be detrimental to the district in which it is located, and subject to such conditions and safeguards as may be required by the Board of Zoning Appeals:

- A. Lots or yards for salvage operations as defined in Chapter II and subject to the provisions of Chapter III, Section 3.17.
- B. Utilities limited to and provided that any uses allowed under this category shall be limited to the processing of waste generated solely within the geographic boundaries of Haywood County.
 - 1. Gas utility uses limited to:
 - a. Natural or manufactured gas storage and distribution points,
 - b. Other gas utilities, NOT ELSE CODED.
 - 2. Sewerage disposal uses

3. Solid Waste disposal, treatment, or storage
4. Hazardous Waste disposal, treatment, or storage
- C. Related Agricultural industries including:
 1. Food and kindred products - manufacturing
 - a. limited to; meat products - manufacturing
- D. Public Landfills - as defined in Chapter II
- E. Telecommunication's structures and equipment subject to the provisions of Chapter III, Section 3.23, as well as, to the following standards:
 1. That a documented attempt has been made by the applicant to make shared use of existing or planned telecommunications structures in the County and that such shared use has been denied. A list shall be provided of all owners contacted, the date of such contact, and the form and content of such contact.
 2. That shared use is not precluded simply because a reasonable fee for shared use is charged, or because of reasonable costs necessary to adapt the existing and proposed uses to a shared site. The Board of Zoning Appeals may consider expert testimony to determine whether the fee and costs are reasonable. Costs exceeding new tower development are presumed unreasonable
 3. That any shared use of existing telecommunications structures is technically impractical as supported by technical documentation from a licensed professional independent of the applicant.
 4. That any proposed telecommunications structure may not be located within two (2) miles of any existing telecommunications structures.
 5. That any proposed telecommunications structure may not be located closer than 1,500 feet to any residential structure.
 6. That telecommunications structures may not be located such that a collapse from any cause may pose a hazard to any residential or other structures, or to vehicular traffic.
 7. That all telecommunications towers and accessory structures shall be setback from the property lines a distance equal to twenty (20) percent of the tower height plus ten (10) feet. Prior to the approval of any application for a tower, the applicant shall provide written certification from a registered structural engineer that the tower's height and design is viable and complies with these regulations and applicable structural standards. The letter should also certify that the proposed tower is able to withstand winds of a minimum of seventy (70) miles per hour with one-half (0.5) inch radial ice.

12.03 Uses Prohibited - Any use not specifically permitted by the terms of this Chapter or permissible on appeal is prohibited.

- 12.04 **Off-Street Parking, Loading and Unloading Requirements** - These requirements are indicated in Chapter III, Section 3.09 and 3.10.
- 12.05 **Regulations Controlling Lot Size, Width, Yards, and Building Height** - Minimum allowed requirements for land area; lot width at building line; front yard depth; rear yard depth; side yard depth; maximum allowed land coverage; and maximum allowed building height are defined in Appendix.
- 12.06 **Site Plan Review** - Prior to the issuance of a building permit, all site plan requirements as set forth in Chapter XV shall be submitted for review by the Planning Commission. If approved, any modifications required by the Planning Commission shall be made prior to the issuance of any building permit. The site plan shall be maintained in the permanent files of Haywood County.

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CHAPTER XIII
PROVISIONS GOVERNING FLOOD HAZARD (FH) DISTRICTS^{xli xlii xliii}

13.01 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-101 through 13-7-119 Tennessee Code Annotated delegated the responsibility to the county legislative body to adopt floodplain regulations designed to minimize danger to life and property and to allow its citizens to participate in the National Flood Insurance Program. Therefore, the Board of County Commissioners of Haywood County, Tennessee, does resolve as follows:

B. Findings of Fact

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

C. Statement of Purpose

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

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

5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

D. Objectives

The objectives of this Resolution are:

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

13.02 DEFINITIONS

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

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

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

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

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered "New Construction."

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

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

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

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

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

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

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

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

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

"Elevated Building" means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately

anchored so as not to impair the structural integrity of the building during a base flood event.

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

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

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

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

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

"Existing Structures" see "Existing Construction".

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Historic Structure" means any structure that is:

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

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

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

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

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

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

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

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

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

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

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

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

"100-year Flood" See "Base Flood".

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

"Recreational Vehicle" means a vehicle which is:

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

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

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

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

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

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

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

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would

equal or exceed fifty percent of the market value of the structure before the damage occurred.

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

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

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

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

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

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

13.03 GENERAL PROVISIONS

A. Application

This Resolution shall apply to all areas within the unincorporated area of Haywood County, Tennessee.

B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Haywood, Tennessee, Federal Emergency Management Agency, Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47075C25 - 47075C400, dated April 16, 2008¹, along with all supporting technical data, are adopted by reference, and declared to be a part of this Resolution.

C. Requirement for Development Permit

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

D. Compliance

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

E. Abrogation and Greater Restrictions

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

F. Interpretation

In the interpretation and application of this Resolution, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

G. Warning and Disclaimer of Liability

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

H. Penalties for Violation

Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violation of conditions and safeguards established

¹ Haywood County FIRM includes the following panels: 47075C25, 47075C50, 47075C75, 47075C100, 47075C105, 47075C110, 47075C115, 47075C120, 47075C130, 47075C135, 47075C140, 47075C145, 47075C175, 47075C200, 47075C205, 47075C210, 47075C215, 47075C220, 47075C230, 47075C231, 47075C232, 47075C233, 47075C234, 47075C240, 47075C245, 47075C251, 47075C253, 47075C265, 47075C270, 47075C300, 47075C305, 47075C310, 47075C320, 47075C330, 47075C335, 47075C340, 47075C375, 47075C400.

in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Haywood County, Tennessee from taking such other lawful actions to prevent or remedy any violation.

13.04 ADMINISTRATION

A. Designation of Resolution Administrator

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

B. Permit Procedures

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

1. Application stage

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations (BFE's) are available, or to the highest adjacent grade when applicable under this Resolution.
- b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed where BFE's are available, or to the highest adjacent grade when applicable under this Resolution.
- c. Design certificate from a registered professional engineer or architect that the proposed non-residential flood-proofed building will meet the flood-proofing criteria in this chapter.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Construction Stage

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

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the regulatory floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing. Within unnumbered A zones, where flood elevation

data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade.

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

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

C. Duties and Responsibilities of the Administrator

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

1. Review of all development permits to assure that the permit requirements of this Resolution have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
3. Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the Federal Emergency Management Agency to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
5. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable of the lowest floor including basement of all new or substantially improved buildings, in accordance with this Chapter.
6. Record the actual elevation; in relation to mean sea level or the highest adjacent grade, where applicable to which the new or substantially improved buildings have been flood-proofed, in accordance with this Chapter.

7. When flood proofing is utilized for a structure, the Administrator shall obtain certification of design criteria from a registered professional engineer or architect, in accordance with this Chapter.
8. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Resolution.
9. When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FIRM meet the requirements of this Resolution.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least one (1) foot above the highest adjacent grade (lowest floor and highest adjacent grade being defined in 11.02 of this Resolution). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Chapter.

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

13.05 PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards

In all flood prone areas, the following provisions are required:

1. New construction and substantial improvements to existing buildings shall be anchored to prevent flotation, collapse, or lateral movement of the structure;
2. Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
3. New construction and substantial improvements to existing buildings shall be constructed with materials and utility equipment resistant to flood damage;

4. New construction or substantial improvements to existing buildings shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction, or improvements to a building that is in compliance with the provisions of this Resolution, shall meet the requirements of "new construction" as contained in this Resolution; and,
10. Any alteration, repair, reconstruction, or improvements to a building that is not in compliance with the provision of this Resolution shall be undertaken only if said non-conformity is not further extended or replaced.

B. Specific Standards

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

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

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least one (1) foot above the highest adjacent grade (lowest floor and highest adjacent grade being defined in 11.02 of this Resolution). All applicable data including elevations or flood proofing certifications shall be recorded as set forth in Chapter.

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

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the Administrator shall require the lowest floor of a building to be elevated or floodproofed to a level of at least one (1) foot above the highest adjacent grade (lowest floor and highest adjacent grade being defined in 11.02 of this Resolution). All applicable data including elevations or flood-proofing certifications shall be recorded as set forth in this Chapter.

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

3. Elevated Building. All new construction or substantial improvements to existing buildings that include ANY fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, or required height above the highest adjacent grade, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
 - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
 - 1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one foot above the finish grade; and
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the elevated living area (stairway or elevator); and
 - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of this Resolution.

4. Standards for Manufactured Homes and Recreational Vehicles

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

5. Standards for Subdivisions

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

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed developments (including manufactured home parks and subdivisions) that are greater than fifty lots and/or five acres in area.

C. Standards for Areas of Special Flood Hazard with Established Base Flood Elevations and With Floodways Designated

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

- 1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements, or other developments within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, shall not result in ANY increase the water surface elevation of the base flood level, velocities or floodway widths during the occurrence of a base flood discharge at any point within the community. A registered professional engineer must provide supporting technical data and certification thereof.
- 2. New construction or substantial improvements of buildings shall comply with all applicable flood hazard reduction provisions of 11.05.

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

Located within the areas of special flood hazard established in this Chapter where streams exist with base flood data provided but where no floodways have been designated, (Zones AE) the following provisions apply:

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

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

Located within the Areas of Special Flood Hazard established in 11.03, where streams exist, but no base flood data has been provided (A Zones), OR where a Floodway has not been delineated, the following provisions shall apply:

1. When base flood elevation data or floodway data have not been provided in accordance with 11.03, then the Administrator shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a Federal, State, or other source, in order to administer the provisions of 11.05. ONLY if data is not available from these sources, then the following provisions (2 & 3) shall apply:
2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet, whichever is greater, measured from the top of the stream bank, unless certification by registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
3. In special flood hazard areas without base flood elevation data, new construction, or substantial improvements of existing shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than one (1) foot above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of this Chapter and “Elevated Buildings.”

F. Standards For Areas of Shallow Flooding (AO and AH Zones)

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

1. All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one (1') foot above the flood depth number specified on the Flood Insurance Rate Map (FIRM), in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated, at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of this Chapter and “Elevated Buildings.”

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

G. Standards For Areas Protected by Flood Protection System (A-99 Zones)

Located within the areas of special flood hazard established in 11.03 are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations and flood hazard factors have not been determined. Within these areas (A-99 Zones) all provisions of this Chapter shall apply.

H. Standards for Unmapped Streams

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

1. In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the locality.
2. When new elevation data is available, new construction or substantial improvements of buildings shall be elevated or flood proofed to elevations established in accordance with 11.04.

13.06 VARIANCE PROCEDURES

The provisions of this section shall apply exclusively to Areas of Special Flood Hazard within the un-incorporated areas of Haywood County, Tennessee.

A. Board of Appeals

1. Creation and Appointment

A Board of Appeals is hereby established which shall consist of five (5) members appointed by the Chief Executive Officer. The term of membership shall be four (4) years except that the initial individual appointments to the Board of Appeals shall be terms of one, two, and three years, respectively. Vacancies shall be filled for any unexpired term by the Chief Executive Officer.

2. Procedure

Meetings of the Board of Appeals shall be held at such times as the Board shall determine. All meetings of the Board of Appeals shall be open to the public. The Board of Appeals shall adopt rules of procedure and shall keep records of applications and actions thereon, which shall be a public record. Compensation of the members of the Board of Appeals shall be set by the Legislative Body.

3. Appeals: How Taken

An appeal to the Board of Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Resolution. Such appeal shall be taken by filing with the Board of Appeals a notice of appeal, specifying the grounds thereof. The Administrator shall transmit to the Board of Appeals all papers constituting the record upon which the appeal action was taken. The Board of Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than thirty (30) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Board of Appeals shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in the carrying out or enforcement of any provisions of this Resolution.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

- 1) The Haywood County Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.

- 2) Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
- 3) In passing upon such applications, the Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Resolution, and:
 - a) The danger that materials may be swept onto other property to the injury of others;
 - b) The danger to life and property due to flooding or erosion;
 - c) The susceptibility of the proposed facility and its contents to flood damage;
 - d) The importance of the services provided by the proposed facility to the County;
 - e) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
 - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- 4) Upon consideration of the factors listed above, and the purposes of this Resolution, the Board of Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Resolution.
- 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Conditions for Variances

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

13.07 LEGAL STATUS PROVISIONS

A. Conflict with Other Resolutions

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

B. Validity

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

CHAPTER XIV

PROVISIONS GOVERNING PLANNED DEVELOPMENTS AND CONSERVATION PLANNED DEVELOPMENTS^{xliv}

14.01 PLANNED DEVELOPMENTS

- A. **PURPOSE** - This section is intended to provide the rules and regulations through a unified approach that may be applied as an overlay to the development of tracts of land rather than the traditional lot-by-lot treatment defined by a base zoning district. It is the intent that this section be utilized as a tool to promote creative design solutions that enable a better living environment, a more desirable use of land and a more coherent and coordinated development than would otherwise be allowed under a single base zoning district. It is the intent of this section that the requirements of a development plan demonstrate appropriate design merit and acceptable corresponding benefits where applications include modification of the applicable district regulations.

It is not the intent for Planned Development to be utilized solely as a device to circumvent existing land use and development regulations.

B OBJECTIVES AND SIZE REQUIREMENTS

- 1 Objectives. The governing bodies may, upon proper application, adopt a resolution to provide relief from requirements applied to conventional development approach by permitting a planned development (referred to alternatively as a “PD”) to facilitate the use of flexible techniques of land development and site design. In return for said relief, planned developments are required to deliver designs of exceptional quality that satisfy one or more of the following objectives:
 - a. Preservation of natural features and resources.
 - b. Diversification of uses allowed on a site in a way that is in general alignment with the policies and objectives of the current Haywood County Future Land Use Plan.
 - c. Provision of exceptional, functional, and beneficial open space amenities.
 - d. Incorporation of variation and creative design in the layout and relationship of and between buildings, open space(s), and circulation in a cohesive and unified way.
 - e. Facilitate a development pattern more in harmony with the policies and objectives of the Haywood County Future Land Use Plan.
 - f. Assure compatibility with surrounding land uses and neighborhood character.
 - g. Provision for greater efficiency in the layout and provision of roads, utilities, and other infrastructure.

- h. Creation of housing that is compatible with surrounding neighborhoods within and external to the planned development while also better enabling greater variety in types and residential environments.
 - i. Provision of appropriate locations for business and manufacturing uses in buildings that conform to the unified design approach in a way that better enables the location of employment opportunities closer to residential uses as a means to reduce travel time between uses and encourages pedestrian and bicycle circulation as a means of travel.
- 2 Minimum Size Requirements.
- a. The minimum required site acreage for residential, commercial, industrial, or mixed-use planned development shall be three (3) acres, unless the County Commission finds that one or more of the following conditions exist:
 - i. That an atypical physical or topographic feature of importance to the area as a whole or critical to the cultural integrity of the community exists on the site that will contribute to and be protected by the development.
 - ii. The existing property has a historic character or structure of importance to the community that will be protected by the development.
 - iii. The development is located such that it will implement the policies of an adopted area plan, including, but not limited to the Haywood County Future Land Use Plan, a specific small area plan, community plan or redevelopment plan.
 - iv. Protection of existing or proposed uses located on surrounding property will be better achieved due to extraordinary exceptional design features, screening, buffering, diversity in uses allowed or diversity in residential housing types than would otherwise be expected in conventional development.

C RELATIONSHIP BETWEEN PLANNED DEVELOPMENT AND BASE ZONING DISTRICTS

- 1. Planned Developments shall be allowed in all districts.
- 2. Modification of district standards are consistent with the public interest, are warranted by the design of the development and are justified by the associated amenities incorporated in the design of the development.
- 3. Except as modified by the County Commission by way of approval of a development application, development shall be subject to the regulations and requirements associated with the underlying zoning district(s).

4. Development shall be subject to the design regulations and requirements associated with the Subdivision Regulations except as modified by the County Commission by way of approval of a development application.
5. Modification of district regulations and design standards as set forth in this Resolution and Article III of the Subdivision Regulations may be granted by the County Commission upon written findings and recommendations of the Planning Commission and provided that the following conditions exist:
 - a. Review and approval of design standards shall be carried out simultaneous to review and approval of the Planned Development.
 - b. That the resulting development will not create an undue burden on existing or proposed police protection, fire protection, public parks, and recreation facilities.
 - c. The development is compatible with the current Haywood County Future Land Use Plan, a specific small area plan, community plan or redevelopment plan.
 - d. Modification of design regulations are consistent with the public interest, are warranted by the design of the development and are justified by the associated amenities incorporated in the design of the development.

D GENERAL PROVISIONS

1. In addition to the requirements set forth in Section 3.08.05, adequate facilities will be provided concurrent with development and will consist of potable water supply, proper treatment and disposal of wastewater, storm water drainage facilities, and proper storage and collection of community waste.
2. The development will not unduly injure or damage the enjoyment, value or use of surrounding properties and will not prevent the development of surrounding property.
3. The arrangement and location of buildings, structures, parking areas, lighting, sidewalks, infrastructure, and service facilities shall be compatible with surrounding land uses, and any portion of the tract not utilized for the above-mentioned improvements shall be landscaped or otherwise improved except where natural, culturally significant, historic features, or utilization for agricultural production justify preservation of existing conditions.
4. A Property Owner's Association (POA), a Homeowner's Association (HOA) and/or other defined responsible party shall maintain all common open spaces, common amenities, and any other common elements defined in the proposed development.

E STANDARDS AND CRITERIA

1. Common Open Space. A planned development shall be comprised of and incorporate within the site design Common Open Space to the mutual benefit of the subject development and the public. Common Open Space elements shall be in accordance with the provisions of this section.
 - a. At least 20% of the gross site area shall be comprised of Common Open Space.
 - b. Where an application incorporates residential units, a minimum of 40% of the required Open Space shall be designed as Usable Open Space.
 - i. Usable Open Space. Eligibility for an area to be defined as Usable Open Space is determined by meeting the following required conditions:
 - (A) A minimum area of 2,500 square feet.
 - (B) A minimum average dimension of 40-feet.
 - ii. Usable Open Space. Eligibility for an area to be defined as Usable Open Space is determined by meeting one of the following conditions:
 - (A) Land occupied by active recreational uses such as pools, ball fields, playgrounds, tennis courts, and clubhouses used primarily for recreation purposes.
 - (B) Pedestrian and Multi-use trails consisting of a 6-foot minimum paved or graveled surface and associated 10-foot easement beyond the edge of pavement on both sides of the facility.
 - (C) Formally planned and regularly maintained areas including arranged plantings, gardens, community gardens, gazebos or similar structures, fountains, sculpture, and other forms of public art, squares, forecourts, plazas, private parks, or private greenbelts must be designed in accordance with the standards in this subsection to qualify as usable open space.
 - (D) Prime agricultural lands and pastures may contribute to the Usable Open Space requirements associated with applications for Conservation Planned Developments as defined in the Haywood County Zoning Resolution.
 - c. The following shall not be considered or contribute toward the Usable Open Space area unless the application satisfactorily demonstrates the area satisfies the design conditions required to be considered as Usable Open Space or as otherwise stated:
 - i. Floodways except where pedestrian and multi-use trails and their associated easements may occur.

- ii. Slopes exceeding 10% except where pedestrian and multi- use trails and their associated easements may occur.
 - iii. Wildlife habitat areas except where pedestrian and multi- use trails and their associated easements may occur.
 - iv. Stormwater management facilities may not contribute to the required Usable Open Space area unless designed in a way that the facility may serve as a fully accessible amenity.
 - v. Standing bodies of water unless improvements are incorporated the design of which enable the facility to serve as a fully accessible amenity including dock structures, piers, boardwalks, and pedestrian furnishings.
 - vi. Flowing streams, rivers and designated "Waters of the State".
- d. The sequence and phased introduction of Common Open Space shall occur in coordination with and consider the phased completion of associated private and public improvements. In no event shall certificates of occupancy be issued unless and until the associated Common Open Space has been conveyed, dedicated, and improved.
- e. Areas depicted in the plan as being Common Open Space may be:
- i. Conveyed to a public body should the public body agree to accept the dedication and conveyance prior to the initiation of construction or improvements associated with the Common Open Space.
 - ii. Conveyed to an organization for ownership and maintenance subject to the following:
 - (a) The Haywood County Planning Commission may recommend and/or the Haywood County Commission may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise, (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to Haywood County and the dedication be approved by the Haywood County Commission.
 - (b) In the event that the organization established to own and maintain common open space or any successor organization shall at any time after the establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the adopted final subdivision plat or final site plan, the County may serve written notice upon such organization and/or the owners or residents of the planned development and hold a public

hearing. After 30 days when the deficiencies of maintenance are not corrected, the County shall call upon all the owners of property within the planned development to maintain the common open space, and, in default thereof, the County may take action to provide maintenance. The cost of such maintenance by the County shall be assessed proportionally against the properties within the planned development that have a right of enjoyment of the common open space and shall become a lien on the properties.

- iii. If the common open space is deeded to a Homeowners' and/or Property Owners' Association, the developer shall file with the Development Department a declaration of covenants and restrictions that will govern the association to be submitted with the application for preliminary subdivision plat or site plan approval. The County Attorney will review the documentation prior to Planning Commission approval. The provisions shall include, but not be limited to the following:
 - (a) The Association must be set up before the properties are sold.
 - (b) Membership must be mandatory for each buyer and any successive buyer.
 - (c) The open space restrictions must be permanent.
 - (d) The Association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
 - (e) Homeowners and/or Property owners must pay their prorated share of the cost of the assessment levied by the association to meet changed needs.
2. Pedestrian and Bicycle movement. A planned development application shall clearly define and incorporate pedestrian and bicycle circulation as a design issue of equal importance to that of vehicular movement as made evident in the design of improvements.
- a. Access for pedestrians and bicyclists shall be arranged to provide safe, convenient routes and need not be limited to vehicular access points. To the maximum extent feasible, plans for proposed developments shall separate movement of pedestrians from movement of vehicles and bicycles, and protect bicyclists from conflicts with vehicles.
 - b. Where complete separation of movement of pedestrians from movement of vehicles and bicycles is not possible, plans shall minimize potential hazards by using special paving, grade separations, pavement parking, signs, striping, bollards, median refuge areas, traffic calming features, landscaping, lighting, or other means to clearly delineate pedestrian areas for both day and night use.

- c. Where pedestrians and bicyclists share walkways, the pedestrian/bicycle system shall be designed to be wide enough to accommodate anticipated pedestrian and bicycle traffic volumes. A shared walkway shall have a minimum width of eight (8) feet.
 - d. Where a planned development is adjacent to or incorporates proposed or existing pedestrian and/or bicycle improvements and infrastructure, the proposed design of the planned development will to the best of its ability integrate any proposed pedestrian and bicycle improvements with the said public facilities and infrastructure.
3. Vehicular movement and standards. A planned development application shall include a defined hierarchical street system, the design of which incorporates the following criteria:
- a. Streets, drives, parking, and service areas must provide safe and convenient access to dwelling units and project facilities and for service and emergency vehicles.
 - b. Streets shall not be designed to create excessive barriers to pedestrian and bicycle circulation across the site or between uses nor shall streets be laid out in such a way that results in unnecessary fragmentation of the development into small tracts. In general, tract sizes shall be the maximum consistent with use, shape of the site and for the convenience and safety of the occupants.
 - c. Vehicular access to other streets from off-street parking and service areas shall be combined, limited, located, designed, and controlled as to channel traffic to and from such areas conveniently and safely.
 - d. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic.
 - e. The design and construction methods for private streets are flexible. Construction plans must be approved by the County Engineer. If no agreement between the applicant and the County Engineer can be reached, then private streets must be designed and built according to the Haywood County's Regulatory Requirements).
4. Pattern Book or Design Guidelines. Determined by the developer, the character and quality of design defined by a planned development shall be clearly communicated as a component of the application process. To that end, the application shall include a Pattern Book or Design Guideline document that clearly defines the design quality and character of improvements and construction. The Pattern Book or Design Guidelines must define how necessary control shall be exercised and enforced by the property owner, applicant, or the designee to ensure said definitions are implemented.
- a. The Pattern Book or Design Guidelines shall serve as an informative tool enabling the Haywood County Planning Commission and

Haywood County Commission to determine whether the planned development as a whole or in part is appropriate.

- b. The design of any planned development should reflect an effort by the developer to plan land uses within the planned development to blend harmoniously with adjacent land uses where existing uses reflect and conform with the recommended design and character as defined in existing adopted development regulations and documents.
 - c. Architecture and building materials shall be consistent within the design of the development and compatible with surrounding properties and/or adjacent neighborhoods.
 - d. All aspects and components of design and improvements incorporated into a planned development shall be defined in the Pattern Book or Design Guidelines including (where applicable): building heights, building setbacks and bulk, building separation, scale and massing, general landscape standards, building lot types and dimensions, landscape buffers, screening, lighting design, public furnishings, and wayfinding.
5. Comprehensive Sign Policy. A comprehensive sign policy, to be enforced by the property owner or his/her designee, shall be required for all planned developments outlining color, type, illumination, size, and location of all development signage. A proposed sign policy for a planned development shall be included in the outline plan and approved by the Haywood County Commission after a recommendation by the Haywood County Planning Commission.
- a. The developer shall submit a proposed comprehensive sign policy for all signage within the Planned Development to the Planning Commission as part of the planned development outline plan. The Planning Commission shall review the sign policy prior to approval of the planned development outline plan by the Haywood County Commission. The County's role in reviewing signage shall be only as it relates to the County's adopted sign resolutions and existing adopted development regulations and documents.
 - b. Requirements. The requirements of the Comprehensive Sign Policy shall be as follows:
 - i. Signage shall be consistent in color, size, material, location, and design throughout each planned development.
 - ii. Signage within any planned development shall be consistent with the County's adopted sign ordinance and guidelines and shall be reviewed administratively.
 - c. Modification of standards for signage. The Haywood Planning Commission may make a recommendation to the Haywood County Commission to waive any zoning ordinance provisions related to signage through a comprehensive sign policy. The Haywood County

Commission, through an approved planned development may waive any zoning ordinance provisions.

6. Environmental Conservation. A planned development shall provide environmental enhancements, such as Leadership in Energy & Environmental Design (LEED) certification from the U.S. Green Building Council to promote sustainable building design and construction including but not limited to, sustainable neighborhood development, sustainable site development, green roofs, water savings, energy efficiency, materials selection, and indoor environmental quality.
7. Development Contract. The developer, and owner, if different from the developer, must execute a development contract with the Haywood County Commission relative to all required improvements.

F. PROCEDURES

1. Each application for planned development shall be submitted in accordance with the requirements as set forth in this section and in Section 3.08.1.
2. Each application for planned development shall be submitted no less than 60 days prior to the Planning Commission at which the application is to be considered.
3. No action of the Board of Zoning Appeals shall be required in the approval process of a planned development.
4. Application Procedure.
 - a. No less than one month prior to filing the application for planned development approval, the applicant shall request a Pre-Application Conference with the County's Planning Staff.
 - b. The process, procedure, and requirements for the processing of an application for a planned development is set forth in Section 3.08 and in this section.
5. The applicant shall submit an Outline Plan to the Planning Commission in accordance with the requirements as set forth in this section and in Section 3.08.6. The Outline Plan shall consist of at a minimum:
 - a. A legal description of the total site.
 - b. Documentation of existing conditions on and adjacent to the site by way of:
 - i. Photographs of existing conditions including, but not limited to, natural, culturally significant, or historic features.
 - ii. Aerial photography.
 - iii. Graphic map(s) or rendering(s) identifying the following:
 - a) Topography at two (2) foot intervals.
 - b) Natural and physical features.

- c) Extent and location of tree cover.
 - d) Location, extent, categorization, and status of watercourses as determined by the Tennessee Department of Environment and Conservation.
 - e) Floodplains, marshes, and/or wetlands on or immediately adjacent to the subject site.
 - f) Existing drainage patterns.
 - g) Soil conditions.
- c. Drawing(s) depicting the conceptual layout the intent of which is to describe the intensity of development, the general character, scale, and location of buildings and uses, relationship between improvements, relationship to surrounding sites and circulation. The drawing shall include and define:
- i. The approximate location and nature of ingress and egress and access streets where required.
 - ii. The general location and maximum number of lots, parcels, and/or sites to be occupied by buildings.
 - iii. The location, maximum area, general layout, character, and circulation associated with automobile parking, electric vehicle charging, loading and support services.
 - iv. The location, design, character, and minimum and maximum area(s) dedicated to agricultural production, usable open space, other open spaces, and common areas including the utilization and program of the open space or common area.
 - v. The location and maximum area(s) to be preserved, dedicated, and/or conveyed for use as school sites, churches, and/or public buildings, if applicable.
 - vi. The approximate location, design, character and intended ownership of all vehicular and pedestrian conveyance as well as associated rights-of-way, easements, and location of access agreements associated with improvements internal and adjacent to the site.
 - vii. The location, site specific design, design standards and character of landscape improvements, buffers, and/or fencing.
 - viii. The location, design standards, character and number of signs and signage.
 - ix. A diagram describing circulation and movement of vehicles, bicycles, pedestrians, services, and goods within the development and to/from existing thoroughfares.

- x. The location, design and character of existing and proposed utilities including electrical service, telecommunication lines, potable water, sanitary sewer, Stormwater conveyance and drainage.
- d. A tabulation defining in detail the following:
- i. The maximum total number of dwelling units by dwelling unit type.
 - ii. The maximum floor area(s) by building and/or use type, the exception being for single-family detached dwellings and their accessory uses.
 - iii. The proposed maximum building or structure height(s); where maximum building or structure height(s) vary by use and/or location, define as such.
 - iv. Parcel size(s) where applicable.
 - v. Gross and net residential densities.
 - vi. Proposed lot coverage, the exception being for single-family detached dwellings and their accessory structures.
 - vii. A tabulation of the minimum area(s) dedicated to agricultural production, usable open space, other open space and common areas, and amenities by location and program.
 - viii. Written and supporting documents the intent of which is to define the general approach, objectives and character of the application and rationale for requested modification(s) of district regulations and design standards as set forth in the Zoning Resolution and Article III of the Subdivision Regulations including:
 - a) Written statement(s) describing:
 - 1) Objectives and goals of the proposed development as well as the principles and approach to be followed to achieve stated objectives and goals.
 - 2) The proposed development as related to current County policies and plans.
 - 3) How the proposed development relates to and impacts adjacent and nearby properties including the use and development of said properties.
 - 4) District regulations and design standards as set forth in the Zoning Resolution and Article III of the Subdivision Regulations which would otherwise be applicable to the subject tract and deviations in the form of requested exceptions and modifications including detailed definition

of the requested modification(s) to regulations, design standards, bulk and uses.

- e. Where implementation of the development will occur in phases or units over a period of time, define the development schedule including:
 - i. The approximate earliest and latest date(s) of when construction will commence for each unit or phase.
 - ii. The order and area(s) associated with each phase or unit.
 - iii. A tabulation of improvements for each phase or unit.
 - f. A traffic impact analysis may be required at the discretion of the Planning Director or designee or the County Engineer except as required should a development application incorporate one or more of the following:
 - i. Meet or exceed 25 residential units.
 - ii. Any planned commercial space.
 - iii. Any planned industrial space.
 - iv. Any planned institutional space.
 - g. A sanitary sewer impact analysis may be required by the sanitary sewer service provider.
 - h. Detailed Stormwater conveyance analysis shall be required.
 - i. The means to ensure maintenance of usable open space, other open spaces, common areas and improvements not conveyed, dedicated, and accepted as public property by the governing bodies.
 - j. The means to ensure governance, use and protection of the general approach, objectives and character of the application and requested modification(s) of district regulations and design standards.
6. Upon review of each application for planned development, the Planning Commission shall recommend to the County Commission to disapprove, approve the application subject to conditions, or approve the application. The Planning Commission may elect to defer a decision based on the subject to Section 3.08.11 (A) (2).
 7. The Planning Director or their designee shall forward the Planning Commission recommendation to the County Commission.
 8. The applicant shall be notified about decision(s) rendered by the appropriate legislative body or public authority as set forth in Section 3.08.15.
 9. If the application for a planned development is denied by the County Commission, a reapplication for the same or substantially similar planned

development may be resubmitted. The resubmission is subject to all procedures and costs.

G. EFFECT OF APPROVAL

1. The Approved Outline Plan shall bind the applicant, owner, and Haywood County with respect to the contents and layout of the plan.
2. The Outline Plan shall be provided by the applicant in a suitable form for recording and shall be recorded at the Haywood County Register of Deeds after receiving approval from the County Commission.
3. The Outline Plan shall be used in lieu of a Preliminary Plat to comply with the provisions of the Subdivision Regulations pertaining to Preliminary Plat(s).
4. The Planning Commission may amend the development schedule upon submission of written justification by the applicant.
5. The Approved Outline Plan of the planned development and associated supporting documentation shall control the development in place of district regulations and requirements defined in the Zoning Resolution unless specified otherwise in this section. In the absence of an express condition of the planned development, the applicable resolutions, and regulations of the existing applicable districts shall apply.
6. Development plan applications after approval of the Outline Plan will be subject to the required application process and procedures:
 - a. Concerning Plat Approval as set forth in Article II of the Subdivision Regulations.
 - b. Concerning Site Plan Approval as set forth in Chapter XV of the Zoning Resolution.
7. Inclusion of a copy of the approved Outline Plan in subsequent development applications shall be required; the absence of a copy of the approved Outline Plan may render said application incomplete.
8. The approved outline Plan may be amended in accordance with the following:
 - a. A Pre-Application Conference is required in accordance with the requirements of this Section.
 - b. Upon review and at the discretion of the Planning Director or designee, a determination will be rendered and provided to the applicant or owner defining whether the nature of the amendment or modification is considered Minor (see (H) (3) below) or Major (see (H) (4) below).
 - c. A finding of a Minor Amendment shall mean slight modifications, variations or alterations to the approved Outline Plan, the results of which will not reasonably result in impact to areas adjacent to and

beyond the tract and will not cause change to the internal function or intent of the approved Outline Plan in which case, the applicant may file a request for a Minor Modification with the Planning Department which shall consist of:

- 1) A statement describing the objective, intent, nature, and justification of the modification.
 - 2) A site plan clearly illustrating proposed changes.
 - 3) Supporting documents as required at the discretion of the Planning Director or designee where necessary to document and define the location, design, character, and scale of the modifications.
- d. A finding of a Major Amendment shall mean significant modifications, variations or alterations to the approved Outline Plan, the results of which may reasonably be expected to impact areas adjacent to and beyond the tract and/or may result in change to the internal function or intent of the approved Outline Plan in which case the applicant may file a request for a Major Modification with the Planning Department which shall occur in accordance with the procedures and requirements set forth in this Section.

9. Inactive Planned Development.

- a. The applicant or owner is required to execute a Development Contract with the County Commission and commence site preparation within three (3) years of receipt of notification regarding approval of the Outline Plan.
- b. Failure to satisfy these requirements shall render a Planned Development to be inactive.
- c. Upon notification of a Planned Development being rendered inactive, the Planning Director or designee shall notify County Commission and the applicant or owner by way of certified mail no less than 30 days prior to the expiration of the Planned Development that the following is required:
 - 1) A Public Hearing shall take place, the notice for which shall conform to the requirements as defined in the Zoning Resolution.
 - 2) Subsequent to the Public Hearing, the Planning Commission shall render recommendations regarding the status of the area(s) subject to the Planned Development based on one or more of the following considerations:
 - i Recommendation for extension, removal, or modification of the development schedule and subsequent phasing (where applicable).
 - ii Recommendation for amendments to the Outline Plan which may modify, revoke or be in addition to conditions and amendments

approved under prior consideration by the Planning Commission and County Commission.

iii Recommendation for revocation of the Planned Development.

- 3) Upon receipt of the Planning Commission recommendation(s), the County Commission shall hold a public hearing and render a decision.
- 4) Failure of the applicant or owner to respond within 30 days of the Planning Commission providing notice shall not delay the requirements and procedures.

13.02 PROVISIONS GOVERNING CONSERVATION PLANNED DEVELOPMENTS

A. INTENT - It is the intent that this section be utilized as a tool to promote creative design solutions, facilitates the use of flexible techniques of land development and site design that results in a clustered and focused development pattern within the resulting developments and satisfies one or more of the objectives listed below. It is not the intent for Conservation Planned Development to be utilized solely as a device to circumvent existing land use and development regulations. In return for said relief and in addition to all objectives and size requirements, general provisions, standards and criteria, procedures and effects of approval as defined in this Chapter conservation planned developments are required to deliver designs of exceptional quality that satisfy one or more of the following objectives:

1. Permanently protects working agricultural production, pastures, scenic vistas, greenways, woodlands, and other uses that maintain scenic character, protect habitat value, and contribute to the quality of life for residents.
2. Diversification of uses permitted on a site in a way that is in general alignment with the policies and objectives of the Haywood County Future Land Use Plan.
3. New buildings are designed around historic site features such as cemeteries, barns, and agriculturally related features, as well as tree and hedge rows.
4. New buildings are designed around natural site features such as forested areas composed of significant tree specimens, hillsides, hilltops, wetland areas, as well as both flowing and intermittent streams.
5. Conservation Planned Development Standards and Criteria
 - a. The maximum permissible development yield shall be determined based upon the following criteria:
 1. The reasonable suitability of the subject property to support development as permitted by existing underlying zoning district regulations in conjunction with the physical character of the site

including but not limited to topography, natural features, soil conditions and relationship to services and utilities (where applicable).

2. A 10% bonus in the maximum total number of dwelling units and/or total building floor area may be granted where the conservation planned development is determined to consist of exceptional design quality and character.

B. Common Open Space. A Conservation Planned Development shall be comprised of and incorporate within the site design Common Open Space to the mutual benefit of the subject development and the public. Common Open Space elements shall be in accordance with the provisions of defined in Chapter 2 except as defined below.

1. At least 80% of the gross site area shall be comprised of Common Open Space.
2. A minimum of 90% of the required Open Space shall be designed as Usable Open Space.
3. Eligibility for an area to be defined as Usable Open Space is determined in Chapter 2.
 - a. In addition, areas depicted in a plan as being Usable Open Space within a conservation planned development may be:
 - 1) Leased to a private third-party user as part of a defined contractual lease for utilization strictly limited to agricultural production and pastures.
 - 2) If the organization established to own and maintain common open space within a conservation planned development or any successor organization elects to dispose of any portion of said common open space, by sale or otherwise, and upon approval of said transaction by the Haywood County Commission, a development easement shall be established and recorded in association with said common open space. The terms and conditions of said easement shall:
 - a) Run concurrent in perpetuity with the legal description of the total site.
 - b) Establish in perpetuity the permanent restriction of uses for said property as agricultural production, pastures, greenways, woodlands, and/or other natural areas.
 - c) Define the establishment of said easement and the relationship to the development within and entitled by the approved conservation planned development.

CHAPTER XV

PROCEDURES AND REQUIREMENTS FOR SITE PLAN REVIEW

15.01 Statement of Purpose and Goals The following procedures and standards are established for those sections and Chapters of this Resolution which require the submission and approval of a site plan prior to the issuance of a building permit or certificate of occupancy. The site plan must be prepared and stamped by either a licensed engineer or a licensed surveyor. The Haywood County Regional Planning Commission shall act in the official review of all required site plans and shall have the power to approve or disapprove all required site plans according to the terms specified herein. All site plans submitted for the location of any Use Permitted on Appeal shall be reviewed and approved according to its conformance with the terms specified herein by the Haywood County Board of Zoning Appeals before the issuance of a building permit or certificate of occupancy. Every site plan submitted to the Zoning Compliance Office of Haywood County shall become the property of Haywood County and shall be maintained in the permanent files of the Zoning Compliance Office of Haywood County. Site plan approval, once granted, shall be in effect for a period of one (1) year from the date of the approval granted by the Planning Commission or (for Uses Permitted on Appeal) by the Board of Zoning Appeals.

15.02 Site Plan Submission and Review

A. In instances where site plan review is required by the Haywood County Regional Zoning Resolution, the following procedures shall apply:

15.03 Contents of Site Plan

A. The site plan shall include:

1. Name of development and address.
2. Name and address of owner of record and the applicant.
3. Scale of 1" - 100'.
4. Note present zoning classification of the site and all abutting properties. Also, note nature of proposed use.
5. Date, scale, and north point with reference to source of meridian. Note all related dimensions and bearings of the lot.
6. Courses and distances of center lines of all streets.
7. All building restriction lines (yard setbacks and rights-of-way) right-of-way and highway setback lines, easements, covenants, reservations, and rights-of-way.
8. The acreage or square footage of the lot.
9. Sufficient grade and elevation information to demonstrate that the property will properly drain and can be connected to the public sewer system to

provide gravity discharge of waste from the building. Topography to be shown by contour lines at 2 foot intervals.

10. A certification that the applicant is the land owner.
 11. A certification by the state health officer concerning the acceptability of the sewage disposal and water systems.
 12. A certification of approval by the Building Inspector.
 13. A certificate of approval to be signed by the secretary of the Planning Commission.
- B. The site plan shall show the location, dimensions, site, and height of the following when existing and/or when proposed:
1. Sidewalks, streets, alleys, easements, and utilities.
 2. Buildings and structures including the front (street) elevation of proposed building.
 3. Public sewer systems.
 4. Slopes, terraces, and retaining walls.
 5. Driveways, entrances (all access points), exits, parking areas, sidewalks, and garbage collection site.
 6. Water mains and fire hydrants.
 7. The following when applicable:
 - (a). Number of dwelling units.
 - (b). Number and size of parking stalls and type of proposed pavement (either portland concrete or asphalt).
 - (c). Number of loading spaces and type of proposed pavement (either portland concrete or asphalt).
 - (d). Number of Commercial or Industrial tenants and employees.
 8. Plans for the collection and discharge of storm water and methods for landscaping. The delineation of the limits of floodplains, if any. Also, the site plan must denote the minimum 100 year, base flood elevation level if any portion of the site lies within the FEMA-designated, special, flood, hazard area.
 9. Proposed grading plan.

15.04 Site Plan Review Authority

- A. The Planning Commission shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the required use. This may include, but not be limited to setbacks, screening, lighting, parking location and layouts, access, and general landscaping requirements. This power of review shall not include the authority to specify or alter the

architectural style of proposed or existing buildings, the authority to specify building materials, colors, or similar considerations.

The Planning Commission shall have the power to require a buffering of the development from surrounding properties by the use of fencing, plantings, or combinations thereof.

- B. The Board of Zoning Appeals shall have the power to require such changes in the required site plan as may be necessary to minimize the impact of the use permitted on appeal. This may include, but not be limited to, setbacks, screening, lighting, parking location and layout, access, and general landscaping requirements. This power of review shall not include the authority to specify or alter the architectural style of proposed or existing buildings, the authority to specify building materials, colors, or similar considerations.

The Board of Zoning Appeals shall have the authority to require a buffering of the use permitted on appeal from surrounding properties by the use of fencing, plantings, or a combination thereof.

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CHAPTER XVI EXCEPTIONS AND MODIFICATIONS

- 16.01 Lot of Record.** Where the owner of a lot consisting of one or more adjacent lots of 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 of this Resolution, in accordance with Chapter XVIII Section 18.03. 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 is possible in the opinion of the Board of Zoning Appeals.
- 16.02 Front Yards.** The front yard requirements of this Resolution for residential lots shall not apply to any residential lot where the average depth of existing front yards on developed lots, located within one hundred (100) feet on each side of such lot and within the same block and zoning district and front on the same street as such lot is less than the minimum required front yard depth on the developed lots except that no residence shall have a front yard of less than ten (10) feet in depth.
- 16.03 Height Regulations.** The height limitations contained in the district regulations do not apply to spires, antennas, water tanks, chimneys, or other appurtenances usually required above the roof level and not intended for human occupancy.

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CHAPTER XVII ENFORCEMENT

17.01 Enforcing Officer The provisions of this Resolution shall be administered and enforced by a Zoning Compliance Officer, appointed by the County Commission. In performance of administering and enforcing this Resolution, the Zoning Compliance Officer shall:

- A. Accept applications for Building Permits, Temporary Building/Use Permits, Certificates of Occupancy, and applications for Uses Permitted on Appeal. Applications for Building Permits or Temporary Building/Use Permits shall always be accompanied by a scale drawing of building plats or plans. All applications shall be taken, in duplicate, including scale drawings, on forms provided by the Office of the Zoning Compliance Officer .
- B. Issue all Building Permits, and Certificates of Occupancy, and make and maintain records thereof within the permanent files of Haywood County.
- C. Issue, and renew where applicable, all Temporary Building/Use Permits and make and maintain records thereof within the permanent files.
- D. Receive, make, and maintain a file, record of, and forward to the Board of Zoning Appeals all applications for Uses Permitted on Appeal, or other matters on which the Board is required to act under the provisions of this Resolution.
- E. Conduct inspections as required in this Resolution and such other inspections as are necessary to ensure compliance with the various other general provisions of this Resolution and make and maintain a written record thereof.
- F. The Zoning Compliance Officer shall have the right to enter any premise for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

17.02 Building Permits and Certificates of Occupancy

- A. Zoning Compliance Permit Required. It shall be unlawful to commence the excavation for the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings until the Zoning Compliance Officer has issued a Building Permit for such work, except as specified within Section 4.01 of this text.
- B. Issuance of Building Permit or Temporary Building/Use Permit. In applying to the Zoning Compliance Officer for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, height, and location on the lot of all buildings to be erected, altered, or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Zoning Compliance Officer for determining whether the provisions of this Resolution are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this Resolution and other Resolutions of Haywood County, Tennessee, then in

force, the Zoning Compliance Officer shall issue a building permit for such excavation or construction. If a building permit is refused, the Zoning Compliance Officer shall state such refusal in writing with the cause. The issuance of a permit shall in no case be construed as waiving any provisions of this Resolution. A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein. **NO BUILDING PERMIT SHALL BE ISSUED UNTIL THE ZONING COMPLIANCE OFFICER RECEIVES WRITTEN APPROVAL OF THE PROPOSED PROVISIONS FOR WATER SUPPLY AND SEWAGE DISPOSAL FOR THE PROPOSED USE FROM THE HAYWOOD COUNTY HEALTH DEPARTMENT.**

- C. **Certificate of Occupancy.** No land or building or part thereof hereafter erected or altered in the use or structure shall be used until the Zoning Compliance Officer shall have issued a Certificate of Occupancy stating that such land, building or part thereof and the proposed use thereof are found to be in conformity with the provisions of this Resolution. Within five (5) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Zoning Compliance Officer to make a final inspection thereof and to issue a Certification of Occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the provisions of this Resolution; or, if such certification is refused, to state such refusal in writing with the cause.
- D. **Records.** A complete record of such application, sketches, and plans shall be maintained in the Office of the Zoning Compliance Officer.

17.03 Penalties. Any person violating the provisions of this Resolution shall be guilty of a misdemeanor. Each day's continuance of a violation shall be considered a separate offense.

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

17.05 Fees. The Haywood County Commission shall establish a schedule of fees and collection procedures for applications of Building Permits, Temporary Building/Use Permits, Certificates of Occupancy, and applications for Review on Appeal. The schedule of fees shall be posted in the Office of the Zoning Compliance Officer. Only the County Commission may alter or amend the fee schedule. Until appropriate fees have been paid in full, no action shall be taken on any application, except that the fee shall be waived for a government agency.

17.06 General Procedure^{xlv}

- A. Issue notices of violation.
- B. Issue citations to appear in the General Sessions Court or the Chancery Court and to initiate other legal action upon authorization of the County Mayor as may be necessary to gain compliance (e.g., injunction in Chancery Court).
- C. Refer violations to the County Attorney or District Attorney to initiate legal action as may be necessary to gain compliance.
- D. Undertake whatever judicial and administrative remedies are available under County Resolutions or State law to gain compliance.

17.07 Notice of Violation

- A. Whenever the Planning Director, Building Official, or Zoning Compliance Officer determines that a violation of the County Resolutions exists, that official may issue a verbal or written notice of violation to a property owner.
- B. Any written notice of violation shall include the following information:
 - 1. Name of the property's owner of record.
 - 2. Street address of the property in violation of County Resolution.
 - 3. The resolution sections in violation.
 - 4. A description of the property's condition which violates the applicable resolutions.
 - 5. Specific instructions on where a copy of the respective resolution or document is located and the hours during which such person can read or inspect such resolution or document.
 - 6. A deadline or specific date to correct the violations listed in the notice of violation.
 - 7. Reference to the potential consequences should the property remain in violation after the expiration of the compliance deadline, including, but not limited to criminal prosecution, civil injunction, administrative abatement, civil penalties, revocation of permits and withholding of future municipal permits.
- C. Submission of a plan for correction does not relieve the property owner of liability for any violations occurring before or after receipt of the notice of violation.
- D. The Planning Director, Building Official or Zoning Compliance Officer may refer the notice of violation and all relevant and supporting findings to the County Attorney with a recommendation to initiate legal action as may be necessary to gain compliance.

17.07 Stop Work Order - The Planning Director, Building Official, or Zoning Compliance Officer has the right to issue a stop work order. This order will specify the details of the violation as outlined above. Failure to comply with a

stop work order will result in an automatic referral to the County Attorney or District Attorney.

- 17.07 Fines** - Failure to secure an application or building permit: Applicant will pay twice (2X) the cost of the application or building permit fee.

Citation for Resolution violations - \$50.00. Should this violation go to court, the judge may impose a \$50 fine for each day the violation exists.

- 17.08 Annual Inspection Fees** - The Planning Director, Building Official, and Zoning Compliance Officer have the right to collect annual inspection fees issued by Haywood County.

- 17.09 Appeals** - Stop Work Orders and Notices of Violations may be appealed to the Board of Zoning Appeals.

- A. Applicants must file an application for appeal, pay the non-refundable filing fee and await their hearing before the BZA.
- B. Appeals must be filed within 30 days of the posting of a Stop Work Order or receipt of a fine.

The Board of Zoning Appeals will hear appeals the as described in this Resolution.

CHAPTER XVIII

BOARD OF ZONING APPEALS

18.01 Creation and Appointment. A Board of Zoning Appeals is hereby established in accordance with Tennessee Code Annotated, Section 13-7-106. The Board of Zoning Appeals shall consist of five (5) members, two of which shall be members of the Haywood County Regional Planning Commission. They shall be appointed by the County Commission. The term of membership shall be five (5) years except that the initial individual appointments to the Board of Zoning Appeals shall be terms of one, two, three, four, and five years, respectively. Vacancies shall be filled for any unexpired term by the Haywood County Commission.

18.02 Procedure. Meetings of the Board of Zoning Appeals shall be held monthly and at such other times as the Board shall determine. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall adopt rules of procedure and shall keep records, applications, and actions thereon, which shall be a public record. Compensation, if any, to the members of the Board of Zoning Appeals shall be set by the Haywood County Commission.

18.03 How Appeals are Made. An appeal to the Board of Zoning Appeals may be made by any person, firm or corporation aggrieved, or by any governmental officer, department, or bureau affected by any decision of the Zoning Compliance Officer based in whole or in part upon the provisions of this Resolution. Such appeal shall be made by filing an application for Review on Appeal, specifying the grounds therefor. The application for Review on Appeal shall be accompanied by a legible, scaled site plan including all information required for review in this Resolution.

The Zoning Compliance Officer shall transmit to the Board of Zoning Appeals (BZA) the application for Review on Appeal, plus all papers constituting the record upon which the appeal action was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give 15 days' public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time which shall not be more than thirty (30) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

18.04 Powers. The Board of Zoning Appeals shall have the following powers:

- A. Administrative Review. The Board of Zoning Appeals (BZA) shall be empowered to hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Zoning Compliance Officer or other administrative official in the carrying out or enforcement of any provisions of this Resolution.
- B. Uses Permitted on Appeal. The Board of Zoning Appeals (BZA) shall be empowered to hear and decide applications for uses permitted on appeal. Uses permitted on appeal may be permitted in those zoning districts designated by this Resolution but only where specifically approved by the Board of Zoning

Appeals. The BZA may request a review and recommendation by the Haywood County Regional Planning Commission. Uses permitted on appeal shall meet the requirements concerning them which are specified in the appropriate district regulations and any additional conditions and safeguards required by the Board of Zoning Appeals. Lots to be used for a proposed use permitted on appeal must be suitable for the use by virtue of the location, shape, size, and topography of the lot and the nature of surrounding land uses. In determining whether or not a use shall be permitted on appeal and what conditions and safeguards shall be required, the Board of Zoning Appeals must make sure that, where appropriate, there are satisfactory:

1. Means of ingress and egress to the 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 listed in paragraph "1", above; economic, noise, glare, odor, and environmental safety effects of the use in question of adjoining properties and the district in general.
 3. Refuse and service areas with particular reference to the listed items in paragraphs "1" and "2" above.
 4. Provisions for compliance with International Building Codes, Tennessee Public Health Sewage Regulations, and other applicable codes and regulations.
 5. Screening and buffering provisions with reference to type, dimensions, and characteristics.
 6. Yards and open spaces.
- C. Number of Buildings on Each Lot. The Board of Zoning Appeals (BZA) shall be empowered to hear and decide appeals concerning the desirability of locating more than one building containing a permitted or permissible use, on a single lot. More than one such building may be located on a single lot if the provisions of this Resolution are complied with and if specifically approved by the Board of Zoning Appeals, provided that any conditions and safeguards required by the Board of Zoning Appeals are satisfied. In determining whether or not more than one such building shall be allowed on a single lot and what conditions and safeguards shall be required, the Board of Zoning Appeals should make sure that, where appropriate, satisfactory provisions are made for the six (6) paragraphs listed under "B" above.
- D. Variances. The Board of Zoning Appeals (BZA) shall be empowered to hear and decide applications for variance from the terms of this Resolution, but only where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which at the time of the adoption of this Resolution was a lot of record; or where by reason of exceptional topographic conditions or other extraordinary or exceptional situations or conditions of a piece of property

where the strict application of the provisions of this Resolution would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without detriment to the public good and the intent and purpose of this Resolution. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning.

In granting a variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure or use as it may deem advisable in furtherance of this Resolution. Before any variance is granted, it shall be shown that circumstances are attached to the property which do not generally apply to other property in the neighborhood or district.

- E. Map Boundaries. The Board of Zoning Appeals (BZA) shall be empowered to hear and decide appeals involving the interpretation of the location of district boundaries shown on the Official Zoning Map.

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CHAPTER XIX AMENDMENT

19.01 Zoning Amendment Petition. The Haywood County Commission may amend the regulations, restrictions, boundaries, or any provision of this Resolution. Any member of the County Commission may introduce such amendment, or any official board or any other person may present a petition to the County Commission requesting an amendment or amendments to this Resolution.

19.02 Planning Commission Review. No such amendment shall become effective unless the same shall first be submitted for approval, disapproval, or suggestions to the Haywood County Regional Planning Commission.

If the Haywood County Regional Planning Commission, within thirty (30) days after such submission disapproves, it shall require the favorable vote of a majority of the entire membership of the County Commission to become effective. If the Haywood County Regional Planning Commission neither approves nor disapproves such proposed amendment within thirty (30) days after such submission, the absence of action shall be considered as approval of the proposed amendment.

19.03 Public Hearing on Proposed Amendment. Upon the introduction of an amendment to this Resolution and upon the receipt of a petition to amend this Resolution, the County Commission shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the County Commission on the requested change. Said notice shall be published in some newspaper of general circulation in Haywood County, Tennessee. Said hearing by the County Commission shall take place not sooner than fifteen (15) days after the date of publication of such notice.^{xlvi}

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CHAPTER XX LEGAL STATUS PROVISIONS

- 20.01 Conflict with Other Resolutions.** In case of conflict between this Resolution or any part thereof, and the whole or part of any existing or future Resolution of Haywood County, Tennessee, the most restrictive shall in all cases apply.
- 20.02 Validity.** If any section, clause, provision, or portion of this Resolution shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Resolution which is not of itself invalid or unconstitutional.
- 20.03 Effective Date.** This Resolution shall be in force immediately after its passage and publication, the public welfare demanding it.

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TABLE 1: CONTROLLING PROVISIONS

FORESTRY, AGRICULTURE AND RESIDENTIAL (FAR) DISTRICTS

USE	MINIMUM LAND AREA	MINIMUM LOT WIDTH AT BUILDING LINE	MINIMUM FRONT YARD	MINIMUM REAR YARD	MINIMUM SIDE YARD	MAXIMUM LOT COVERAGE DEFINE?
Single Family Dwellings, Manufactured Homes, Mobil Homes	1 acre (43,560 sq. ft.)	120 feet or more if required by BZA (Board of Zoning Appeals)	Arterial – 60 feet Other – 35 feet or as required by BZA	30 feet or as required by the BZA	25 feet or as required by the BZA	25% or as required by the BZA
Two-Family Dwellings	1½ acre	150 feet or as required by BZA	Arterial – 60 feet Other – 35 feet or as required by BZA	30 feet or as required by the BZA	30 feet or as required by the BZA	25% or as required by the BZA
Churches	1 acre or 200 sq. ft. per sanctuary seat whichever is greater	200 feet or as required by BZA	Arterial – 60 feet Other – 35 feet or as required by BZA	30 feet or as required by the BZA	30 feet or as required by the BZA	50% or as required by the BZA
Schools	5 acres plus 1 acre for each 100 students	200 feet or as required by BZA	Arterial – 60 feet Other – 35 feet or as required by BZA	30 feet or as required by the BZA	30 feet or as required by the BZA	50% or as required by the BZA
Uses Permitted on Appeal	1 acre, provisions for the use or as required by BZA	120 feet, provisions for the use or as required by BZA	Arterial – 60 feet Other – 35 feet, provisions for the use or as required by BZA	30 feet, provisions for the use or as required by BZA	30 feet, provisions for the use or as required by BZA	50% provisions for the use or as required by BZA

AGRICULTURAL ESTATE (AE) DISTRICTS^{xlvi}

USE	MINIMUM LAND AREA	MINIMUM LOT ROAD FRONTAGE	MINIMUM FRONT YARD	MINIMUM REAR YARD	MINIMUM SIDE YARD	MAXIMUM BUILDING HEIGHT
Single Family Dwellings	5 acres	300 feet / 200 feet at Building Line	100 Feet	50 feet	100 feet	35 Feet

NOTES: THE MAXIMUM ALLOWED HEIGHT FOR ALL BUILDINGS IS THIRTY-FIVE (35) FEET OR THREE (3) STORIES, WHICHEVER IS LESS. FREE STANDING POLES, SPIRES, TOWERS, ANTENNAS AND SIMILAR STRUCTURES NOT DESIGNED FOR OR SUITABLE FOR HUMAN OCCUPANCY MAY EXCEED THE HEIGHT PROVISIONS OF THIS RESOLUTION PROVIDED THEY COMPLY WITH ALL OTHER CODES AND ORDINANCES AND PROVIDED THAT THEY ARE LOCATED AT A DISTANCE EQUAL TO THEIR OWN HEIGHT PLUS TEN (10) FEET FROM THE NEAREST PROPERTY LINES. ALL USES PERMITTED OR USES PERMITTED ON APPEAL MUST COMPLY WITH REQUIREMENTS SET FORTH BY THE MOST RECENT ADOPTED INTERNATIONAL BUILDING CODES, PUBLIC HEALTH SEWAGE REGULATIONS AND OTHER CODES AND REGULATIONS AS REQUIRED WITHIN THE STATE OF TENNESSEE. ZONING REGULATIONS FOR THE FAR AND AE DISTRICT DO NOT AUTHORIZE THE REQUIREMENT OF BUILDING PERMITS OR ANY REGULATIONS OF AGRICULTURAL BUILDINGS OTHER THAN MAXIMUM ALLOWED HEIGHT AND SETBACK REQUIREMENTS FOR THE RIGHT-OF-WAY OF A STREET DEVOTED TO AGRICULTURAL USES UNLESS AS SET FORTH IN THIS RESOLUTION. ZONING REGULATIONS DO NOT LIMIT, CONTROL OR AFFECT IN ANY WAY THE AGRICULTURAL USES. SOIL ANALYSIS MAY REQUIRE ADDITIONAL ACREAGE.

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TABLE 1: CONTROLLING PROVISIONS

RESIDENTIAL (R) DISTRICTS

USE	MINIMUM LAND AREA	MINIMUM LOT WIDTH AT BUILDING LINE	MINIMUM FRONT YARD	MINIMUM REAR YARD	MINIMUM SIDE YARD	MAXIMUM LOT COVERAGE DEFINE?
Single Family Dwellings, Manufactured Homes	1 acre (43,560 sq. ft.)	120 feet or more if required by BZA (Board of Zoning Appeals)	Arterial – 50 feet Other – 35 feet or as required by BZA	25 feet or as required by the BZA	25 feet or as required by the BZA	30% or as required by the BZA
Two-Family Dwellings and Multi-Family Dwellings (A)	1½ acre	120 feet or as required by BZA	Arterial – 50 feet Other – 35 feet or as required by BZA	25 feet or as required by the BZA	25 feet or as required by the BZA	50% or as required by the BZA
Churches	1 acre or 200 sq. ft. per sanctuary seat whichever is greater	200 feet or as required by BZA	50 feet or as required by BZA	30 feet or as required by the BZA	30 feet or as required by the BZA	50% or as required by the BZA
Schools (Private)	5 acres plus 1 acre for each 100 students	200 feet or as required by BZA	50 feet or as required by BZA	30 feet or as required by the BZA	30 feet or as required by the BZA	50% or as required by the BZA
Uses Permitted on Appeal	1 acre, provisions for the use or as required by BZA	120 feet, provisions for the use or as required by BZA	40 feet, provisions for the use or as required by BZA	25 feet, provisions for the use or as required by BZA	25 feet, provisions for the use or as required by BZA	50%, provisions for the use or as required by BZA.

NOTES:

THE MAXIMUM ALLOWED HEIGHT FOR ALL BUILDINGS IS THIRTY-FIVE (35) FEET OR THREE (3) STORIES, WHICHEVER IS LESS. FREE STANDING POLES, SPIRES, TOWERS, ANTENNAS AND SIMILAR STRUCTURES NOT DESIGNED FOR OR SUITABLE FOR HUMAN OCCUPANCY MAY EXCEED THE HEIGHT PROVISIONS OF THIS RESOLUTION PROVIDED THEY COMPLY WITH ALL OTHER CODES AND ORDINANCES AND PROVIDED THAT THEY ARE LOCATED AT A DISTANCE EQUAL TO THEIR OWN HEIGHT PLUS TEN (10) FEET FROM THE NEAREST PROPERTY LINES.

ALL USES PERMITTED OR USES PERMITTED ON APPEAL MUST COMPLY WITH REQUIREMENTS SET FORTH BY THE MOST RECENT ADOPTED INTERNATIONAL BUILDING CODES, PUBLIC HEALTH SEWAGE REGULATIONS AND OTHER CODES AND REGULATIONS AS REQUIRED WITHIN THE STATE OF TENNESSEE.

ZONING REGULATIONS FOR THE FAR DISTRICT DO NOT AUTHORIZE THE REQUIREMENT OF BUILDING PERMITS OR ANY REGULATIONS OF AGRICULTURAL BUILDINGS OTHER THAN MAXIMUM ALLOWED HEIGHT AND SETBACK REQUIREMENTS FOR THE RIGHT-OF-WAY OF A STREET DEVOTED TO AGRICULTURAL USES UNLESS AS SET FORTH IN THIS RESOLUTION. ZONING REGULATIONS DO NOT LIMIT, CONTROL OR AFFECT IN ANY WAY THE AGRICULTURAL USES.

SOIL ANALYSIS MAY REQUIRE ADDITIONAL ACREAGE

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TABLE 1: CONTROLLING PROVISIONS

RESIDENTIAL – MOBILE HOME (R-MH) DISTRICTS

USE	MINIMUM LAND AREA	MINIMUM LOT WIDTH AT BUILDING LINE	MINIMUM FRONT YARD	MINIMUM REAR YARD	MINIMUM SIDE YARD	MAXIMUM LOT COVERAGE DEFINE?
Single Family Dwellings, Manufactured Homes	1 acre (43,560 sq. ft.)	120 feet or more if required by BZA (Board of Zoning Appeals)	Arterial – 50 feet Other – 35 feet or as required by BZA	25 feet or as required by the BZA	25 feet or as required by the BZA	30% or as required by the BZA
Two-Family Dwellings (Duplex)	1½ acres	120 feet or as required by BZA	Arterial – 50 feet Other – 35 feet or as required by BZA	25 feet or as required by the BZA	25 feet or as required by the BZA	30% or as required by the BZA
Multifamily Dwellings	½ acre for first dwelling plus ½ acre for each dwelling unit	150 feet or as required by BZA	Arterial – 50 feet Other – 35 feet or as required by BZA	25 feet or as required by the BZA	25 feet or as required by the BZA	30% or as required by the BZA
Mobile Home Parks	2 acres plus 6,000 sq. ft. each dwelling	120 feet	Arterial – 50 feet Other – 35 feet or as required by BZA	25 feet or as required by the BZA	25 feet or as required by the BZA	50% or as required by the BZA
Travel Trailer Parks	3 acres – Maximum density 7.6 units per acre	250 feet	Arterial – 50 feet Other – 35 feet	30 feet	35 feet	50%
Churches	1 acre or 200 sq. ft. per sanctuary seat whichever is greater	200 feet or as required by BZA	50 feet or as required by BZA	30 feet or as required by the BZA	30 feet or as required by the BZA	50% or as required by the BZA
Schools	5 acres plus 1 acre for each 100 students	200 feet or as required by BZA	50 feet or as required by BZA	30 feet or as required by the BZA	30 feet or as required by the BZA	50% or as required by the BZA
Uses Permitted on Appeal	1 acre, provisions for the use or as required by BZA	120 feet, provisions for the use or as required by BZA	35 feet, provisions for the use or as required by BZA	25 feet, provisions for the use or as required by BZA	25 feet, provisions for the use or as required by BZA	50%, provisions for the use or as required by BZA

NOTES:
 THE MAXIMUM ALLOWED HEIGHT FOR ALL BUILDINGS IS THIRTY-FIVE (35) FEET OR THREE (3) STORIES, WHICHEVER IS LESS. FREE STANDING POLES, SPIRES, TOWERS, ANTENNAS AND SIMILAR STRUCTURES NOT DESIGNED FOR OR SUITABLE FOR HUMAN OCCUPANCY MAY EXCEED THE HEIGHT PROVISIONS OF THIS RESOLUTION PROVIDED THEY COMPLY WITH ALL OTHER CODES AND ORDINANCES AND PROVIDED THAT THEY ARE LOCATED AT A DISTANCE EQUAL TO THEIR OWN HEIGHT PLUS TEN (10) FEET FROM THE NEAREST PROPERTY LINES. ALL USES PERMITTED OR USES PERMITTED ON APPEAL MUST COMPLY WITH REQUIREMENTS SET FORTH BY THE MOST RECENT ADOPTED INTERNATIONAL BUILDING CODES, PUBLIC HEALTH SEWAGE REGULATIONS AND OTHER CODES AND REGULATIONS AS REQUIRED WITHIN THE STATE OF TENNESSEE. ZONING REGULATIONS FOR THE FAR DISTRICT DO NOT AUTHORIZE THE REQUIREMENT OF BUILDING PERMITS OR ANY REGULATIONS OF AGRICULTURAL BUILDINGS OTHER THAN MAXIMUM ALLOWED HEIGHT AND SETBACK REQUIREMENTS FOR THE RIGHT-OF-WAY OF A STREET DEVOTED TO AGRICULTURAL USES UNLESS AS SET FORTH IN THIS RESOLUTION. ZONING REGULATIONS DO NOT LIMIT, CONTROL OR AFFECT IN ANY WAY THE AGRICULTURAL USES. SOIL ANALYSIS MAY REQUIRE ADDITIONAL ACREAGE.

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TABLE 1: CONTROLLING PROVISIONS

COMMERCIAL (C) DISTRICTS

USE	MINIMUM LAND AREA	MINIMUM LOT WIDTH AT BUILDING LINE	MINIMUM FRONT YARD	MINIMUM REAR YARD	MINIMUM SIDE YARD	MAXIMUM LOT COVERAGE DEFINE?
Wholesale Sales, Retail Sales	½ acre with public water, ¾ acre without public water	100 feet or more if required by BZA	Arterial – 100 feet Other – 35 feet or as required by BZA	50 feet or as required by the BZA	25 feet or as required by the BZA	50% or as required by the BZA
All Services	½ acre with public water, ¾ acre without public water	100 feet or more if required by BZA	Arterial – 100 feet Other – 35 feet or as required by BZA	50 feet or as required by the BZA	25 feet or as required by the BZA	60% or as required by the BZA
Travel Trailer Parks	10 acres plus 6,000 sq. ft. per dwelling	100 feet or more if required by BZA	Arterial – 50 feet Other – 35 feet or as required by BZA	50 feet or as required by the BZA	25 feet or as required by the BZA	50% or as required by the BZA
Uses Permitted on Appeal	½ acre with public water, ¾ acre without public water, provisions for the use or as required by BZA	100 feet or provisions for the use or as required by BZA (Board of Zoning Appeals)	Arterial – 100 feet, Other – 35 feet, provisions for the use or as required by BZA	50 feet, provisions for the use or as required by the BZA	25 feet, provisions for the use or as required by the BZA	60%, provisions for the use or as required by the BZA

NOTES:

THE MAXIMUM ALLOWED HEIGHT FOR ALL BUILDINGS IS THIRTY-FIVE (35) FEET OR THREE (3) STORIES, WHICHEVER IS LESS. FREE STANDING POLES, SPIRES, TOWERS, ANTENNAS AND SIMILAR STRUCTURES NOT DESIGNED FOR OR SUITABLE FOR HUMAN OCCUPANCY MAY EXCEED THE HEIGHT PROVISIONS OF THIS RESOLUTION PROVIDED THEY COMPLY WITH ALL OTHER CODES AND ORDINANCES AND PROVIDED THAT THEY ARE LOCATED AT A DISTANCE EQUAL TO THEIR OWN HEIGHT PLUS TEN (10) FEET FROM THE NEAREST PROPERTY LINES.

ALL USES PERMITTED OR USES PERMITTED ON APPEAL MUST COMPLY WITH REQUIREMENTS SET FORTH BY THE MOST RECENT ADOPTED INTERNATIONAL BUILDING CODES, PUBLIC HEALTH SEWAGE REGULATIONS AND OTHER CODES AND REGULATIONS AS REQUIRED WITHIN THE STATE OF TENNESSEE.

ZONING REGULATIONS FOR THE FAR DISTRICT DO NOT AUTHORIZE THE REQUIREMENT OF BUILDING PERMITS OR ANY REGULATIONS OF AGRICULTURAL BUILDINGS OTHER THAN MAXIMUM ALLOWED HEIGHT AND SETBACK REQUIREMENTS FOR THE RIGHT-OF-WAY OF A STREET DEVOTED TO AGRICULTURAL USES UNLESS AS SET FORTH IN THIS RESOLUTION. ZONING REGULATIONS DO NOT LIMIT, CONTROL OR AFFECT IN ANY WAY THE AGRICULTURAL USES.

SOIL ANALYSIS MAY REQUIRE ADDITIONAL ACREAGE

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TABLE 1: CONTROLLING PROVISIONS

LIGHT INDUSTRIAL (I-1) DISTRICTS

USE	MINIMUM LAND AREA	MINIMUM LOT WIDTH AT BUILDING LINE	MINIMUM FRONT YARD	MINIMUM REAR YARD	MINIMUM SIDE YARD	MAXIMUM LOT COVERAGE DEFINE?
Wholesale and Retail Sales, All Services, Manufacturing, and Federal/State/City	1 acre	150 feet or more if required by BZA (Board of Zoning Appeals)	Arterial – 50 feet Other – 35 feet or as required by BZA	50 feet or as required by the BZA	50 feet or as required by the BZA	60% or as required by the BZA
Uses Permitted on Appeal	1 acre, provisions for the use or as required by BZA	150 feet, provisions for the use or as required by BZA	50 feet, provisions for use or as required by BZA	50 feet, provisions for the use or as required by the BZA	50 feet, provisions for the use or as required by the BZA	60%, provisions for the use or as required by the BZA

HEAVY INDUSTRIAL (I-2) DISTRICTS

USE	MINIMUM LAND AREA	MINIMUM LOT WIDTH AT BUILDING LINE	MINIMUM FRONT YARD	MINIMUM REAR YARD	MINIMUM SIDE YARD	MAXIMUM LOT COVERAGE DEFINE?
Wholesale and Retail Sales, All Services, Manufacturing, and Federal/State/City	1 acre	150 feet or more if required by BZA (Board of Zoning Appeals)	Arterial – 50 feet Other – 35 feet or as required by BZA	50 feet or as required by the BZA	50 feet or as required by the BZA	60% or as required by the BZA
Uses Permitted on Appeal	5 acres, provisions for the use or as required by BZA	150 feet, provisions for the use or as required by BZA	50 feet, provisions for use or as required by BZA	50 feet, provisions for the use or as required by the BZA	50 feet, provisions for the use or as required by the BZA	60%, provisions for the use or as required by the BZA

NOTES:

THE MAXIMUM ALLOWED HEIGHT FOR ALL BUILDINGS IS THIRTY-FIVE (35) FEET OR THREE (3) STORIES, WHICHEVER IS LESS. FREE STANDING POLES, SPIRES, TOWERS, ANTENNAS AND SIMILAR STRUCTURES NOT DESIGNED FOR OR SUITABLE FOR HUMAN OCCUPANCY MAY EXCEED THE HEIGHT PROVISIONS OF THIS RESOLUTION PROVIDED THEY COMPLY WITH ALL OTHER CODES AND ORDINANCES AND PROVIDED THAT THEY ARE LOCATED AT A DISTANCE EQUAL TO THEIR OWN HEIGHT PLUS TEN (10) FEET FROM THE NEAREST PROPERTY LINES.

ALL USES PERMITTED OR USES PERMITTED ON APPEAL MUST COMPLY WITH REQUIREMENTS SET FORTH BY THE MOST RECENT ADOPTED INTERNATIONAL BUILDING CODES, PUBLIC HEALTH SEWAGE REGULATIONS AND OTHER CODES AND REGULATIONS AS REQUIRED WITHIN THE STATE OF TENNESSEE.

ZONING REGULATIONS FOR THE FAR DISTRICT DO NOT AUTHORIZE THE REQUIREMENT OF BUILDING PERMITS OR ANY REGULATIONS OF AGRICULTURAL BUILDINGS OTHER THAN MAXIMUM ALLOWED HEIGHT AND SETBACK REQUIREMENTS FOR THE RIGHT-OF-WAY OF A STREET DEVOTED TO AGRICULTURAL USES UNLESS AS SET FORTH IN THIS RESOLUTION. ZONING REGULATIONS DO NOT LIMIT, CONTROL OR AFFECT IN ANY WAY THE AGRICULTURAL USES.

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End Notes:

County Commission Official Actions

- i Resolution 9092 - IBC 2006 Adoption 09/21/2009 and Resolution 3101 – Substituting IBC in place of SBC Passed 03/15/2010
- ii Resolution 2024-02-05 Added Definition - Passed 2/19/2024
- iii Resolution 2024-02-05 Added Definition - Passed 2/19/2024
- iv Resolution 2023-12-06 – Added Definition-Passed 12-18-2023
- v Resolution 2024-02-05 Added Definition - Passed 2/19/2024
- vi Resolution 4-22.03 – Added provision allowing accessory structure in front yard in FAR Districts – Passed 04/04/2022.
- vii Resolution 2023-12-06 - Added Submission Requirements -Passed 12-18-2023
- viii Resolution 2131 – Amending Sign Regulations by adding on premise provisions – Passed 02/18/2012
- ix Resolution 2131 – Amending Sign Regulations by adding on premise provisions – Passed 02/18/2012
- x Resolution 4061 - Deleted “Shared Use” per PC 373. – Passed 04/17/2006
- xi Resolution 3051 – Passed 03/21/2005
- xii Resolution 2024-06-05 – Passed 6/29/2024 – Added AE District
- xiii Resolution 3102 – Deleted part of Intent statement – Passed 03/15/2010
- xiv Resolution 4-22.02 – Deleted duplicate line - Passed 04/04/2022
- xv Resolution 5091 – Passed 05/18/2009 – Deleted 2 mile separation requirement.
- xvi Resolution 7991 – Passed 07/19/1999 – Added Landing Strip as Use on Appeal in FAR Districts
- xvii Resolution 3052 – Passed 03/21/2005
- xviii Resolution 2023-01-02 – Deleted Travel Trailer Parks as a Use Permitted on Appeal in FAR Districts – Passed January 17, 2023
- xix Resolution 2021-06-01 – Solar Farm restrictions - Passed 06/29/2021
- xx Resolution 2021-05-01 – Solar Farms in FAR District – Passed 5/17/2021
- xxi Resolution 2024-06-05 – Passed 6/29/2024 – Added AE District
- xxii Resolution 4062 – Passed 04/17/2006
- xxiii Resolution 4-22.01 – Added prohibition regarding UGB and PGA territory. Passed 4/4/2022
- xxiv Resolution 2023-01-02 – Added Travel Trailer Parks as a Use Permitted by right in R-MH Districts – Passed January 17, 2023
- xxv Resolution 2023-04-01 – Deleted BZA discretion on buffering and required buffering. Passed April 17, 2023
- xxvi Resolution 2023-04-01 – Added this provision. Passed April 17, 2023
- xxvii Resolution 2023-04-01 – Added this provision. Passed April 17, 2023
- xxviii Resolution 2023-04-01 – Added this provision. Passed April 17, 2023
- xxix Resolution 2023-04-01 – Added this provision. Passed April 17, 2023
- xxx Resolution 2023-04-01 – Added this provision. Passed April 17, 2023
- xxxi Resolution 2023-04-01 – Added this provision. Passed April 17, 2023
- xxxii Resolution 4-22.02 – Deleted 180 day provision and added 5 year provision with permit rescinding language. Passed 04/04/2022
- xxxiii Resolution 2023-01-02 – Added Travel Trailer Parks as a Use Permitted by right in R-MH Districts – Passed January 17, 2023
- xxxiv Resolution 2023-01-02 – Added Travel Trailer Parks as a Use Permitted by right in R-MH Districts – Passed January 17, 2023
- xxxv Resolution 2023-01-02 – Added Travel Trailer Parks as a Use Permitted by right in R-MH Districts – Passed January 17, 2023
- xxxvi Resolution 2023-01-02 – Added Travel Trailer Parks as a Use Permitted by right in R-MH Districts – Passed January 17, 2023
- xxxvii Resolution 2023-01-02 – Added Travel Trailer Parks as a Use Permitted by right in R-MH Districts – Passed January 17, 2023
- xxxviii Resolution 3102 – Deleted Travel Trailer Parks – Passed 03/15/2010
- xxxix Resolution 1171 – Added Solar Farm provisions – Passed 01/17/2017
- xl Resolution 1171 – Added Solar Farm provisions – Passed 01/17/2017
- xli Resolution 11074 – Passed 11/19/2007 - Replaced Chapter XI with New Flood Resolution
- xliv Resolution 7111 – Passed 07/18/2008 – Amended Chapter per ECD – LPAO instructions

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- xliii Resolution 10141 – Passed 10/20/2014 – Amended Chapter per NFIP Coordinator
 - xliv Resolution 2024-02-05 – Passed 02/19/2024 – Added Planned Developments and Conservation Planned Developments.
 - xlvi Resolution 2024-06-06 – Passed 6/29/2024 – Added enforcement provision
 - xlvii Resolution 9022 – Passed 09/16/2002 – Changed notice requirement from 30 to 15 days
 - xlviii Resolution 2024-06-05 – Passed 6/29/2024 – Added AE District

Other Planning Commission Actions

Adopted Future Land Use Plan – Adopted by Planning Commission on April 9, 2009, Passed by County Commission on June 16, 2009 (Resolution 6091) and Recorded with Register’s Office on June 29, 2009. Planning Commission adopted a FLU map in 2017.

Adopted Major Road Plan – May 12, 2010.

Adopted Haywood County Growth Plan – Amended 6/13/2011 Resolution 6111.

Adopted 2012 ICC Building Code – Resolution 9131 – Passed 09/16/2013

Adopted 2018 ICC Building Code (with Amendments) – Resolution 2021-06-01 – Passed 06/29/2021

Adopted 2018 ICC Codes with amendments – Resolution 2021-06-01 – Passed 06-29-2021

Adopted IDDG (Interim Development Design Guidelines – Resolution xxxx - Passed 12/19/2022

Adopted New Fee Schedule – Resolution 2023-09-04 – Passed 08/18/2023.