

**TITLE 14**

**ZONING AND LAND USE CONTROL<sup>1</sup>**

**CHAPTER**

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**CHAPTER 1**

**GENERAL ZONING PROVISIONS**

**SECTION**

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**14-101. Short title.** Chapters 1 through 6 of title 14 of the Lafayette Municipal Code shall be known as the "official zoning code of the City of Lafayette, Tennessee" and the map herein referred to, which is identified by the title "official zoning map of the City of Lafayette, Tennessee," dated February 2, 2016, shall be made a part of chapters 1 through 6 of title 14 of the Lafayette Municipal Code. (1973 Code, § 11-201, as replaced by Ord. #679, Feb. 2016)

**14-102. Purpose.** This official zoning code is enacted for the following purposes:

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<sup>1</sup>The "official zoning map of the City of Lafayette," and any amendments thereto, is of record in the city recorder's office.

The "Lafayette Municipal Airport zoning ordinance," Ord. #433, Jan. 2003, is of record in the city recorder's office.

- (1) To promote and protect the public health, safety, morals, comfort, convenience, and general welfare of the people;
- (2) To divide the municipality into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, commercial, industrial, and other specified uses;
- (3) To protect the character and maintain the stability of residential, business, commercial, and industrial areas within the planning region, and to promote the orderly and beneficial development of such areas;
- (4) To provide adequate light, air, privacy, and convenience of access to property;
- (5) To regulate the intensity of open spaces surrounding buildings that are necessary to provide adequate light, air, and protect the public health;
- (6) To establish building lines and the location of buildings designated for residential, business, commercial, industrial, or other uses within such lines;
- (7) To fix reasonable standards to which buildings or structures shall conform;
- (8) To prohibit uses, buildings, or structures which are incompatible with the character of development or the permitted uses within specified zoning districts;
- (9) To prevent such additions to, and alterations or remodeling of, existing buildings or structures as would not comply with the restrictions and limitations imposed hereunder;
- (10) To limit congestion in the public streets and so protect the public health, safety, convenience, and general welfare by providing for the off-street parking of motor vehicles and for the loading and unloading of commercial vehicles;
- (11) To provide protection against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort, and general welfare;
- (12) To prevent overcrowding of land and undue concentration of structures so far as is possible and appropriate in each district by regulating the use and the bulk of buildings in relation to the land surrounding them;
- (13) To conserve the taxable value of land and buildings throughout the planning area;
- (14) To provide for the gradual elimination of those uses of land, buildings and structures which do not conform to the standards of the districts in which they are respectively located and which are adversely affecting the development and taxable value of property in each district;
- (15) To define and limit the powers and duties of the administrative officers and bodies as provided herein;
- (16) To protect and in general allow for the beneficial uses of property in a like manner to that which was permitted under the previous zoning regulations of the city;

(17) These general purposes include the specific purposes stated in the various chapters throughout this official zoning code. (1973 Code, § 11-202, as replaced by Ord. #679, Feb. 2016)

**14-103. Construction of language.** For the purposes of this official zoning code, certain terms or words shall be interpreted as follows:

(1) The words SHALL or MUST are always mandatory and not discretionary.

(2) The word MAY is permissive.

(3) Words used in the present tense include the future tense, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(4) The word PERSON includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

(5) The phrase USED FOR shall include the phrases ARRANGED FOR, DESIGNED FOR, INTENDED FOR, MAINTAINED FOR, and OCCUPIED FOR.

(6) The word LOT shall include the words PLOT, PIECE, or PARCEL.

(7) Unless the context clearly indicates to the contrary conjunctions shall be interpreted as follows:

(a) AND indicates that all connected items, conditions, provisions, or events shall apply.

(b) OR indicates that the connected items, conditions, provisions, or events shall apply.

(c) EITHER...OR indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination. (1973 Code, § 11-203, as replaced by Ord. #679, Feb. 2016)

**14-104. Definitions.** Except where definitions are specifically included in various chapters and sections, certain words in the text of this official zoning code shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail.

(1) Accessory apartment. A separate and complete dwelling unit that is contained within the structure of a single-family dwelling unit.

(2) Accessory use, structure, or building. A use, structure, or building on the same lot with, and of a nature customarily incidental, appropriate and subordinate to, the principal use, structure, or building.

(3) Activity. The performance of a function or operation which constitutes the use of land.

(4) Alley. A narrow service way providing a secondary public means of access to abutting property.

(5) Alternative tower structure shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting

structures that conceal the presence of antennas or towers and are architecturally compatible with the area.

(6) Antenna shall mean any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals.

(7) Backhaul network shall mean the lines that connect a provider's towers/cell sites to one (1) or more cellular telephone switching offices or long distance providers, or the public switched telephone network.

(8) Bed and breakfast inn. A dwelling or portion thereof, where short term lodging rooms and meals are provided. The owner/operator of the inn shall live in the dwelling.

(9) Buffer area. A landscaped area intended to separate and obstruct the view of two (2) adjacent land uses or properties from one another.

(10) Boarding or rooming house. Any dwelling in which three (3) or more persons, either individually or as families, are housed or lodged for hire with or without meals.

(11) Building. A structure having a roof supported by columns or walls and intended for housing, shelter, or enclosure of goods or persons.

(12) Building area. The total area taken on a horizontal plane at the average ground elevation of the principal building and all accessory buildings.

(13) Building line. The line, parallel to the street line, that passes through the point of the principal building nearest the front lot line.

(14) Building permit. A permit required under the City of Lafayette Municipal Code prior to the commencement of certain types of construction.

(15) Commercial or industrial vehicles. Any vehicle with a minimum classification of seven (7), or weight of more than twenty-six thousand pounds (26,000 lbs), as classified by the Department of Transportation's Federal Highway Administration.

(16) Customary home occupation. An occupation, profession, activity or use having traditional acceptance as being one customarily carried on in the home, provided that such occupation be clearly incidental and secondary to the residential use and which does not alter the exterior of the property or affect the residential character of the neighborhood.

(17) Co-location. When one (1) or more antenna or transmitter is located on a single tower.

(18) Daycare center. A building or structure where care, protection, and supervision are provided, on a regular schedule, at least twice a week to more than seven (7) children, including the children of the adult provider.

(19) Daycare home. A private residence where care, protection, and supervision are provided, for a fee, at least twice a week to no more than seven (7) children, including children of the adult provider.

(20) Developer. An individual, firm, corporation, association, partnership or trust involved in commencing proceedings to effect development of land for himself or others.

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

(22) Dwelling. A building or portion thereof, designed or used exclusively for residential occupancy.

(a) Dwelling, single-family. A detached residence designed for or occupied by one (1) family only.

(b) Dwelling, two-family. A residence designed for or occupied by two (2) families only, with separate housekeeping, cooking, and sanitary facilities for each.

(c) Dwelling-multi-family. A residence designed for or occupied by three (3) or more families, with separate housekeeping, cooking, and sanitary facilities for each. The term includes cooperative apartments, condominiums, and the like.

(23) Dwelling line. A room or rooms connected together constituting a separate, independent housekeeping establishment for one (1) family only, for owner occupancy rental and/or lease, and containing cooking, living, sleeping, and sanitation facilities.

(24) Easement. A grant by a property owner to the public, a corporation or persons for use of land for specific purposes.

(25) FAA shall mean the Federal Aviation Administration.

(26) Family. One (1) or more persons occupying a premises and living as a single, nonprofit housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity, rooming house, motel, or other structures designed for transient residence.

(27) FCC. Acronym for the Federal Communications Commission.

(28) Gross density. The ratio derived by dividing the number of dwellings by the gross site area.

(29) Gross site area. The total area of the site within the boundaries shown on a plat of survey and described by a legal description for the site.

(30) Group home. A residence operated by a public or private agency, which may provide a program of services in addition to room and board, which has continuous supervision. When appropriate Tennessee Code Annotated, § 13-24-102 shall apply.

(31) Height shall mean, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any other antenna.

(32) Height of building. The vertical distance from the established average sidewalk grade, or street grade, or finished grade at the building line,

whichever is the highest, to the highest point of the building, excluding spires, towers, domes not for human occupancy, flagpoles, masts, or aerials.

(33) Lot. A piece, parcel, or plot of land in one (1) ownership which may include one (1) or more lots of record, occupied or to be occupied by one (1) principal building and its accessory buildings and including the open spaces required in this official zoning code. All lots shall front on and have access to a street.

(a) Lot, corner. A lot abutting on and at the intersection of two (2) or more streets.

(b) Lot depth. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

(c) Lot frontage. The front of a lot shall be construed to be the portion nearest to the street.

(d) Lot line. The boundary dividing a given lot from a street, an alley, or adjacent lots.

(e) Lot of record. A lot which is part of a subdivision legally recorded in the office of the Macon County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

(f) Lot width. The distance between the side boundaries of the lot measured at the front building line.

(34) Single-wide mobile home (house trailer). A detached one-family dwelling unit with all of the following characteristics:

(a) Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower, and kitchen facilities, with plumbing and electrical connections provided for attachment to utility systems

(b) Designed to be transported after fabrication on its own wheels, or detachable wheels, or on a flat bed or other trailer. It is to be tied down in accordance with applicable federal and state regulations.

(c) Arriving at the site where it is to be occupied as a dwelling complete, often including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation support, connection to utilities, and the like. The unit is constructed in accordance with applicable federal and state regulations.

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

(35) Mobile home (trailer) park. A parcel of land under single ownership designed for or which is intended to be used for the accommodation of two (2) or more mobile homes (trailers) for dwelling purposes.

(36) Nonconforming use. A building, structure, or use of land existing at the time of enactment or amendment of this official zoning code, and which does not conform to the regulations of the zone in which it is located.

(37) Pre-existing towers and antennas shall mean any tower or antenna on which a permit has been properly issued prior to the effective date of this ordinance.

(38) Principle building. A building which contains the principal activity or use located on a lot which it is situated.

(39) Residence. A building or part of a building containing one (1) or more dwelling units, including one-family, two-family, or multi-family dwellings and mobile homes.

(40) Screening (see also buffer area). The method by which a view of one (1) site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, trees, hedges, shrubs, or other landscaping, berms or other features.

(41) Setback line. The required minimum horizontal distance between the building line and the related front, side or rear property line.

(42) Sign. An attached or freestanding structure conveying some information, knowledge or idea to the public.

(43) Special exception (use permitted on appeal). A special exception is a use that would not be appropriate generally or without restrictions in a particular zoning district but which, if controlled as to the number, area, location, or relation to the neighborhood would promote the public health, safety, welfare, order, comfort, convenience, appearance or prosperity. The location of such uses is subject to the approval of the City of Lafayette Board of Zoning Appeals.

(44) 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 shall be counted as a story if its ceiling is over six feet (6') above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.

(45) Street. A publicly maintained right-of-way, other than an alley, which affords a primary access to abutting property.

(a) Centerline of street. That line surveyed and monumented as the centerline of the street by the City of Lafayette, or if such centerline has not been surveyed, that line running midway between the outside curbs or ditches of such street.

(b) Street line. The property line which bounds the right-of-way set aside for use as a street. For the purposes of measuring the lot line for setback requirements, the property line shall be considered no closer than

five feet (5') from the edge of pavement. Where a sidewalk exists and locations of the property line is questioned, the side of the sidewalk farthest from the traveled street shall be considered the street line.

(46) Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, towers, walls, fences, billboards, and ground signs.

(47) Long-term. A period of time constituting more than seventy-two (72) hours.

(48) Tower shall mean any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, Personal Communications Service towers (PCS), microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, specialized mobile radio, paging, and the like. This definition does not include any structure erected solely for residential, non-commercial individual use, such as television antennas, satellite dishes or uses as defined in § 14-504(10) of this official zoning code.

(49) Use. The specific purpose for which land or 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 nonconforming use.

(50) Variance. A variance is a relaxation of the terms of the official zoning code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the official zoning code would result in unnecessary and undue hardship. As used in this official zoning code, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

(51) Wireless communication antenna array (antenna array). One (1) or more rods, panels, or discs or similar devices used for the transmission or reception of Radio Frequency (RF) signals through electromagnetic energy, which may include omni-directional antenna (whip), directional antenna (panel) and parabolic antenna (dish).

(52) Wireless communication facility. An unstaffed facility for the transmission and/or reception of Radio Frequency (RF) signals through electromagnetic energy usually consisting of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission and reception devices or antenna.



(53) Yard. A required open space unoccupied and unobstructed by any structure or portion of a structure from thirty inches (30") 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.

(a) Yard, front. The yard extending across the entire width of the lot between the front lot line and the nearest part of the principal building, including covered porches.

(b) Yard, rear. The yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building, including carports and covered porches.

(c) Yard, side. A yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including carports and covered porches. (1973 Code, § 11-204, as replaced by Ord. #679, Feb. 2016)

**14-105. General provisions**. For the purpose of this official zoning code there shall be certain general provisions which shall apply, except as specifically noted, to the municipality as a whole.

(1) Zoning affects every building and 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 herein specified for the district in which it is located, except as hereafter provided. Existing buildings and parking areas do not have to comply with this official zoning code unless they are modified or altered.

(2) Nonconforming lots and nonconforming use of land. Any nonconforming use which existed lawfully at the time of enactment of this official zoning code and which remains nonconforming and any use which shall become nonconforming upon enactment of this zoning code or any subsequent amendments thereto may be continued subject to the following provisions.

(a) Nonconforming lots of record. In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this zoning code, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this zoning code. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for the area or width, or both, that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained only through action of the board of zoning appeals.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership of record at the time of passage or amendment of this official zoning code, and if all or part of the lots do not meet the requirements for lot width and area as established by this official zoning code, the lands involved shall be considered to be an undivided parcel for the purposes of this official zoning code. No portion of said parcel shall be used or sold which does not meet lot width and area requirements of the zoning district in which it is located as established by this official zoning code. Nor shall any division of the parcel be made that leaves remaining any lot with width or area below the requirements of the applicable zoning district, as stated in this official zoning code.

(b) Change of nonconforming use. (i) General provisions. For the purpose of this official zoning code, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

(ii) Change to a conforming use. A nonconforming use may be changed to any conforming use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.

Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

(iii) Change to another nonconforming use. An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same classification; provided, however, that establishment of another nonconforming use of the same classification shall be subject to the written approval of the board of zoning appeals and subject to such conditions as the board of zoning appeals may require in order to protect the area.

(c) Expansion of nonconforming uses. Nonconforming industrial, commercial, or business uses may construct additional facilities that would allow the operations of the establishments to be expanded provided that there is enough space to meet the area requirements of the district and provided that it is done in accordance with the regulations specified in § 13-7-208, Tennessee Code Annotated. The property on which the expansion will take place must be owned by such industry or business situated within the area which is affected by the change in zoning.

Acquisition of additional land for the purpose of expanding the existing industry or business shall not be permitted.

(d) Destruction and restoration of nonconforming uses.

(i) Nonconforming industrial, commercial, or other business establishments shall be allowed to destroy present facilities and reconstruct new facilities necessary to the conduct of such industry or business in accordance with the regulations specified in § 13-7-208, Tennessee Code Annotated.

(ii) Any nonconforming industrial, commercial, or business use that is destroyed by fire or other natural disaster may be reconstructed provided that all provisions of § 13-7-208, Tennessee Code Annotated, are followed.

(e) Discontinuance. When a nonconforming use is discontinued for a period of one (1) year, then the land or building or other structure shall thereafter be used only for a conforming use. Intent to resume active operations shall not affect the foregoing provision.

(3) Number of principal buildings on a lot. In all residential districts, only one (1) principal building and its customary accessory buildings shall be erected on any individual lot. This provision shall not apply to legally located multi-family dwellings nor legally located mobile home parks.

(4) Public street frontage. No building shall be erected on any residential lot which does not abut at least one (1) public street for at least fifty feet (50'), except on a permanent dead-end street (cul-de-sac) where the minimum public street frontage shall be thirty feet (30'). No building shall be erected on any nonresidential lot which does not abut at least one (1) public street for at least twenty-five feet (25').

(5) Rear yard abuts a public street. When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, center line of the street or property line as required for adjacent properties which front on that street.

(6) Reduction in lot area prohibited. No lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the official zoning code are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

(7) Obstruction to vision at street intersection prohibited. On a corner lot within the area formed by the right-of-way lines of the intersecting or intercepting streets adjoining said corner lot and a line joining points on such right-of-way lines at a distance of twenty-five feet (25') from the point of intersection, there shall be no obstruction to vision between their height of two feet (2') and a height of ten feet (10') above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall. (1973 Code, 11-205, as replaced by Ord. #679, Feb. 2016)

**14-106.-14-113. [Deleted].** (1973 Code, §§ 11-206–11-213, as deleted by Ord. #679, Feb. 2016)

## CHAPTER 2

### PARKING, ACCESS, AND OFF-STREET LOADING AND UNLOADING REQUIREMENTS

#### SECTION

14-201. Off-street automobile storage (parking).

14-202. Access control.

14-203. Off-street loading and unloading spaces.

**14-201. Off-street automobile storage (parking).** In all zoning districts there shall be provided, at such time any building or structure is erected or enlarged or increased in capacity, off-street parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below. For uses not specifically mentioned herein, off-street parking requirements shall be determined by the board of zoning appeals. Parking requirements determined herein by square footage are based on gross square feet. For uses resulting in a fractional requirement the fraction shall be rounded off to the higher whole number.

- (1) Minimum off-street parking requirements.
  - (a) Residential uses.
    - (i) Two-family dwelling. Two (2) spaces per dwelling unit.
    - (ii) Multi-family dwelling. Two and one-half (2 1/2) spaces per dwelling unit.
    - (iii) Mobile home park. Two (2) spaces per dwelling unit.
    - (iv) Elderly housing. One and one-half (1 1/2) spaces per dwelling unit.
  - (b) Public, semi-public and office facilities.
    - (i) Cemetery. Parking on private drives, plus one (1) space per employee.
    - (ii) Charitable, fraternal or social organization. One (1) space per four (4) persons to capacity.
    - (iii) Church or similar place of worship. One (1) space per four (4) seats to capacity.
    - (iv) Community center. One (1) space per two hundred fifty (250) square feet, plus one (1) space per employee.
    - (v) Day-care center. One (1) space per four (4) children, plus one (1) space per employee.
    - (vi) Funeral home/crematorium. One (1) space per four (4) seats to capacity.
    - (vii) Group home. One (1) space per bedroom or sleeping room.
    - (viii) Hospital. One (1) space per two (2) beds intended for patient use, plus one (1) space per employee on largest shift.

- (ix) Medical clinic for human care. Three (3) spaces per doctor, plus one (1) space per employee.
  - (x) Nursing home. One (1) space per four (4) beds intended for patient use, plus one (1) space per employee.
  - (xi) Office. One (1) space per three hundred (300) square feet.
  - (xii) Postsecondary educational institution. One (1) space per five (5) students, plus one (1) space per employee.
  - (xiii) Retirement center. One and one-half (1 1/2) spaces per dwelling unit.
  - (xiv) School (K-12). K-9: One (1) space per classroom, plus one (1) space per employee; 9-12: One (1) space per four (4) students, plus one (1) space per employee.
  - (xv) Temporary care facility. One (1) space per four (4) patients, plus one (1) space per employee.
- (c) Business and personal services.
- (i) Appliance repair. One (1) space per three hundred (300) square feet, plus one (1) space per employee.
  - (ii) Barber and beauty service. One (1) space per two hundred (200) square feet, plus one (1) space per employee.
  - (iii) Bed and breakfast. Three (3) spaces for the principal dwelling, plus one (1) space per rented room.
  - (iv) Coin-operated cleaning and laundry. One (1) space per two hundred (200) square feet.
  - (v) Convenience storage. One (1) space per one thousand (1,000) square feet.
  - (vi) Copy service. One (1) space per two hundred (200) square feet.
  - (vii) Dry cleaning and laundry pickup. One (1) space per two hundred (200) square feet.
  - (viii) Dry cleaning and laundry service. One (1) space per two hundred (200) square feet.
  - (ix) Electrical repair. One (1) space per three hundred (300) square feet, plus one (1) space per employee.
  - (x) Employment agency. One (1) space per two hundred (200) square feet.
  - (xi) Equipment rental. One (1) space per two hundred (200) square feet, plus one (1) space per employee.
  - (xii) Exterminating service. One (1) space per five hundred (500) square feet.
  - (xiii) Financial service. One (1) space per two hundred (200) square feet, plus each drive-through lane shall have a stacking length to accommodate a minimum of six (6) vehicles.

- (xiv) Gunsmith. One (1) space per two hundred (200) square feet.
- (xv) Hotel. One (1) space per rented room, plus one (1) space per four (4) persons to capacity of meeting and/or banquet rooms.
- (xvi) Industrial equipment repair. One (1) space per five hundred (500) square feet.
- (xvii) Insurance agency. One (1) space per two hundred (200) square feet.
- (xviii) Interior decorating. One (1) space per two hundred (200) square feet.
- (xix) Legal service. One (1) space per two hundred (200) square feet.
- (xx) Locksmith. One (1) space per two hundred (200) square feet.
- (xxi) Motel. One (1) space per rented room, plus one (1) space per four (4) persons to capacity of meeting and/or banquet rooms.
- (xxii) Office equipment repair. One (1) space per three hundred (300) square feet, plus one (1) space per employee.
- (xxiii) Photographic service. One (1) space per two hundred (200) square feet.
- (xxiv) Real estate agency. One (1) space per two hundred (200) square feet.
- (xxv) Self-service storage. Two (2) spaces, plus one (1) additional space per two hundred (200) storage cubicles, plus meeting the provision of § 14-504(5) of this official zoning code.
- (xxvi) Shoe repair. One (1) space per three hundred (300) square feet, plus one (1) space per employee.
- (xxvii) Small engine and motor repair. One (1) space per three hundred (300) square feet, plus one (1) space per employee.
- (xxviii) Tailoring. One (1) space per two hundred (200) square feet.
- (xxix) Taxidermist. One (1) space per three hundred (300) square feet.
- (xxx) Upholstery service. One (1) space per two hundred (200) square feet.
- (xxxi) Veterinary service (indoor). One (1) space per five hundred (500) square feet, plus one (1) space per employee.
- (xxxii) Veterinary service (outdoor). One (1) space per one thousand (1,000) square feet, plus one (1) space per employee.
- (xxxiii) For developments in which the tenants have not been determined, one (1) space per two hundred (200) square feet shall be provided.

(xxxiv) For developments, which also provide drive-through service, a stacking length to accommodate a minimum of five (5) vehicles per lane shall be provided, unless otherwise required herein.

(d) Retail and wholesale trade. (i) Agricultural supply. One (1) space per five hundred (500) square feet.

(ii) Apparel shop. One (1) space per two hundred (200) square feet.

(iii) Appliance sales. One (1) space per five hundred (500) square feet.

(iv) Automotive sales. One (1) space per five hundred (500) square feet, plus two (2) spaces per service bay.

(v) Automotive parts supply. One (1) space per three hundred (300) square feet.

(vi) Bakery (retail). One (1) space per two hundred (200) square feet.

(vii) Bakery (wholesale). Two (2) spaces per employee.

(viii) Bookstore. One (1) space per two hundred (200) square feet.

(ix) Building materials. One (1) space per two hundred (200) square feet, plus one (1) space per employee.

(x) Cabinet sales. One (1) space per five hundred (500) square feet.

(xi) Camera and photographic supply. One (1) space per two hundred (200) square feet.

(xii) Caterer. One (1) space per two hundred (200) square feet.

(xiii) Confectionery. One (1) space per two hundred (200) square feet.

(xiv) Department store. One (1) space per two hundred (200) square feet.

(xv) Drapery sales. One (1) space per five hundred (500) square feet.

(xvi) Drugstore. One (1) space per two hundred (200) square feet.

(xvii) Fertilizer sales (bulk). One (1) space per five hundred (500) square feet.

(xviii) Fertilizer sales (packaged). One (1) space per five hundred (500) square feet.

(xix) Florist (retail). One (1) space per two hundred (200) square feet.

(xx) Florist (wholesale). Two (2) spaces per employee.

(xxi) Fruit market. One (1) space per two hundred (200) square feet.



- (xxii) Furniture sales. One (1) space per five hundred (500) square feet.
- (xxiii) Gift shop. One (1) space per two hundred (200) square feet.
- (xxiv) Grocery store. One (1) space per one hundred (100) square feet, plus one (1) space per two hundred (200) square feet of storage area.
- (xxv) Handicrafts. One (1) space per five hundred (500) square feet.
- (xxvi) Hardware. One (1) space per two hundred (200) square feet.
- (xxvii) Heavy machinery sales. One (1) space per five hundred (500) square feet, plus one (1) space per employee.
- (xxviii) Industrial supplies. One (1) space per five hundred (500) square feet, plus one (1) space per employee.
- (xxix) Jewelry. One (1) space per two hundred (200) square feet.
- (xxx) Marine supply. One (1) space per five hundred (500) square feet, plus one (1) space per employee.
- (xxxi) Meat market. One (1) space per two hundred (200) square feet.
- (xxxii) Mobile home sales. One (1) space per five hundred (500) square feet.
- (xxxiii) Motorcycle sales. One (1) space per five hundred (500) square feet.
- (xxxiv) Music store. One (1) space per two hundred (200) square feet.
- (xxxv) Nursery and garden centers. One (1) space per two hundred (200) square feet, plus one (1) space per employee.
- (xxxvi) Office supplies. One (1) space per two hundred (200) square feet.
- (xxxvii) Optical goods. One (1) space per two hundred (200) square feet.
- (xxxviii) Pet shop. One (1) space per three hundred (300) square feet.
- (xxxix) Petroleum bulk sales and storage. One (1) space per five hundred (500) square feet, plus one (1) space per employee.
- (xl) Restaurant. One (1) space per one hundred (100) square feet, plus one (1) space per employee based on the largest work shift.
- (xli) Restaurant (drive-in). Two (2) spaces per three (3) seats to capacity.
- (xlii) Restaurant (drive-through). Each drive-through lane shall have a stacking length to accommodate fifteen (15) vehicles,

plus one (1) space per employee based on the largest work shift, plus one (1) space per one hundred (100) square feet if on-site dining is also provided.

(xliii) Sporting goods. One (1) space per two hundred (200) square feet.

(xliv) Tavern. One (1) space per fifty (50) square feet, plus one (1) space per employee based on the largest work shift.

(xlv) Used merchandise (antiques). One (1) space per five hundred (500) square feet.

(xlvi) Used merchandise (flea market). One (1) space per rented area.

(xlvii) Used merchandise (general). One (1) space per five hundred (500) square feet.

(xlviii) Video rental. One (1) space per fifty (50) square feet, plus one (1) space per employee.

(xlix) For developments in which the tenants have not been determined, one (1) space per two hundred (200) square feet shall be provided.

(l) For developments which also provide drive-through service, a stacking length to accommodate a minimum of five (5) vehicles per lane shall be provided, unless otherwise required herein.

(e) Automotive and transportation services. (i) Automotive paint shop. One (1) space per two hundred (200) square feet.

(ii) Automotive rentals. One (1) space per five hundred (500) square feet.

(iii) Automotive repair shop. One (1) space per two hundred (200) square feet.

(iv) Automotive tire repair. One (1) space per two hundred (200) square feet.

(v) Bus terminal. One (1) space per one hundred (100) square feet of waiting room area, plus one (1) space per vehicle used in the operation.

(vi) Car wash. Parking and waiting space equivalent to three (3) times the service capacity of the use.

(vii) Cold storage plant. One (1) space per employee based on the largest work shift.

(viii) Gasoline service station. Four (4) spaces per employee, plus one (1) space per gasoline pump.

(ix) Grain elevator. One (1) space per employee based on the largest work shift.

(x) Motorcycle repair. Two (2) spaces per employee.

(xi) Storage warehouse and yard. Two (2) spaces per employee.

(xii) Taxicab stand. One (1) space per employee, plus one (1) space per vehicle used in the operation.

(xiii) Transfer or storage terminal. One (1) space per employee based on the largest work shift.

(xiv) Travel agency. One (1) space per three hundred (300) square feet.

(xv) Trucking terminal. Two (2) spaces per employee, plus one (1) space per vehicle used in the operation.

(xvi) Wrecker service. One (1) space per employee, plus one (1) space per vehicle used in the operation.

(f) Amusement and recreational services. (i) Club or lodge. One (1) space per four (4) persons to capacity.

(ii) Private recreational facility. One (1) space per four (4) expected patrons at maximum capacity.

(iii) Indoor motion picture theater. One (1) space per three (3) seats to capacity.

(iv) Park and recreational services. One (1) space per four (4) expected patrons at maximum capacity.

(v) Stadium or coliseum. One (1) space per four (4) persons to capacity.

(vi) Transient amusement enterprises. One (1) space per four (4) expected patrons at maximum capacity.

(g) Manufacturing mining, construction and industrial uses.

All. One (1) space per employee based on the largest work shift, plus one (1) space per vehicle used in the operation.

(2) Certification of minimum parking requirements. Each application for a building permit shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the building inspector to determine whether or not the requirements of this section are met.

(3) Combination of required parking space. The required parking space for any number of separate uses may be combined in one (1) lot but the required space assigned to one (1) use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

(4) Off-site parking. (a) If the vehicle parking spaces required by this section cannot be reasonably provided on the same lot on which the principal use is conducted, then the board of zoning appeals may approve the location of a portion of the parking required for a use on another site.

(b) Off-site parking shall be located within three hundred feet (300') of the use which it serves, measured as the shortest practical walking distance from the nearest off-site parking space to the nearest entrance to the building or use which it serves.

(c) In determining whether to approve off-site parking, the board of zoning appeals shall consider all relevant factors, including:

(i) The location of the use and the proposed off-site parking.

(ii) Existing and potential parking demand created by other uses in the vicinity.

(iii) The characteristics of the use, including employee and customer parking demand, hours of operation and projected convenience and frequency of use of the off-site parking.

(iv) Adequacy, convenience and safety of pedestrian access between the proposed off-site parking and the use.

(v) Traffic patterns on adjacent streets and proposed access to the off-site parking.

(d) A written agreement between the owner of the off-site parking area and the owner of the use assuring the continued availability and usability of off-site parking shall be submitted to the board of zoning appeals prior to approval of off-site parking.

(e) Handicapped parking spaces shall be provided on the same lot on which the principal use is conducted. Interior landscaped strips shall be planted with acceptable indigenous landscaping materials.

(5) Design requirements for parking spaces and lots. Parking spaces and lots shall be designed and constructed in accordance with the following minimum standards and requirements.

(a) Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off street parking shall be designed and be of such size that no vehicle is required to back into a public street to obtain egress. When there are more than one (1) two-family residential building on one (1) lot, parking for any buildings except the first two-family residential units may not be located to require vehicles to back into a public street to obtain egress.

However, an exception is granted when more than one multi-family residence is constructed on one (1) lot zoned R-2, which has sufficient road frontage to allow single story residences to be constructed, with the front of the buildings adjacent to and parallel to the street. In this case, each residential unit may have a maximum of one (1) twenty-five foot (25') driveway. The vehicles may back directly into the public street providing the street is not a state highway or as major arterial street as defined in the City of Lafayette Subdivision Regulations. This arrangement should be limited to local streets. The clear distance between driveways shall not be less than thirty feet (30'). The provisions of § 14-202(2) of this official zoning code does not apply to this application.

(b) No parking space shall be of dimensions of less than ten feet (10') in width and twenty feet (20') in length.

(c) Ingress and egress points for all off-street parking lots shall comply with the access control requirements of § 14-202 of this official zoning code.

(d) Interior driveways leading to any parking area with the exception of a single family residential unit shall be a minimum of eighteen feet (18') wide and shall be surfaced with asphalt or concrete.

(e) All off-street commercial and industrial parking lots shall be surfaced with asphalt or concrete and be so constructed as to provide for adequate drainage and prevent the release of dust. Paving of off-street parking lots shall be required for all multi-family units that have four (4) or more vehicle parking spaces. The above parking spaces shall be complete with a period of nine (9) months. When the nine (9) months ends in the period of November 15 to February 28, an additional three (3) months may be allowed for the paving to be completed.

(f) Developers, contractors or owners shall have nine (9) months after a certificate of completion to install the required asphalt or concrete paving. After nine (9) months the codes director or his representative shall inspect the site to determine that the paving is complete. The codes director will send a letter to any owner that has not completed the required paving giving them sixty (60) days to complete the work. If this inspection is in November through February, the letter will give the owner sixty (60) days after April 1 to complete the work. A second registered letter will be sent to any owner that did not complete the work listed in the first letter stating that no additional building permits will be issued to the owner until the required paving is complete and that after and additional sixty (60) days if the paving is not completed, all city utilities will be turned off to that property.

(g) Grades within the paved area of a parking lot shall at no place be less than one percent (1%) nor more than five percent (5%). Grades of driveways or entrances from a public street serving a parking lot shall at no point exceed eight percent (8%).

(h) Interior strips of a grass lawn or landscape strips containing a minimum width of five feet (5') in width shall be placed between any drive way and the side of any dwelling unit. A minimum of ten feet (10') of grass lawn or landscape strip shall be placed between a parking area and the front portion of multi-family residential units. A ten foot (10') strip of grass lawn or landscape strip shall be placed between a parking area and the building when the parking area is located at the rear of the building. There shall be ten feet (10') of grass lawn or landscape strip area between the edge of a public street and an off-street parking area located in the residential zones of R-1 and R-2. This ten foot (10') grass lawn or landscape strip area shall be measured from the edge of the street pavement, or from the edge of the sidewalk next to the house.

(i) It shall be the obligation of the owner(s) of each building, structure to maintain said landscape strips.

(j) Any lighting used to illuminate off-street parking lots shall be so arranged to prevent direct glare onto any public or private property of streets.

(6) Special provisions for handicap parking. When required, parking spaces for the handicapped shall be provided in conformance with the provisions of the Americans with Disabilities Act (ADA) and/or other applicable federal or state law.

(7) Central business district exempted. The provisions of § 14-201 of this zoning code shall not apply to any building, structure or use located in the C-1 central business district provided, however, that any off-street parking and loading, if provided at the option of the owner of any building, structure or use, shall comply with the design requirements of this section. (1973 Code, § 11-301, as replaced by Ord. #679, Feb. 2016)

**14-202. Access control.** In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

(1) A point of access for vehicles onto a street, excluding the necessary turning radius, shall not exceed twenty-five feet (25') in width in a residential district or thirty feet (30') in width in any other district. A point of access of forty feet (40') in width in a commercial or industrial district may be permitted by the board of zoning appeals in cases where a high volume of tractor trailer vehicular traffic is anticipated.

(2) There shall be no more than two (2) points of access to any one (1) public street for each four hundred feet (400') of lot frontage, or fraction thereof; provided, however, that lots less than one hundred feet (100') in width shall have no more than one (1) point of access to any one (1) public street.

(3) Where two (2) driveways are provided for one (1) lot frontage, the clear distance between driveways shall not be less than twenty-five feet (25').

(4) No point of access shall be allowed within thirty feet (30') of the right-of-way line of any public intersection.

(5) No curbs on city streets or rights-of-way shall be cut or altered without approval of the Lafayette Street Department, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.

(6) Cases requiring variances relative to the above provisions shall be heard and acted upon by the board of zoning appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street. (1973 Code, § 11-202, as amended by Ord. #638, April 2013, and replaced by Ord. #679, Feb. 2016)

**14-203. Off-street loading and unloading requirements.** In all districts, except the C-1 central commercial district, in which a structure of three thousand (3,000) square feet or more is located, which requires deliveries or shipments, off-street loading and unloading space shall be provided meeting the following requirements:

(1) Location. (a) Loading/unloading spaces shall be located on the same lot as the building or structure on which they serve.

(b) No loading/unloading space shall be located in any required front yard.

(c) All loading/unloading spaces shall have access to a public or private alley or if there is no alley, to a public street.

(2) Design standards and use. (a) Off-street loading/unloading berths for industrial or manufacturing uses shall be at least twelve feet (12') wide and at least fifty feet (50') long, exclusive of access or maneuvering space. For all other uses off-street loading/unloading berths shall be at least twelve feet (12') wide and at least thirty feet (30') long, exclusive of access or maneuvering space.

(b) A minimum of fifteen feet (15') overhead clearance and adequate means for ingress and egress shall be provided for off-street loading/unloading spaces.

(c) At no time shall part of a truck, van or other vehicle be allowed to extend onto a sidewalk, into the right-of-way or onto a public thoroughfare in order to deliver, load or unload goods.

(d) Off-street loading/unloading berths shall be marked and shall be paved with asphalt or concrete and be so constructed to provide for adequate drainage and prevent the release of dust.

(e) No off-street loading/unloading space shall be substituted for any parking space.

(3) Required number of loading and unloading spaces. Off-street loading and unloading spaces shall be based on gross floor area, excluding enclosed or covered areas used for loading and unloading, and the number of berths required shall be determined by the following table:

Gross square feet of structure	Minimum number of berths required
3,000 - 10,000	1
10,000 - 25,000	2
25,001 - 90,000	3
90,001 - 155,000	4
155,001 - 240,000	5

240,001 - 325,000	6
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325,001 - 410,000	7
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410,001 - 500,000	8
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Each 100,000 above 500,000	1
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(Ord. #536, May 2008, as replaced by Ord. #679, Feb. 2016)



## CHAPTER 3

### ZONING DISTRICTS AND MAP

#### SECTION

- 14-301. Establishment of districts.
- 14-302. Provision for official zoning map.
- 14-303. Replacement of official zoning map.
- 14-304. Rules for interpretation of district boundaries.
- 14-305. Annexation of territory.

**14-301. Establishment of districts.** For the purpose of this official zoning code, the City of Lafayette is hereby divided into zoning districts, as follows:

- R-1, low density residential district
  - R-2, high density residential district
  - C-1, central business district
  - C-2, general business district
  - I-1, light industrial district
  - I-2, heavy industrial district
  - M-1, mixed commercial-industrial district
- (1973 Code, § 11-403, as replaced by Ord. #679, Feb. 2016)

**14-302. Provision for official zoning map.** (1) The boundaries of the above zoning districts are hereby established as shown on the map entitled, "official zoning map of the City of Lafayette, Tennessee," February 2, 2016, which is a part of the official zoning code and which is on file in the office of the City of Lafayette City Recorder.

(2) If, in accordance with the provisions of this official zoning code and §§ 13-7-201 through 13-7-210, Tennessee Code Annotated, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be made on the official zoning map, promptly after the amendment has been approved by the Lafayette City Council, together with an entry on the official zoning map showing the date of such change.

(3) No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this official zoning code. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this code and punishable as provided under § 14-610 of this official zoning code.

(4) Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the Lafayette City Hall shall be the final authority as to the current zoning status of land and water areas, buildings, and other

structures in the municipality. (1973 Code, § 11-402, as replaced by Ord. #679, Feb. 2016)

**14-303. Replacement of official zoning map.** In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Lafayette City Council may, by ordinance, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions on the prior official zoning map, but no such correction shall have the effect of amending the original official zoning code or any subsequent amendment thereof.

Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment. (1973 Code, § 14-303, as replaced by Ord. #679, Feb. 2016)

**14-304. Rules for interpretation of district boundaries.** (1) District boundaries, unless otherwise indicated on the official zoning map, shall be platted lot lines, the centerline of streets or alleys, midway between railroad tracks, the centerlines of streams, rivers or other bodies of water, or the corporate limit lines, as they exist at the time of the enactment of this official zoning code.

(2) Where a district boundary divides a lot existing at the time this official zoning code takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than twenty feet (20') within the more restricted district.

(3) Any questions concerning the exact locations of district boundaries shall be determined by the board of zoning appeals. (as added by Ord. #679, Feb. 2016)

**14-305. Annexation of territory.** (1) All territory which may hereafter be annexed to the City of Lafayette shall be considered by the planning commission and assigned an appropriate zoning classification based on the existing land use, the long-range plans of the community, and the land use of the contiguous property inside the previous city limits. If a zoning classification is not assigned to a territory at the time of annexation, such territory shall be considered to be in the R-1 low density residential district until otherwise classified.

(2) Annexed territory and the subsequent zoning of such territory shall be reflected on the official zoning map of City of Lafayette, Tennessee, in the manner described in § 14-302 of this official zoning code. (as added by Ord. #679, Feb. 2016)

## CHAPTER 4

### SPECIFIC DISTRICT REGULAITONS

#### SECTION

- 14-401. R-1 low density residential district.
- 14-402. R-2 high density residential district.
- 14-403. C-1 central business district.
- 14-404. C-2 general business district.
- 14-405. I-1 light industrial district.
- 14-406. I-2 heavy industrial district.
- 14-407. M-1 mixed-commercial industrial district.

**14-401. R-1 low density residential district.** The purpose of the R-1 district is to provide a low density residential environment having good access to schools, public water and sewer, and other community services, but well separated from other incompatible uses and activities. Within the R-1 low density residential district, as shown on the official Lafayette zoning map, the following regulations shall apply:

(1) Permitted uses. (a) Single-family detached dwellings, with a minimum of one thousand (1,000) square feet of heated living space including exterior walls. Mobile homes are excluded.

(b) Accessory buildings or uses customarily incidental to aforementioned permitted uses. Such uses may include noncommercial gardens and greenhouses, tool sheds, unattached carports and garages, swimming pools (subject to the conditions of § 14-504(4) of this official zoning code), gazebos and the like.

(c) Television, radio, and satellite dish antennas when in compliance with conditions specified in § 14-504(10) of this official zoning code.

(d) Public utilities such as water, sewer, gas, electric, cable TV, and telephone, but limited to those facilities necessary to serve the immediate neighborhood and excluding general office buildings, warehouses, and storage areas. Opaque screening in conformance with § 14-501 of this official zoning code shall be provided along all shared lot lines.

(e) Municipal fire or police substations subject to the following conditions:

(i) Sites shall contain a minimum of one (1) acre and have a minimum street frontage of one hundred fifty feet (150').

(ii) They shall be located on an arterial or collector street only.

(iii) Such facilities shall be set back a minimum of fifty feet (50') from all lot lines.

(iv) Opaque screening in conformance with § 14-501 of this official zoning code shall be provided along all lot lines adjoining residential properties.

(v) Off-street parking shall be provided for all anticipated equipment, employees, and visitors.

(f) Temporary structures, subject to the provisions of § 14-508 of this official zoning code.

(2) Uses permitted on appeal (special exceptions). After public notice and hearing and subject to appropriate conditions and safeguards, the board of zoning appeals may permit as special exceptions:

(a) Two-family dwellings (duplexes). A two-family dwelling if approved by the board of zoning appeals must be located on a lot that has a minimum area of thirty thousand (30,000) square feet.

(b) Bed and breakfast establishments and the renting of rooms by the residents on premises provided that the floor area used for said purpose may not exceed fifty percent (50%) of total habitable floor area of the dwelling, and provided that the following additional conditions are complied with:

(i) Three (3) off-street parking spaces shall be provided for the residence plus one (1) additional space for each room offered for rent. Required additional parking shall not be allowed in any front yard.

(ii) Signs associated with bed and breakfast establishments shall meet the requirements of § 14-509 of this official zoning code.

(c) Accessory apartments meeting the following conditions:

(i) Only one (1) accessory apartment per single-family dwelling shall be permitted.

(ii) The accessory apartment shall be located within or connected to the single-family dwelling and shall be a clearly subordinate part thereof.

(iii) The accessory apartment shall not exceed twenty-five percent (25%) of the gross floor area of the principal dwelling; shall not be larger than eight hundred (800) square feet; and shall not contain more than two (2) bedrooms.

(iv) The principal dwelling shall be owner-occupied.

(v) All exterior entrances to the accessory apartment shall be made from the rear or side of the principal dwelling.

(vi) Two (2) additional off-street parking spaces shall be provided.

(vii) The accessory apartment shall conform to all applicable housing and building codes.

(viii) A floor plan and site plan depicting all proposed changes to the single-family dwelling shall be submitted if required by the Lafayette Building Inspector.

(d) Churches and other places of worship provided that the conditions specified in § 14-504(7) of this official zoning code are complied with.

(e) Schools offering general education courses provided that the conditions specified in § 14-504(8) of this official zoning code are complied with.

(f) Public parks and public recreational facilities.

(g) Daycare home for the care of up to seven (7) children, provided they meet the minimum standards established by the Tennessee Department of Human Services for such facilities and provided that the conditions specified in § 14-504(9) of this official zoning code are complied with.

(h) Customary home occupations provided that the conditions specified in § 14-504(3) of this official zoning code are complied with.

(i) Where this district adjoins a commercial or industrial district without an intervening street, but with or without an intervening alley, off-street parking lots in connection with nearby commercial or industrial uses, provided:

(i) Such parking lots may be permitted only between the commercial or industrial district and the nearest street in the residential district.

(ii) Opaque screening in conformance with § 14-501 of this official zoning code shall be provided along edges of portions of such lots adjoining residential districts as the board of zoning appeals may direct.

(iii) The design requirements for parking spaces and lots in § 14-201(5) of this official zoning code shall be complied with.

(iv) No source of illumination for such lots shall be directly visible from any window in any residence in the residential district.

(v) There shall be no movement of vehicles on such lots between the hours of 10:00 P.M. and 6:00 A.M. and the board of zoning appeals may impose greater limitations.

(vi) There shall be no sales or service activity on such lots.

(3) Uses prohibited. (a) Mobile homes on individual lots; mobile home parks; and multi-family dwellings.

(b) Storage or long-term parking of commercial or industrial vehicles.

(c) Commercial and industrial uses.

(d) Outdoor storage of any type not specifically permitted, except that in connection with and on the premise of active building and/or land developments.

(e) Any other use or structure not specifically permitted or permitted on appeal.

(4) Minimum lot area, width, and yard requirements. The principal building shall be located so as to comply with the following requirements:

- (a) Minimum lot area
  - (i) Minimum lot area with sewer . . . . . 12,000 sq. ft.
  - (ii) Minimum lot area without sewer . . . 20,000 sq. ft.
  - (iii) Minimum lot area without sewer or water . 2 acres
  - (iv) Churches and other non-residential buildings (plus off-street parking) . . . 20,000 sq. ft.
- (b) Minimum lot width at front building line (for residences and other permitted uses) . . . . . 100 ft.
- (c) Minimum depth of front yard (from ROW) . . . . . 30 ft.
- (d) Side yards
  - (i) One or two story building . . . . . 15 ft.
  - (ii) Three story building . . . . . 20 ft.
  - (iii) Churches or other permitted non-residence buildings . . . . . 30 ft.

The minimum widths of side yards on corner lots along an intersecting street shall be fifty percent (50%) greater than the minimum side yard requirements of the district in which the lot is located. Side yard accessory buildings shall also comply with this setback from the intersecting street.

(e) Rear yards . . . . . 30 ft.

(5) Location of accessory buildings. Accessory buildings shall meet the following provisions:

- (a) No accessory building shall be erected or placed forward of the principal structure or building.
- (b) Accessory buildings shall not cover more than twenty percent (20%) of the required rear yard, or exceed one thousand five hundred (1,500) square feet in size.
- (c) Minimum setback from other buildings . . . . . 15 ft. and for above ground or in ground swimming pools from other buildings . . . . . 5 ft.
- (d) Minimum setback from all lot lines . . . . . 5 ft.
- (e) Minimum setback for street side corner lot . . . . . 25 ft.
- (f) Maximum height . . . . . 2 stories or 30 ft.

(6) Maximum building area. On any lot the area occupied by all buildings, including accessory buildings, shall not exceed twenty-five percent (25%) of the total area of such lot.

(7) Parking requirements. Uses in the R-1 district shall conform with the provisions of § 14-201 of this official zoning code.

(8) Access requirements. Uses in the R-1 district shall conform with the provisions of § 14-202 of this official zoning code.

(9) Maximum building height. No structure in the R-1 district shall exceed thirty-five feet (35') or three (3) stories in building height, and shall be subject to meeting all applicable fire code standards.

(10) Sign requirements. No billboards or similar off-premise advertising structures are allowed in the R-1 district; all other signs and similar advertising structures shall conform with the provisions of § 14-509 of the official zoning code. (1973 Code, § 11-501, as replaced by Ord. #679, Feb. 2016, and amended by Ord. #728, Oct. 2018 *Ch3\_03-05-19*)

**14-402. R-2 high density residential district.** The purpose of the R-2 district is to provide a high density residential environment having good access to schools, public water and sewer, and other community services, but well separated from other incompatible uses and activities.

Within the R-2 high density residential district, as shown on the official City of Lafayette zoning map, the following regulations shall apply:

(1) Permitted uses. (a) Single-family detached and multi-family dwellings (with a minimum of six hundred and fifty feet (650') square feet of heated space per unit).

(b) Accessory apartments for single-family detached dwellings when in conformance with the provisions of § 14-401(2)(c) of this official zoning code.

(c) Multi-family dwellings and apartments; provided an application and site plan as required in § 14-502(1) of this official zoning code are submitted to and approved by the building inspector and provided the development standards required in § 14-502(2) of this official zoning code are complied with.

(d) Accessory buildings or uses customarily incidental to aforementioned permitted uses. Such uses may include noncommercial gardens and greenhouses, tool sheds, unattached garages and carports, and swimming pools (subject to the provisions of § 14-504(4) of this official zoning code) and the like.

(e) Television, radio, and satellite dish antennas when in compliance with the provisions of § 14-504(10) of this official zoning code.

(f) Public utilities such as water, sewer, gas, electric, cable TV, and telephone, but limited to those facilities necessary to serve the immediate neighborhood, and excluding general office buildings, warehouses, and storage areas. Opaque screening in conformance with § 14-501 of this official zoning code shall be provided along all shared lot lines.

(g) Municipal uses such as fire or police substations provided that the conditions specified in § 14-401(1)(e) of this official zoning code are complied with.

(h) Temporary structures, subject to the provisions of § 14-508 of this official zoning code.

(i) Elderly housing and residential homes for the aged provided the application and site plan requirements and development standards for multi-family dwellings as specified in § 14-502(1) of this official zoning code are complied with, provided the minimum lot requirements for multi-family dwellings as specified in § 14-502(2)(b) of this official zoning code are complied with, and provided the parking requirements of § 14-201(1)(a)(ii) of this official zoning code are complied with.

(2) Uses permitted on appeal (special exceptions). After public notice and hearing and subject to appropriate conditions and safeguards to protect the character of the neighborhood, the board of zoning appeals may permit as special exceptions:

(a) Mobile home parks subject to meeting the requirements and standards of § 14-503 of the official zoning code.

(b) Bed and breakfast establishments and the renting of rooms by the residents on premises provided that the floor area used for said purpose may not exceed fifty percent (50%) of total habitable floor area of the dwelling, and provided that the following additional conditions are complied with:

(i) Three (3) off-street parking spaces shall be provided for the residence plus one (1) additional space for each room offered for rent. Required additional parking shall not be allowed in any front yard.

(ii) Signs associated with bed and breakfast establishments shall meet the requirements of § 14-509 of the official zoning code.

(c) Churches and other places of worship provided that the conditions specified in § 14-504(7) of this official zoning code are complied with.

(d) Schools offering general education courses provided that the conditions specified in § 14-504(8) of this official zoning code are complied with.

(e) Public parks and public recreational facilities.

(f) Daycare home for the care of up to seven (7) children, provided they meet the minimum standards established by the Tennessee Department of Human Services for such facilities and provided that the conditions specified in § 14-504(9) of this official zoning code are complied with.

(g) Customary home occupations provided that the conditions specified in § 14-504(3) of this official zoning code are complied with.



(3) Uses prohibited. (a) Storage or long-term parking of commercial or industrial vehicles.

(b) Outdoor storage of any type not specifically permitted, except that in connection with and on the premise of active building and/or land development.

(c) Any other use or structure not specifically permitted or permitted on appeal.

(4) Minimum lots area, width, and yard requirements. The principal building shall be located so as to comply with the following requirements:

- (a) Minimum lot area
  - (i) Minimum lot area for single unit with sewer . . . . . 6,000 sq. ft.
  - (ii) Minimum lot area for single unit without sewer . . . . . 20,000 sq. ft.
  - (iii) Two-family unit (with sewer) . . . . . 9,000 sq. ft.
  - (iv) For three or more units:  
 12,000 sq. ft. for the third unit  
 18,000 sq. ft. for the fourth unit  
 3,000 sq. ft. for each unit after.
  - (v) Churches and other non-residential dwellings (plus off-street parking) . . . 20,000 sq. ft.
- (b) Minimum lot width at building line:
  - (i) For residential uses . . . . . 60 ft.
  - (ii) For other permitted uses . . . . . 100 ft.
- (c) Front yards . . . . . 30 ft.

A minimum of ten feet (10') in depth of the front yard directly in front of a multi-family residential unit shall be maintained as a grass lawn and/or shrubs. No part of this area shall be used for a parking area or driveway.

- (d) Side yards:
  - (i) Single and two-story buildings (interior) . . . . 15 ft.
  - (ii) Three-story buildings (interior) . . . . . 20 ft.
- (e) Rear yards . . . . . 20 ft.

When two (2) or more principal buildings are located on one (1) lot, each building shall have a rear yard of a minimum of twenty feet (20') in depth and the width of the building located directly behind the building. This portion of the rear yard may be grass or a combination of grass and shrubs. No part of this portion of the rear yard may be used for a parking space or driveway.

(f) Distance between principal buildings on a lot. There shall be a minimum of thirty feet (30') between all principal buildings on a lot. The requirements of front yard, side yard, rear yard, parking spaces and access driveway may dictate that buildings shall be space more than thirty feet (30') apart.

(g) Owners, designers and developers shall consider all of the above minimum requirements when deciding the number of multi-family units that may be located on a single lot.

(5) Location of accessory buildings. Accessory buildings shall meet the following provisions:

(a) No accessory building shall be erected or placed forward of the principal structure or building.

(b) Accessory buildings shall not cover more than twenty percent (20%) of the required rear yard, or exceed one thousand five hundred (1,500) sq. feet. in size.

(c) Minimum setback from other buildings . . . . . 10 ft.  
and for above ground or in ground swimming  
pools from other buildings . . . . . 5 ft.

(d) Minimum setback from all lot lines . . . . . 5 ft.

(e) Minimum setback for street side corner lots . . . . . 35 ft.

(f) Minimum setback from alleyways . . . . . 2 ft.

(g) Maximum height . . . . . 2 stories or 30 ft.

(6) Maximum building area. On any lot the area occupied by all buildings, including accessory buildings, shall not exceed thirty percent (30%) of the total area of such lot.

(7) Parking requirements. Uses in the R-2 district shall conform with the provisions of § 14-301 of this official zoning code.

(8) Access requirements. Uses in the R-2 district shall conform with the provisions of § 14-302 of this official zoning code.

(9) Maximum building height. No structure in the R-2 district shall exceed fifty feet (50') or four (4) stories in building height, and shall be subject to meeting all applicable fire code standards.

(10) Sign requirements. No billboards or similar off-premise advertising structures are allowed in the R-2 district, all other signs or similar advertising structures shall conform with the provisions of § 14-509 of the official zoning code.

(11) Plot plan or site plan requirements. All developments in the R-2 district requiring building permits, shall conform with the applicable plot plan requirements in § 14-604 of this official zoning code or site plan requirements in § 14-605 of this official zoning code. (as added by Ord. #679, Feb. 2016, and amended by Ord. #729, Oct. 2018 *Ch3\_03-05-19*)

**14-403. C-1 central business district.** The purpose of the C-1 district is to provide an area for the conduct of community and municipal retail and service business of an indoor and intensive nature, especially for those sales and service uses which require a central location, which generate substantial pedestrian traffic, and which are mutually benefited by close proximity to other uses of a similar nature.

Within the C-1 central business district, as shown on the official Lafayette zoning map, the following regulations shall apply:

(1) Permitted uses. (a) Business and personal services but limited to the following types of establishments: Appliance repair, barber and beauty shops, coin operated cleaning and laundry, copy service, day care centers, dry cleaning and laundry pickup, employment agency, financial service, fitness center and spa, insurance agency, interior decorating, legal service, locksmith, office equipment repair, photographic service, real estate agency, shoe repair, tanning facilities, tailoring, travel agencies and similar uses.

(b) Retail trade but limited to the following types of establishments: Antique shop, apparel shop, appliance shop, bakery-retail, non-pornographic book store, camera and photographic supply, caterer, confectionery, drapery sales, drug store, electronic shop, florist-retail, fruit market, furniture-retail, gift shop, grocery store-retail, handicrafts, hardware, jewelry, meat market, music store, office supplies, optical goods, restaurant, sporting goods, video sales and rental, and similar uses.

(c) Professional offices for doctors, dentists, lawyers, architects, accountants, artists, engineers and the like.

(d) Federal, state, county and municipal uses except outside storage areas.

(e) Public and semi-public uses; but limited to the following types of establishments: Church or similar place of worship, charitable, fraternal or social organization.

(f) Off-street parking lots meeting the design requirements of § 14-201(5) of this official zoning code.

(g) Amusement and recreational services; but limited to the following types of establishments: Club or lodge, indoor theater, public parks, and private recreational facility.

(h) Accessory structures and uses incidental and subordinate to the principal structure.

(i) Temporary structures, subject to the provisions of § 14-508 of this official zoning code.

(2) Uses permitted on appeal (special exceptions). After public notice and hearing and subject to appropriate conditions and safeguards, the board of zoning appeals may permit as special exceptions:

(a) Single- or multi-family apartments and mixed commercial/multi-family apartments (new construction or rehabilitation of existing structure) provided that the following conditions are complied with:

(i) A minimum square footage per dwelling unit of six hundred fifty (650) sq. ft. for a one (1) bedroom unit, eight hundred

(800) sq. ft. for a two (2) bedroom unit, and one thousand (1000) sq. ft. for a three (3) bedroom unit shall be provided.

(ii) All municipal building and fire codes shall be adhered to.

(iii) All new residential construction shall meet the minimum lot area, width and yard requirements as required in the R-2 high density residential district.

(b) Limited manufacturing for an on-premise business or service provided the following conditions are complied with:

(i) The manufacturing area shall not occupy more than forty percent (40%) of the floor area.

(ii) No more than five (5) operators shall be employed.

(iii) All municipal building and fire codes shall be adhered to.

(c) Automobile sales (new and used) and automobile rentals provided the following conditions are complied with:

(i) Shall be in conformance with the provisions of § 14-501 of this official zoning code.

(ii) Shall not be located on public street of a classification of less than major collector status.

(iii) Shall be in conformance with the provisions of § 14-504(6) of this official zoning code.

(3) Uses prohibited. (a) Outdoor storage of any type not specifically permitted, except that in connection with and on the premise of active building and/or land developments.

(b) Any other use or structure not specifically permitted or permitted on appeal.

(4) Minimum lot area, width, and yard requirements. All buildings or structures hereafter constructed in the C-1 district shall be located so as to comply with the following requirements:

(a) On corner lots in the C-1 district, no obstruction to vision shall hereafter be placed or erected in such a manner as to materially impede visibility between a height of two feet (2') and ten feet (10') above the grades of the intersecting streets at their point of intersection in an area defined by the street lines adjoining said corner lot and a line joining points along said street lines twenty-five feet (25') from the point of intersection.

(b) Unless otherwise provided or required to meet other provisions, such as § 14-403(4), no front, rear or side yard setback is required in the C-1 district, nor is there any minimum lot area requirement.

(c) On lots adjacent to a residential district, all buildings or structures shall be located so as to conform with the side and/or rear yard requirements of the adjacent residential district.

(5) Maximum building area. None except as necessary to meet all other requirements.

(6) Screening requirements. Where a lot line is shared with an adjacent residential lot, the owner of the commercial lot shall provide opaque screening in conformance with § 14-501 of this official zoning code along the entire shared lot line or lines so as to provide a pleasant buffer between the two (2) different but contiguous land uses.

(7) Parking requirements. None unless required under other provisions.

(8) Access requirements. Uses in the C-1 district shall conform with the provisions of § 14-202 of this official zoning code.

(9) Maximum building height. A building height of fifty feet (50') or four (4) stories may be permitted if automatic sprinkler systems and dry standpipes with external fire department connections are provided. No other structure shall exceed thirty-five feet (35') or three (3) stories in building height.

(10) Sign requirements. All signs and similar advertising structures in the C-1 district shall conform with the provisions of § 14-509 of this official zoning code.

(11) Site plan review requirements. Uses in the C-1 district shall conform with the provisions of § 14-605 of this official zoning code. (as added by Ord. #679, Feb. 2016)

**14-404. C-2 general business district.** The purpose of the C-2 district is to provide an area for the conduct of community and municipal retail and service business dealing predominantly in those goods transportable by private auto and for those creating a substantial amount of automobile traffic. It is intended that such areas have properties of sufficient size so that activities performed thereon will not interfere with traffic circulation.

Within the C-2 general business district, as shown on the official Lafayette zoning map, the following regulations shall apply:

(1) Permitted uses. (a) Business and personal services; all those permitted in the C-2 central business district and including the following types of establishments: Dry cleaning and laundry service, electrical repair, equipment rental, exterminating service, gunsmith, hotel and motels, small engine and motor repair, upholstery service, veterinary service-indoor, and similar uses.

(b) Retail and wholesale trade; all those permitted in the C-2 central business district and including the following types of establishments: Automotive parts store, building materials, cabinet sales, department store, fertilizer sales-packaged, florist-wholesale, furniture sales, motorcycle sales, nursery and garden centers-retail, pet shop, restaurant-drive-in, and similar uses.

(c) Public and semi-public uses, including the following types of establishments: Cemetery (subject to the provisions of § 14-504(2) of

this official zoning code), charitable, fraternal or social organization, church or similar place of worship, (when in compliance with the conditions specified in § 14-504(7) of this official zoning code), community center, daycare center, funeral home, general office buildings, group homes, hospital, medical clinic, nursing home, schools, (when in compliance with the conditions specified in § 14-504(8) of this official zoning code), retirement center, temporary care facility and similar uses.

(d) Professional offices for doctors, dentists, lawyers, architects, artists, engineers and the like.

(e) Federal, state, county and municipal uses.

(f) Automotive and transportation services, limited to the following types of establishments: Automotive tire sales and tire repair, car wash, gasoline station (with no above ground storage of flammable material in excess of five hundred (500) gallons and subject to the provisions of § 14-504(1) and § 14-504(6) of this official zoning code), off-street parking lots (meeting the design requirements of § 14-201(5) of this official zoning code), taxicab stand, and similar uses.

(g) Amusement and recreational services; all those permitted in the C-1 central business district and including the following types of establishments: health and physical fitness clubs.

(h) Light manufacturing; limited to the following types of establishments: Commercial printing, laboratories, optical instruments and lenses, and similar uses.

(i) Limited manufacturing for an on-premise business or service provided the following conditions are complied with:

(i) The manufacturing area shall not occupy more than forty-nine percent (49%) of the floor area.

(ii) No more than ten (10) operators shall be employed.

(j) Newspaper, radio and television stations.

(k) Accessory structures and uses incidental and subordinate to the principal structure.

(l) Temporary structures, subject to the provisions of § 14-508 of this official zoning code.

(2) Uses permitted on appeal (special exceptions). After public notice and hearing and subject to appropriate conditions and safeguards, the board of zoning appeals may permit as special exceptions:

(a) Multi-family residential provided the following conditions are complied with:

(i) The minimum lot area, width and yard requirements as required in the R-2 high density residential district of this official zoning code shall be complied with.

(ii) The off-street parking requirements of § 14-201 of this official zoning code shall be complied with.

- (iii) The required standards of § 14-502 of this official zoning code shall be complied with.
  - (b) Automobile sales (new and used) and automobile rentals provided the following conditions are complied with:
    - (i) Shall not be located adjacent to any residential district.
    - (ii) Shall not be located on public street of a classification of less than major collector status.
    - (iii) Shall be in conformance with the provisions of § 14-404(6) of this official zoning code.
  - (c) Automobile repair shops provided the following conditions are complied with:
    - (i) Shall not be located adjacent to any residential district.
    - (ii) Shall be in conformance with the provisions of § 14-404(6) of this official zoning code.
  - (d) Agriculture supply provided the following conditions are complied with:
    - (i) Shall not be located adjacent to any residential district.
    - (ii) No milling, grinding or mixing of materials shall be permitted.
    - (iii) No feed lots or stockyards shall be permitted.
  - (e) Self-service storage facilities (mini-warehouses) provided the following conditions are complied with:
    - (i) The sale or auction of any item at a self-service storage facility by the lessee is specifically prohibited.
    - (ii) Shall not be located on public street of a classification of less than major collector status.
    - (iii) The standards of § 14-504(5) of this official zoning code shall be complied with.
  - (f) Marine supply, including boat sales and service, provided the following conditions are complied with:
    - (i) Shall not be located adjacent to any residential district.
    - (ii) Shall not be located on public streets of a classification of less than major collector status.
    - (iii) Shall be in conformance with the provisions of § 14-504(6) of this official zoning code.
- (3) Uses prohibited. (a) Outdoor storage of any type, except that in connection with and on the premise of active building and/or land developments and except that permitted under the provisions of § 14-504(6) of this official zoning code.

(b) Any other use or structure not specifically permitted or permitted on appeal.

(4) Minimum lot area, width, and yard requirements. All buildings or structures, including accessory structures, hereafter constructed in the C-2 district shall be located so as to comply with the following requirements:

(a) Minimum lot requirements---None except as necessary to meet all other requirements.

(b) Minimum depth of front yard . . . . . 30 ft.

(c) Minimum depth of rear yard . . . . . 20 ft.

(d) Minimum side yard on one side . . . . . 15 ft.

(e) Minimum side yard for street side corner lots . . . . . 30 ft.

(f) On lots adjacent to a residential district all buildings or structures shall be located so as to conform with the side and/or rear yard requirements of the adjacent residential district.

(5) Maximum building area. None except as necessary to meet all other requirements.

(6) Screening requirements. Where a lot line is shared with an adjacent residential lot the owner of the commercial lot shall provide semi-opaque screening in conformance with § 14-501 of this official zoning code along the entire shared lot line or lines so as to provide a pleasant buffer between the two (2) different but contiguous land uses.

(7) Parking requirements. Uses in the C-2 district shall conform with the provisions of § 14-201 of this official zoning code.

(8) Access requirements. Uses in the C-2 district shall conform with the provisions of § 14-202 of this official zoning code.

(9) Off-street loading and unloading space requirements. Uses in the C-2 district shall conform with the provisions of § 14-203 of this official zoning code.

(10) Maximum building height. A building height of fifty feet (50') or four (4) stories may be permitted if automatic sprinkler systems and dry stand pipes with external fire department connections are provided. No other such structure shall exceed thirty-five feet (35') or three (3) stories in building height.

(11) Sign requirements. All signs and similar advertising structures in the C-2 district shall conform with the provisions of § 14-509 of the official zoning code.

(12) Site plan review requirements. Uses in the C-2 district shall conform with the provisions of § 14-605 of this official zoning code. (as added by Ord. #679, Feb. 2016)

**14-405. I-1 light industrial district.** The purpose of the I-1 district is to provide an area in which the principal use of land is for light manufacturing and assembly plants, processing, storage, warehousing, wholesaling, and distribution. It is the intent that uses shall be restricted to activities that are



safe and not a nuisance due to dust, fumes, noise, odor, refuse matter, smoke, vibration, water-carried waste or other adverse effects on surrounding areas.

Within the I-1, light industrial district, as shown on the official City of Lafayette zoning map, the following regulations shall apply:

- (1) Permitted uses. (a) Light industrial and manufacturing uses; all those permitted in the C-2 district and including the following types of establishments: apparel, appliance assembly, bakeries, beverage products, bottling machinery, dairy products, electronic devices and instruments, engineering, medical, and scientific instruments, excelsior, food products, furniture, glass and glassware, ice plant, industrial laundries, insulation products, jewelry products, laboratories, machine assembly, metal working machinery, motor vehicle and equipment assembly, musical instruments, office and computer equipment, optical instruments and lenses, paper products, pharmaceuticals, plastic products assembly, boat manufacturing and repair, sign manufacturing, textiles, textile machinery, tobacco products, toys, amusements, sporting and athletic goods, upholstering, watches and clocks, welding, and wood products, provided that any industrial or manufacturing use that may cause injurious or obnoxious noise, vibrations, smoke, gas fumes, odor, dust, fire hazard, or other objectionable conditions, shall be required to show that the proposed location, construction, and operation will not injure or disturb adjoining properties.
  - (b) General office buildings.
  - (c) Vocational learning and training centers, trade schools.
  - (d) Day care facilities when located in connection with and on the same premises as permitted, principal uses and when used solely for the care of dependents of employees of said principal use.
  - (e) Gasoline service stations, (meeting the provisions of §§ 14-504(1) and (6) of this official zoning code) automobile tire repair, motorcycle repair.
  - (f) General contractors and specialty contractors.
  - (g) Building materials and supplies.
  - (h) Transfer or storage terminal, truck terminal and freight handling, packing and crating services.
  - (i) Nursery-wholesale.
  - (j) Restaurants when primarily intended to serve the needs of the industrial community.
  - (k) Industrial machinery and supplies sales, heavy equipment sales.
  - (l) Warehousing, cold storage plant, distribution center, self-service storage facilities (meeting the provisions of § 14-504(5) of this official zoning code).
  - (m) Veterinarian hospitals and kennels.

- (n) Agriculture supplies and equipment sales and repairs.
- (o) Public utility structures, fire and police stations.
- (p) Adult-oriented businesses.
- (q) Accessory uses and structures.
- (r) Temporary structures, subject to the provisions of § 14-508 of this official zoning code.

(2) Uses permitted on appeal (special exceptions). After public notice and hearing and subject to appropriate conditions and safeguards, the board of zoning appeals may permit as special exceptions:

(a) Day care center provided that the following conditions are complied with:

(i) Shall meet the minimum standards established by the Tennessee Department of Human Services.

(ii) Outdoor play space shall be fenced or otherwise enclosed to a minimum height of four feet (4') on all sides.

(b) Public parks and public recreational facilities meeting the following conditions:

(i) A minimum lot area of one-half (1/2) acre with a minimum lot width of fifty feet (50') at the building setback line shall be provided.

(ii) The minimum depth of the front yard shall be thirty-five feet (35') and the minimum depth of the side and rear yards shall be twenty-five feet (25'). The minimum side yard on the street side of corner lots shall be thirty-five feet (35').

(iii) The maximum lot coverage for all enclosed buildings shall be ten percent (10%).

(c) Petroleum products dealers and wholesalers provided that the following conditions are complied with:

(i) Shall not be located adjacent to any residential district.

(ii) Shall be in conformance with all federal, state or local environmental, fire, safety or other applicable codes or laws.

(iii) Above ground storage of flammable materials shall be a minimum of one hundred feet (100') from all property lines.

(d) Outside storage of materials provided that the following conditions are complied with:

(i) Shall be fenced and shall be screened with opaque screening in conformance with § 14-501 of this official zoning code.

(ii) Shall be located in the rear yard only.

(iii) Shall be located on the same property as the principal use.

(3) Uses prohibited. (a) Outside storage of unscreened materials.

(b) Any use determined by the building inspector to be potentially noxious, dangerous or offensive to adjacent uses by reason of

odor, smoke, noise, glare, fumes, gas, vibration, threat of fire or explosion, or other similar reasons to be incompatible with the character of the I-1 district.

(c) Any other use or structure not specifically permitted or permitted on appeal.

(4) Minimum lot area, width, and yard requirements. All buildings or structures, including accessory structures, hereafter constructed in the I-1 district shall be located so as to comply with the following requirements:

(a) Minimum lot requirements.....None except as necessary to meet all other requirements.

(b) Minimum depth of front yard . . . . . 30 ft.

(c) Minimum depth of rear yard . . . . . 20 ft.

(d) Minimum depth of side yard each side . . . . . 20 ft.

(e) On lots adjacent to a residential district, all rear and side-yard setback requirements of the adjacent residential district, in greater than required in the industrial district, shall be provided.

(5) Maximum building area. None, except as necessary to meet all other requirements.

(6) Screening requirements. Where a lot line is shared with an adjoining residential lot the owner of the industrial lot shall provide opaque screening in conformance with § 14-501 of this official zoning code along the entire shared lot line so as to provide a pleasant screen between the two (2) different but contiguous land uses.

(7) Parking requirements. Uses in the I-1 district shall conform with the provisions of § 14-201 of this official zoning code.

(8) Access requirements. Uses in the I-1 district shall conform with the provisions of § 14-202 of this official zoning code.

(9) Off-street loading and unloading space requirements. Uses in the I-1 district shall conform with the provisions of § 14-203 of this official zoning code.

(10) Maximum building height. A building height of fifty feet (50') or four (4) stories may be permitted if automatic sprinkler systems and dry stand pipes with external fire department connections are provided. No other structure shall exceed thirty-five feet (35') or three (3) stories in building height.

(11) Sign requirements. All signs and similar advertising structures in the I-1 district shall conform with the provisions of § 14-509 of the official zoning code.

(12) Site plan review requirements. Uses in the I-1 district shall conform with the provisions of § 14-605 of this official zoning code. (as added by Ord. #679, Feb. 2016)

**14-406. I-2 heavy industrial district.** The purpose of the I-2 district is to provide an area in which the principal use of land is for heavy manufacturing and assembly plants and processing. It is the intent of this

district to provide an area for industrial activities of an intensive nature which by reason of volume of raw materials or freight, scale of operation, type of structures required, or other similar characteristics requiring locations relatively well segregated from non-industrial uses.

Within the I-2, heavy industrial district, as shown on the official City of Lafayette zoning map, the following regulations shall apply:

(1) Permitted uses. (a) Light industrial and manufacturing uses: all those permitted in the I-1 light industrial district and subject to the same conditions or provisions, if any.

(b) Gasoline service stations (meeting the provisions of §§ 14-504(1) and (6) of this official zoning code), automobile tire repair, motorcycle repair.

(c) General contractors and specialty contractors; building materials and supplies.

(d) Transfer or storage terminal, truck terminal and freight handling, packing and crating services.

(e) Warehousing, cold storage plant, storage yard, distribution center, self-service storage facilities (meeting the provisions of § 14-504(5) of this official zoning code).

(f) Industrial machinery and supplies sales, heavy equipment sales.

(g) Nursery-wholesale.

(h) Veterinarian hospitals and kennels.

(i) Agriculture supplies and equipment sales and repairs.

(j) Public utility structures, fire and police stations.

(k) Accessory uses and structures.

(l) Temporary structures, subject to the provisions of § 14-508 of this official zoning code.

(m) Day care facilities when located in connection with and on the same premises as permitted principal uses and when used solely for the care of dependents of employees of said principal use.

(2) Uses permitted on appeal (special exceptions). After public notice and hearing and subject to appropriate conditions and safeguards, the board of zoning appeals may permit as special exceptions:

(a) Extensive and heavy industrial and manufacturing uses; but limited to the following uses: abrasive products; asphaltic cement plants; cement and/or concrete plants; chemical and allied products; clay, pottery, terra cotta and tile products; grain milling; junkyards, hard surface floor coverings, kiln drying operations; leather goods, machine shop, paints and allied products; paper and allied products; petroleum products dealers and wholesalers, rubber and miscellaneous plastic products; saw mills; slaughtering of animals; provided the following conditions are complied with:

(i) Shall not be located adjacent to any residential district.

(ii) Shall not have an adverse affect on any surrounding properties.

(iii) All federal, state or other permits for air pollution standards, ground water and emissions must be obtained and kept up-to-date.

(iv) Access shall be provided only from streets of a classification of no less than minor arterial classification or an industrial access road from a minor arterial.

(v) Outside storage shall be fenced and shall be screened with opaque screening in conformance with § 14-501 of this official zoning code.

(b) Day care centers provided that the following conditions are complied with:

(i) Shall meet the minimum standards established by the Tennessee Department of Human Services.

(ii) Outdoor play space shall be fenced or otherwise enclosed to a minimum height of four feet (4') on all sides.

(c) Outside storage of materials provided that the following conditions are complied with:

(i) Shall be fenced and shall be screened with opaque screening in conformance with § 14-501 of this official zoning code.

(ii) Shall be located in the rear yard only.

(iii) Shall be located on the same property as the principal use.

(3) Uses prohibited. (a) Outside storage of unscreened materials.

(b) Any use determined by the building inspector to be potentially noxious, dangerous or offensive to adjacent uses by reason of odor, smoke, noise, glare, fumes, gas, vibration, threat of fire or explosion, or other similar reasons to be incompatible with the character of the I-2 district.

(c) Any other use or structure not specifically permitted or permitted on appeal.

(4) Minimum lot area, width, and yard requirements. All buildings or structures, including accessory structures, hereafter constructed in the I-2 district shall be located so as to comply with the following requirements.

(a) Minimum lot requirements.....None except as necessary to meet all other requirements.

(b) Minimum depth of front yard . . . . . 50 ft.

(c) Minimum depth of rear yard . . . . . 50 ft.

(d) Minimum depth of side yard each side . . . . . 50 ft.

(5) Maximum building area. None, except as necessary to meet all other requirements.

(6) Screening requirements. Where a lot line is shared with an adjoining residential lot, the owner of the industrial lot shall provide opaque screening in conformance with § 14-501 of this official zoning code along the entire shared lot line so as to provide a pleasant screen between the two (2) different but contiguous land uses.

(7) Parking requirements. Uses in the I-2 district shall conform with the provisions of § 14-201 of this official zoning code.

(8) Access requirements. Uses in the I-2 district shall conform with the provisions of § 14-202 of this official zoning code.

(9) Off-street loading and unloading space requirements. Uses in the I-2 district shall conform with the provisions of § 14-203 of this official zoning code.

(10) Maximum building height. A building height of fifty feet (50') or four (4) stories may be permitted if automatic sprinkler systems and dry standpipes with external fire department connections are provided. No other structure shall exceed thirty-five feet (35') or three (3) stories in building height.

(11) Sign requirements. All signs and similar advertising structures in the I-2 district shall conform with the provisions of § 14-509 of the official zoning code.

(12) Site plan review requirements. Uses in the I-2 district shall conform with the provisions of § 14-605 of this official zoning code. (as added by Ord. #679, Feb. 2016)

**14-407. M-1 mixed-commercial industrial district.** The purpose of the M-1 district is to accommodate mixture of compatible commercial and light industrial developments. This district shall generally be located where permitted developments have direct access to highways and streets of at least major collector classification.

Within the M-1 district, the following regulations shall apply:

(1) Permitted uses. (a) Retail, service related, and other commercial establishments intended to serve the general population of the city, the county, and travelers. Examples of such establishments include shopping centers, malls, hotels and motels, restaurants (including drive-throughs), banks and other financial institutions, and general warehousing.

(b) General and professional offices, office buildings, and office parks.

(c) Automotive and transportation services meeting the requirements of §§ 14-504(1) and (6) of this official zoning code), new and used automobile sales, automobile rental and leasing, automobile paint and body repair, automobile mechanical repair, bus terminal, truck sales, motorcycle sales, motor home sales, car wash and truck terminals.

(d) Mobile home and modular home sales.

(e) Wholesalers including those permitted in C-2 general commercial district.

(f) Self-service storage facilities (mini-warehouses) meeting the conditions of § 14-504(5) of this official zoning code.

(g) Light industrial establishments for the manufacture, processing, and assembly of goods and materials whose external effects are restricted to the site and have no detrimental effect on the surrounding area. Examples of such establishments include: appliances, book binding, cabinetry, candy and confectionary, clothing and shoes, computers and software, cultured marble, dry cleaning, electrical and electronic equipment, industrial laundry, machine shops, medical equipment, newspaper and publishing, office equipment office furniture, optical instruments and lens, plastic products portable buildings, sporting goods, and welding.

(h) General contractors and specialty contractors, building materials and supplies, portable building and storage building sales.

(i) Wireless communication tower structures and antenna arrays when in compliance with the provisions of § 14-504(11) of this official zoning code.

(j) Billboards and similar off-premise signs meeting the requirements of § 14-509 of this official zoning code.

(k) Municipal, county, state, and federal uses.

(l) Technical and vocational schools, barber and beauty school.

(m) Churches and similar places of worship meeting the requirements of § 14-504(7) of this zoning code.

(n) Private recreational and amusement establishments including bowling alley, skating rink, taverns, and nightclubs.

(o) Public and semi-public uses including public parks and public recreational facilities, theaters, auditoriums, and other places of public assembly.

(p) Temporary structures and operations subject to the provisions of § 14-508 of this official zoning code.

(q) Accessory structures and uses provided the following conditions are complied with:

(i) Shall be customarily and clearly incidental and subordinate to permitted principal uses and structures.

(ii) Shall be located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.

(iii) Shall comply with all other applicable requirements of this zoning code.

(r) Outdoor display and sales areas meeting applicable conditions of the zoning code.

(s) Establishments for the manufacture and assembly of goods and materials, that by their nature, do not create serious problems of compatibility with other land uses, and shall include automobile

manufacturers, and automobile component, parts and supplies manufacturers.

(2) Uses permitted on appeal (special exceptions). After public notice and hearing, and subject to appropriate conditions and safeguards, the board of zoning appeals may permit as special exceptions:

(a) Childcare centers when meeting the following conditions:

(i) Shall be located in connection with and on the same premises as principal uses permitted within this district, said facilities being solely for the care of dependents of employees of said principal use.

(ii) Shall meet the provisions all applicable state regulations.

(b) Multi-purpose facilities which furnish ancillary services such as vocational and safety training, and daycare, if, and only if, such facilities are owned and operated by a partnership, cooperative, or other association of industrial uses exclusively for the employees of its members.

(c) Outdoor storage of goods and materials when located to the rear of the principal structure facing a street or to the side of the principal structure of a type screen as specified in § 14-501 of the zoning code is provided, and when complying with all minimum yard requirements.

(d) Accessory dwellings units on the same premise and in connection with permitted principal uses and structures when meeting the following requirements:

(i) Shall be for the occupancy by the owner(s) or employees.

(ii) Off-street parking for each dwelling unit shall be provided so as to meet the requirements of § 14-201(1) of this zoning code.

(iii) A minimum square footage per dwelling unit of six hundred and fifty (650) square feet for a one (1) bedroom unit, eight hundred (800) square feet for a two (2) bedroom unit, and one thousand (1,000) square feet for a three (3) bedroom unit shall be provided.

(iv) All municipal building and fire codes shall be adhered to.

(v) No more than two (2) accessory dwelling units shall be permitted.

(3) Uses prohibited. (a) Any other use or structure not specifically permitted or permitted on appeal.

(4) Minimum lot area, width, and yard requirements. (a) Minimum lot area:



(i) If sewer is available.....NONE except to meet the requirements herein.

(ii) If sewer is not available . . . . . 20,000 square feet.

(b) Minimum depth of all yards on Major Streets . . . . . 50 ft.

(c) Minimum depth of front yards . . . . . 30 ft.

(d) Minimum depth if rear yard . . . . . 20 ft.

(e) Minimum width of side yards on corner lots . . . . . 40 ft.

(5) Maximum building area. None, except as required to meet the regulations herein.

(6) Parking requirements. Uses in the M-1 mixed commercial-industrial district shall conform with the provisions of § 14-201 of the official zoning code.

(7) Maximum building height. A building height of fifty feet (50') or four (4) stories may be permitted if automatic sprinkler systems and dry standpipes with external fire department connections are provided. No other such structure shall exceed thirty-five feet (35') or three (3) stories in building height.

(8) Sign requirements. Shall conform with the provisions of § 14-509 of this zoning code.

(9) Plot plan or site plan requirements. All development in the M-1 mixed commercial-industrial district requiring building permits shall conform to the applicable plot and site plan requirements in §§ 14-504 and 14-505 of this official zoning code. (as added by Ord. #679, Feb. 2016)

**CHAPTER 5****SUPPLEMENTARY REGULATIONS**<sup>1</sup>**SECTION**

- 14-501. Screening requirements.
- 14-502. Multi-family housing.
- 14-503. Mobile home parks.
- 14-504. Special standards for certain uses.
- 14-505. Parking, storage, and use of major recreational equipment, vehicles and trucks.
- 14-506. Fences, walls, and hedges.
- 14-507. Front yard setback line exemptions.
- 14-508. Temporary structures.
- 15-509. General sign regulations.

**14-501. Screening requirements.** The following regulations shall apply for all uses requiring screening.

(1) Plan required. For all uses requiring screening, a plan for such shall be submitted with the required site plan.

(2) Description of screens. (a) Opaque screen. A screen that is opaque from the ground to a height of at least six feet (6'), with intermittent visual obstructions from the opaque portion to a height of at least twenty feet (20'). An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of special separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet (10') wide. The portion of intermittent visual obstructions may contain deciduous plants. Suggested planting patterns that will achieve this standard are depicted on Illustration 1.<sup>2</sup>

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<sup>1</sup>For the purpose of the official zoning code these supplementary regulations shall apply to specific, to several or to all districts. These regulations pertain to certain specific uses, authorize certain exemptions, or relate to unusual conditions.

<sup>2</sup>Illustration 1 is of record in the recorder's office. (See Ordinance 679)

(b) **Semi-opaque screen.** A screen that is opaque from the ground to a height of three feet (3'), with intermittent visual obstruction from above the opaque portion to a height of at least twenty feet (20'). The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet (10') wide. The zone of intermittent visual obstruction may contain deciduous plants. Suggested planting patterns which will achieve this standard are depicted on Illustration 2.<sup>1</sup>

(c) **Broken screen.** A screen composed of intermittent visual obstructions from the ground to a height of at least twenty feet (20'). The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants. Suggested planting patterns achieving this standard are depicted on Illustration 3.<sup>2</sup>

(3) **Standards for screening materials.** (a) When fences or walls are utilized in screening, they shall be constructed of materials compatible with the principal building.

(b) When earthen berms are utilized in screening, they shall be seeded and/or sodded.

(c) Trees and shrubbery shall be of a species common to Lafayette shall be hardy, and proper care shall be taken in planting.

(4) **Maintenance of screening.** (a) It shall be the obligation of the owner(s) of each building, structure or use on whose premises required screening is located to maintain said screening.

(b) Failure to properly maintain required screening shall be a violation of this official zoning code, punishable as a misdemeanor or under the provisions of the City of Lafayette Municipal Code. (1973 Code, § 11-601, as replaced by Ord. #679, Feb. 2016)

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<sup>1</sup>Illustration 2 is of record in the recorder's office. (See Ordinance 679)

<sup>2</sup>Illustration 3 is of record in the recorder's office. (See Ordinance 679)

**14-502. Multi-family housing.** (1) Application and site plan required.

To provide a maximum flexibility in design and to ensure a minimum standard of site development for multi-family housing developments of two (2) or more residential structures on a single lot or tract of land, not subdivided an application shall be submitted to the planning commission consisting of a site plan drawn to a scale no smaller than one inch equals fifty feet (1" = 50') setting forth therein the geographical location, boundaries, surrounding development, drainage, buildings and structures, parking facilities, points of access to public streets, easements, sanitation facilities including the location and size of water and sewer lines, location of fire hydrants, and any other information as the planning commission may require.

(2) Required standards for multi-family housing developments.

Multi-family housing developments of two or more residential structures on a single lot or tract of land, not subdivided shall meet the following required standards for development:

- (a) Location.
  - (i) The site shall comprise a single lot or tract of land except where divided by public streets.
  - (ii) The site shall abut a public street.
- (b) Area requirements. All area and setback requirements of the applicable zoning district shall be complied with.
- (c) Design.
  - (i) Internal streets.
    - The maximum grade on any street shall be twelve percent (12%) except that no more than three percent (3%) grade shall be permitted within fifty feet (50') of any intersection with a public street.
    - Where feasible, all street intersections shall be at right angles.
  - (ii) Public street access.
    - The minimum distance between access points along public street frontage shall be one hundred twenty-five feet (125').
    - The minimum distance between an access point and the nearest right-of-way line of a public street intersection shall be one hundred feet (100').
- (d) Required improvements.
  - (i) Internal streets.
    - Streets shall be privately constructed and maintained.
    - Streets shall be constructed to meet the standards for street construction in the City of Lafayette subdivision regulations.

(ii) Water and sewer systems. All multi-family housing developments shall be serviced by public water and sewer systems on trunk lines not less than six inches (6").

(iii) Fire protection. Fire hydrant protection shall be provided so that no building unit is located further than five hundred feet (500') from a fire hydrant or as approved by the Lafayette Fire Department. All fire hydrants shall have adequate pressure.

(iv) Storage of refuse.

- The storage of refuse shall be done in such a manner as to meet all applicable provisions of the Lafayette Municipal Code.
- All central refuse disposal areas shall be approved by the Lafayette Sanitation Department, shall be maintained in such a manner as to meet all applicable health codes and requirements, and shall be screened from view.

(v) Service buildings. Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable building codes. (1973 Code, § 11-602, as replaced by Ord. #679, Feb. 2016)

**14-503. Mobile home parks.** (1) General requirements. For the purpose of this official zoning code the following regulations shall apply to all mobile home parks within the corporate limits of the City of Lafayette:

(2) Requirements for mobile home parks. (a) License required. It shall be unlawful for any person or persons to maintain or operate within the corporate limits of the City of Lafayette any mobile home park unless such person or persons shall first obtain from Lafayette City Hall a license therefor.

Said license shall not be transferable.

(i) License fees. An annual license fee for each mobile home park shall be submitted to the Lafayette City Hall.

(ii) Application for license. An application for a mobile home park license shall be filed with Lafayette City Hall upon forms provided by said office. Applications shall be in writing, signed by the applicant, filed in triplicate, and shall contain the following:

- Name and address of the applicant.
- Location and legal description of the mobile home park.
- Complete site plan of the proposed park, including plans and specifications of all

buildings and other improvements constructed or to be constructed within the mobile home park. Said plan shall show compliance with the standards set forth in § 14-603(3)(c) and shall be drawn to a scale showing at a minimum the number and arrangement of all plot spaces, setbacks, access to public streets, driveways, sidewalks, drainage, sanitation facilities including the location and size of water and sewer lines, fire hydrants, and refuse collection facilities. The plan shall also show any other planned facilities.

- Any further information as may be required by the building inspector to enable him to determine if the proposed mobile home park shall comply with all applicable provisions of this official zoning code.

(iii) Review of application for license. The city's building inspector and the planning commission staff and other appropriate municipal officials, if necessary, shall review and inspect the application, plans and specifications. If the proposed mobile home park is found to be in compliance with all applicable provisions of this official zoning code and all other applicable ordinances or statutes, the building inspector shall approve the application and authorize the issuance of such license.

(iv) Posting of license. The license certificate shall be conspicuously posted in the office of, or on the premises of, the mobile home park at all times.

(v) Register of occupants. It shall be the duty of the licensee to keep a register containing a record of all mobile home owners and occupants located within the mobile home park. The register shall contain the following information:

- Name and address of each occupant;
- The make, model, and year of all automobiles and mobile homes;
- The license number and owner of each mobile home and automobile by which it is towed if applicable;
- The state issuing such license;
- The dates of arrival and departure of each mobile home.

The park shall keep the register available for inspection at all times by law enforcement officers, public health officials, and any

other official whose duties necessitate acquisition of the information contained in the register.

(vi) Revocation of license. The city's building inspector and/or health officer shall make periodic inspections of the park to assure compliance with this official zoning code. In case of noncompliance with this official zoning code, the building inspector and/or health officer shall serve warning to the licensee. Thereafter upon failure of the licensee to remove said violation, the building inspector and/or health officer shall recommend to the Lafayette City Council revocation of the offending parks' license. The board shall hold a hearing on the matter and upon determination of noncompliance shall revoke said license. The license may be reissued if the circumstances leading to revocation have been remedied and the park can be maintained and operated in full compliance with the law.

(b) Standards for mobile home parks. All mobile home parks shall comply with the following standards:

- (i) Age of mobile homes.
  - No mobile home may be set in the City of Lafayette more than ten (10) years old and must meet all local building standards and codes.
- (ii) Drainage and flood hazard requirements.
  - All mobile home parks shall be located on a well-drained site, property graded to insure rapid drainage and freedom from stagnant pools of water.
- (iii) Individual plot size requirements.
  - Individual plot spaces for mobile homes shall be clearly defined and mobile home parks provided so that the center line of pads are located not closer than forty feet (40') apart.
  - Minimum plot width.....40 ft.
  - Minimum plot depth.....100 ft.
  - No more than seventy-five percent (75%) of the mobile home plot gross area shall be covered by the mobile home and its accessory structures.
- (iv) Setback and screening requirements.
  - All mobile homes shall be parked so that there will be a minimum of twenty feet (20') between mobile homes or any attachment such as a garage or porch.

- The minimum front yard setback from the interior access drive shall be ten feet (10').
- No mobile home or any attachments shall be located closer than thirty feet (30') from the right-of-way of any public street or highway or from any mobile home park property line.
- A buffer strip of not less than ten feet (10') in width, separate from any individual plot space with semi-opaque screening in conformance with § 14-501 of this official zoning code shall be provided along all property lines of the park except across ingress and egress points to public streets.

(v) Public utilities requirements. Each individual mobile home space shall contain electrical, water, and wastewater connections for individual mobile home units and shall meet the following standards:

- Electrical. An electrical outlet supplying at least 110/220 volts shall be provided for each mobile home space, and shall be weather proof and accessible to the parked mobile home. All electrical installations shall be compliant with the National Electrical Code, and shall satisfy all requirements of the state electrical inspector.
- Water supply. All mobile home parks shall be connected to the municipal water supply with a system approved by the Tennessee Department of Environment and Conservation and each mobile home space shall be provided with an adequate outlet. All water line installations shall be inspected by appropriate officials from the Lafayette Water Department.
- Wastewater. All mobile home parks shall be connected to the municipal sewer system in a manner approved by the Tennessee Department of Environment and Conservation and each mobile home space shall be provided with an adequate outlet. All plumbing installations shall be in compliance with existing ordinances and shall be inspected by the appropriate officials from the Lafayette Wastewater Department.



(vi) Refuse: storage, collection and disposal requirements. Storage, collection, and disposal of refuse in mobile home parks shall be approved by the Sanitation Department of the City of Lafayette and shall be done in such a manner as to meet all applicable provisions of the Lafayette Municipal Code.

(vii) Public health, sanitary and anchoring requirements. All public health, sanitary, and anchoring requirements prescribed by Tennessee Code Annotated must be adhered to.

(viii) Fire protection. All mobile home parks shall be subject to the rules and regulations of the Lafayette Municipal Fire Department. At a minimum fire hydrant protection shall be provided so that no mobile home is located further than five hundred feet (500') from a fire hydrant. All fire hydrants shall have adequate pressure.

(ix) Access roads and parking requirements.

- All mobile home parks shall contain a private interior drive of at least twenty feet (20') in width. Said drive shall be surfaced with asphalt or concrete.
- All mobile home plots, common recreation and other facilities in the park shall have access only from the interior access drive. Said mobile home plot access to the interior access drive shall be a minimum of thirty feet (30') in width.
- All interior access drives shall be lighted by a minimum of one hundred seventy-five (175) watt lamps at intervals of one hundred feet (100'), mounted on utility poles.
- Each mobile home plot shall contain two (2) parking spaces per dwelling unit. Said parking spaces shall be located off the interior access drive.

(x) Sidewalk requirements. Where service buildings are included in mobile home parks, sidewalks shall be provided to the service buildings. Sidewalks shall not be smaller than two feet (2') in width and shall be adequately lighted at night.

(xi) Additions to mobile homes prohibited. No permanent additions of any kind shall be built onto, nor become a part of, any mobile home. (1973 Code, § 11-603, as replaced by Ord. #679, Feb. 2016)

**14-504. Special standards for certain uses.** To accomplish the purposes of this official zoning code, special consideration is hereby given to

certain uses. These uses shall comply with the following requirements in addition to those of the zoning district in which they may be located.

(1) Gasoline service stations. The following regulations shall apply to all gasoline service stations:

(a) All buildings shall comply with all required setbacks in the applicable zoning district.

(b) All gasoline pumps and canopies shall not be located closer than twenty feet (20') to any street right-of-way line.

(c) When other uses are combined with a gasoline service station, such as video rental, deli, or grocery, additional parking, based on the other uses, shall be provided.

(2) Cemeteries. The following regulations shall apply to all cemeteries:

(a) The site proposed for a cemetery shall not interfere with the development of a system of streets and in addition shall have direct access to a thoroughfare.

(b) Any new cemetery shall be located on a site containing not less than twenty (20) acres, and shall meet all applicable state and municipal regulations for this type of land use.

(c) All structures and facilities including but not limited to mausoleums, graves, burial lots, monuments, and maintenance buildings shall be set back at least thirty feet (30') from any property line or street right-of-way.

(d) All required yards shall be landscaped and maintained.

(e) Proposals for cemeteries shall be approved by the planning commission.

(3) Customary home occupations. The following regulations shall apply for all permitted customary home occupations:

(a) A customary home occupation is a gainful occupation or profession conducted by members of a family residing full-time on the premises and conducted entirely within the principal dwelling unit.

(b) No more than twenty-five percent (25%) of the total habitable floor area of the dwelling shall be devoted to such use.

(c) Shall be conducted entirely within the principal dwelling unit and no alterations to any buildings shall indicate from the exterior that the building is being utilized for any purpose other than a residential unit, including permitted accessory buildings.

(d) No stock in trade shall be visible from public street frontage, and no equipment or materials used in the occupation shall be stored outside the dwelling.

(e) Only one (1) person, not a resident of the premises, shall be employed.

(f) Neither retail nor manufacturing business shall be permitted.

(g) No outdoor repair work shall be permitted.

(h) Additional off-street parking shall be provided for the non-resident employee and for the parking of anticipated clients. Required parking shall not be permitted in any front yard.

(i) All structures used for customary home occupations shall be in conformance with the sign requirements as established in § 14-509 of the official zoning code.

(j) No approval shall be transferable to another owner.

(4) Swimming pools. The following regulations shall apply to all private swimming pools:

(a) No swimming pool or part thereof, including aprons, walks, and equipment rooms, shall protrude into any required front or side open space.

(b) The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or from adjacent properties. Said fence or wall shall be not less than four feet (4') in height and maintained in good condition.

(c) All swimming pools constructed shall meet the specification requirements of the International Building Code currently adopted by the city.

(5) Self-service storage facilities (mini-warehouses). The following regulations shall apply to all self-service storage facilities:

(a) Parking shall be provided by parking/driving lanes adjacent to the storage buildings. These lanes shall be at least twenty-six feet (26') wide when storage cubicles open onto one side of the lane only and at least thirty feet (30') wide when cubicles open onto both sides of the lane. Said lane shall be surfaced with asphalt or concrete.

(b) A minimum of two (2) parking spaces plus one (1) additional space for every two hundred (200) storage cubicles shall be located adjacent to the project office.

(c) No self-service storage facility shall exceed eighteen feet (18') in height.

(d) The sale or auction of any item is specifically prohibited, with the exception of the contents of an abandoned unit.

(e) The storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is specifically prohibited and all rental contracts shall include clauses prohibiting such storage.

(f) The servicing or repair of motor vehicles, boats, trailers, lawnmowers or any similar equipment is specifically prohibited.

(6) Servicing, storage, repair, or sale of motor vehicles. The following regulations shall apply to all motor vehicles, garages, sales lots, service stations, and similar structures and uses involved in the servicing, storage, repair or sales of motor vehicles:

(a) No public street, parking area, sidewalk, or way shall be used for the storage or parking of motor vehicles in connection with the activities of such establishments, except for normal parking by individual private owners or operators of such vehicles.

(b) No operation in connection with such establishments shall be carried on in such a manner which impedes free flow of vehicular or pedestrian traffic in normal courses on public ways.

(c) No motor vehicle shall be parked in such a manner as to block visibility at intersecting streets.

(d) No repair of motor vehicles or parts thereof shall be made outside of garages, service stations, body shops, or other buildings used for such purposes (except such minor repairs as are normally completed while the customer waits at the premises).

(e) All motor vehicles being handled or stored in an area visible from a public street or way shall be maintained in such condition that they can be moved under their own power.

(f) Motor vehicles unable to be moved under their own power may be temporarily stored (sixty (60) days or less) in completely enclosed storage yards. These yards shall be provided with opaque screening as provided in § 14-501 of this official zoning code in such a manner that no vehicle or portion thereof is visible from any street or public way, or from ground level of any adjacent property. The storage yard shall be located on the same premises as the motor vehicle repair or service establishment. The maximum number of vehicles allowed in any storage yard is ten (10).

(g) It shall be the responsibility of the owner or operator of any motor vehicle repair or service establishment to keep accurate and verifiable records as to the date any vehicle being stored in a storage yard is placed on said yard. Failure to keep such records will create the presumption that the vehicle or vehicles stored on the yard have been there in excess of sixty (60) days and are in violation of this official zoning code.

(7) Churches and other places of worship. The following regulations shall apply to all permitted churches and other places of worship:

(a) A minimum lot area of two (2) acres with a minimum lot width of two hundred feet (200') at the building setback line shall be provided.

(b) The minimum depth of the front yard shall be seventy-five feet (75'), and the minimum depth of the side and rear yards shall be fifty feet (50'). The minimum side yard on street side of corner lots shall be seventy-five feet (75').

(c) The maximum lot coverage for the principal structure and all accessory structures shall be thirty percent (30%).

(d) When parking areas are adjacent to residential lots, buffer strips of ten feet (10') in width with semi-opaque screening in conformance with § 14-501 of this official zoning code along all shared lot lines shall be provided.

(8) Schools. The following regulations shall apply to all permitted schools offering general education courses:

(a) A minimum lot area of five (5) acres with a minimum lot width of three hundred feet (300') at the building setback line shall be provided.

(b) The minimum depth of the front, rear, side yards and side yards on street side of corner lots shall be one hundred feet (100').

(c) The maximum lot coverage for all buildings shall be thirty percent (30%).

(d) All accessory structures and portable classrooms shall be located in the rear yard only. Portable classrooms shall be temporary in nature and subject to annual review by the board of zoning appeals.

(e) When parking areas are adjacent to residential lots, buffer strips ten feet (10') in width with semi-opaque screening in conformance with § 14-501 of this official zoning code shall be provided along all shared lot lines.

(9) Day care homes. The following regulations shall apply to all permitted day care homes for the care of up to seven (7) children that are in compliance with state regulations:

(a) The child day care use will be clearly incidental to the residential use of the dwelling and shall not change the essential residential character of the dwelling.

(b) Outdoor play space shall not be permitted within the front yard area and shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas or land unsuited for children's play space.

(c) There shall be a fence with the minimum height of four feet (4') surrounding the play space.

(d) Operator of a child day care home must be the owner and reside on subject property.

(e) Child day care homes, nurseries or kindergartens shall be located within the main structure on the lot and shall not utilize more than fifty percent (50%) of the gross floor area of the main structure.

(f) Special approval shall not be transferable to another owner.

(10) Television, radio, and satellite dish antennas. The following regulations shall apply to all permitted television, radio, and satellite dish antennas:

(a) All ground mounted television, radio and satellite dish antennas shall be located in the rear yard only and no dish antenna shall be more than ten feet (10') in diameter.

(b) All installations must comply with all accessory use yard, height, bulk, and setback requirements specified within the district.

(c) Antennas that are roof-mounted shall not extend higher than ten feet (10') above the peak of the roof. No roof mounted dish antenna shall exceed twenty-four inches (24") in diameter.

(d) All installations shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties.

(e) All installations shall employ (to the extent possible) materials and colors that blend with the surroundings.

(f) Antennas shall be installed and maintained in compliance with the requirements of the municipality's building codes.

(g) No television or radio antenna shall exceed forty-five feet (45') in height.

(11) Wireless communication facilities (and antenna arrays).

(a) Applicability. All new towers or antennas as defined by this ordinance within the corporate limits of Lafayette shall be subject to these regulations, except as follows:

(i) Preexisting towers and preexisting antennas shall not be required to meet the requirements of this chapter, other than the requirements of § 14-1004(10) and (11).

(b) Requirements. (i) Each applicant for an antenna and/or tower shall provide to Lafayette Regional Planning Commission, prior to city council consideration, the following:

(A) An inventory of its towers, antennas, or sites that are within the jurisdiction of the City of Lafayette; and

(B) Specific information about the proposed location, height, and design of each tower and/or antenna; and

(C) Proposed sites requested for approval.

(ii) Towers and antennas shall meet the following:

(A) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness;

(B) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

(C) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and

mechanical equipment must be of a natural color that is identical to, or closely compatible with, the color of the supporting structure, so as to make the antenna and related equipment as visually unobtrusive as possible.

(D) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority.

(1) If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

(E) All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas;

(1) If such standard and/or regulations are changed, the owners of the towers and/or antennas governed by this chapter shall bring such towers and/or antennas into compliance with revised standards and regulations, within six (6) months of the effective date of such standards and regulations unless a different compliance schedule is mandated by the controlling state or federal agency.

(2) Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute ground for the removal of the tower or antenna at the owner's expense.

(F) The owner shall ensure that the structural integrity of the tower and/or antenna is maintained in compliance with standards contained in applicable state and local building codes, and the applicable standards for towers that are most recently published and amended by the Electronic Industries Association:

(1) If, upon inspection, the City of Lafayette concludes that a tower and/or antenna fails to comply with such codes and standards, and constitutes a danger to person and/or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards.

(2) Failure to bring such tower and/or antenna into compliance with thirty (30) days of notice shall constitute grounds for removal of the tower and/or antenna at the owner's expense.

(3) Tower setbacks and separation distances shall be calculated and applied to facilities located in the City of Lafayette.

(4) Owners and/or operators of towers and/or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of Lafayette have been obtained with copy of each provided to the city recorder.

(c) Regulations. (i) It shall be unlawful for person to install, erect, or use a tower and/or antenna without first making application to, and obtaining approval from the city council.

(ii) No new tower shall be permitted unless the applicant demonstrates that no existing tower, structure, or alternative technology, that does not require the use of towers or structures can accommodate the applicant's proposed antenna.

(iii) No signs shall be permitted on an antenna and/or tower.

(iv) Building and support equipment associated with antennas and/or towers shall comply with all applicable requirements and codes.

(v) Any civil, mechanical, and/or electrical engineering information that the applicant submits shall be certified by a licensed professional engineer under the guidelines of the State of Tennessee.

(vi) Sites for locating a tower and/or antenna including the placement of additional buildings or other supporting equipment used in connection with said tower and/or antenna shall be as follows:

(A) Located in commercial or industrial zoning areas;

(B) Meet setback requirements as listed in Table 1;

(1) The dimensions of the entire lot shall control the determination of the tower and/or antenna complying with city development regulations, including but not limited to setback requirements and lot coverage requirements.

(2) Towers must be set back a distance equal to at least one hundred percent (100%) of the height of the tower, plus thirty feet (30') from any adjoining property line.



- (3) Guys and accessory buildings must satisfy the minimum zoning setback requirements.

Table 1

Off-Site Use/Designated Area	Separation Distance
1. Residential: Single-family or duplex, including modular homes and mobile homes used for living purposes	200 feet or 300% height of tower; whichever is greater
2. Residentially zoned land which is either platted or has preliminary subdivision plan approval	200 feet or 300% height of tower; whichever is greater
3. Vacant unplatted residentially zoned lands, multi-family residentially zoned land greater than duplex	200 feet or 200% height of tower, whichever is greater
4. Existing multi-family residential units greater than duplex units	200 feet or 100% height of tower, whichever is greater
5. Non-residentially zoned lands or non-residential uses	None, only setbacks apply

(C) Meet separation requirements as listed in Table 2;

(1) Tower separation shall be measured from the base of the tower to the lot line of the off-site users and/or designated areas.

(2) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan of the proposed tower.

Table 2

## Existing Towers - Types

	Lattice	Guyed	Monopole 75 ft. in height or greater	Monopole less than 75 ft. in height
Lattice	5,000 ft.	5,000 ft.	1,500 ft.	750 ft.
Guyed	5,000 ft.	5,500 ft.	1,500 ft.	750 ft.
Monopole 75 ft. in height or greater	1,500 ft.	1,500 ft.	1,500 ft.	750 ft.
Monopole less than 75 ft. in height	750 ft.	750 ft.	750 ft.	750 ft.
1. Residential: Single-family or duplex, including modular homes and mobile homes used for living purposes		200 feet or 300% height of tower; whichever is greater		
2. Residentially zoned land which is either platted or has preliminary subdivision plan approval		200 feet or 300% height of tower; whichever is greater		
3. Vacant unplatted residentially zoned lands, multi-family residentially zoned land greater than duplex		200 feet or 200% height of tower, whichever is greater		
4. Existing multi-family residential units greater than duplex units		200 feet or 100% height of tower, whichever is greater		
5. Non-residentially zoned lands or non-residential uses		None, only setbacks apply		

(D) Towers shall be enclosed by security fencing not less than six feet (6') in height and shall be also be equipped with an appropriate anti-climbing device.

(E) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences.

(1) Standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the compound.

(2) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.

(3) Sites on large, wooded lots, with natural growth around the perimeter may be considered sufficient buffer.

(F) Antennas mounted on utility poles or light poles shall have the equipment cabinet or structure used in association with antennas located in accordance with the following:

(1) Residential area: In a rear yard, provided the cabinet or structure is no greater than twelve feet (12') in height or one hundred (100) square feet in gross floor area with the cabinet/structure located no more than twenty feet (20') from all lot lines and is screened by an evergreen hedge with an ultimate height no less than eight feet (8') and a planted height of at least thirty-six inches (36").

(2) Residential area: In a front or side yard provided the cabinet or structure is no greater than twelve feet (12') in height or one hundred (100) square feet in gross floor area with the cabinet/structure located no more than twenty feet (20') from all lot lines and screened by an evergreen hedge with an ultimate height of at least thirty-six inches (36").

(3) Commercial/industrial area: The equipment cabinet or structure shall be no greater than twenty feet (20') in height or two hundred (200) square feet in gross floor area and screened by an evergreen hedge with an ultimate height no less than eight feet (8') and planted height of at least thirty-six inches (36").

(4) Commercial/industrial area: In all instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet (6') in height or an evergreen hedge with ultimate height of twelve feet

(12') and a planted height of at least forty-eight inches (48").

(G) Antennas located on towers and related unnamed equipment structure shall not contain more than one hundred (100) square feet of gross floor area or be more than twelve feet (12') in height and shall be located no closer than forty feet (40') from all lot lines.

(H) The tower meets the following height and usage criteria:

(1) Single user: Up to ninety feet (90') in height.

(2) Two (2) users: Up to one hundred twenty feet (120') in height.

(3) Three (3) or more users: Up to one hundred twenty feet (120') in height.

(I) A licensed professional engineer under the guidelines of the State of Tennessee shall certify the tower can structurally accommodate the number of shared users by the applicant:

(vii) Location antenna on existing structures or towers shall be governed by the following:

(A) Any antenna not attached to a tower may be approved as an accessory use to any commercial, industrial, professional, institutional, or multi-family structure of eight (8) or more dwelling units, provided:

(1) The antenna does not extend more than thirty feet (30') above the highest point of the structure;

(2) The antenna complies with all applicable FAA and FCC regulations;

(3) The antenna complies with all applicable building codes.

(B) Antennas mounted on structures or rooftops shall have the equipment cabinet or structure used in association with the following:

(1) The cabinet or structure shall not contain more than one hundred (100) square feet of gross floor area or be more than twelve feet (12') in height.

(2) Buildings and/or structures which are less than sixty-five (65) in height, the related unmanned equipment structure, if over one hundred (100) square feet of gross floor area and/or twelve

feet (12') in height shall be located on the ground and shall not be located on the roof of the structure.

(3) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten percent (10%) of the roof area.

(4) Equipment storage buildings or cabinets shall comply with all applicable building codes.

(viii) An antenna which is attached to an existing tower may be approved to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one (1) carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

(A) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the city council allows reconstruction of a monopole;

(B) An existing tower may be modified or rebuilt to a taller height, not to exceed thirty feet (30') over the tower's existing height, to accommodate the collocation of an additional antenna:

(1) The height change shall only occur one (1) time per communication tower.

(2) The additional height may not exceed distance separation.

(C) A tower which is built to accommodate the collocation of an additional antenna may be moved onsite within fifty feet (50') of its existing location.

(1) After the tower is rebuilt to accommodate collocation, only one (1) tower shall remain on the site.

(2) A relocated onsite tower shall continue to be measured from the original tower location for the purposes of calculating separation distance between towers.

(3) A licensed professional engineer under the guidelines of the State of Tennessee shall certify the tower can structurally accommodate the number of shared users proposed by the applicant.

(4) The onsite relocation of a tower which comes with the separation distances to residential

units or residentially zoned land shall only be permitted after a public hearing and approval by the city council.

(ix) Special uses permits may be approved by the city council, with the recommendation of the board of zoning appeals, with the following provisions governing:

(A) Required for the construction of a tower or the placement of antenna in agricultural zoning:

(B) Minimal adverse effects of the proposed tower on adjoining properties:

(C) Any civil, mechanical and/or electrical engineering information that the applicant submits shall be certified by a license professional engineer under the guidelines of the State of Tennessee:

(D) Installing a cable microcell network through the use of multiple low-powered transmitter/receivers attached to existing wire line systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(x) Any antenna and/or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned.

(A) The owner of such antenna and/or tower shall remove the same within said ninety (90) days of receipt of notice from the City of Lafayette.

(B) Failure to remove an abandoned antenna and/or tower within said ninety (90) days shall be grounds to remove the tower and/or antenna at the owner's expense.

(C) If there are two (2) or more users of a single tower, then this provision shall not become effective until all approved users abandon the tower.

(xi) Rebuilding damaged or destroyed towers or antennas shall be of the same type, height, location, and intensity as the original facility approval.

(A) Building permits to rebuild the facility shall comply with the applicable building codes at that time and shall be obtained within one hundred eight (180) days from the date the facility is damaged or destroyed.

(B) If no building permit is obtained, the tower and/or antenna shall be deemed abandoned.

(C) After obtaining building permit, construction shall begin within ninety (90) days or the tower and/or antenna shall be deemed abandoned.

(d) Approval. (i) Proposed location and use must comply with all setback and separation requirements as outline in § 14-504(11)(c).

(ii) The planning commission and/or board of zoning appeals will submit to the city council with comments if any, the proposal within sixty (60) days.

(iii) The city council will approve/disapprove the application within sixty (60) days of submission from the planning commission.

(e) Requirements for application. (i) Application shall be made to the city recorder, or such person as designated by the city council to receive such applications.

(ii) Each application shall be accompanied by a non-refundable cashier's check in the amount of one thousand dollars (\$1,000.00) made payable to the City of Lafayette.

(iii) Each applicant shall deposit with the city recorder a surety bond, not less than one million dollars (\$1,000,000.00), to cover the cost to the municipality if the applicant fails to meet applicable requirements as set forth in this chapter. The bond will remain in effect ensure adequate funds available for continued maintenance.

(iv) Application for a tower shall be submitted with the following:

(A) A scaled site plan clearly indication:

(1) Location;

(2) Design, type and height of the proposed tower with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness:

(3) On-site land uses and zoning;

(4) Adjacent land uses and zoning;

(5) Adjacent roadways;

(6) All properties within the applicable separation distances;

(7) Proposed areas of access (ingress and egress);

(8) Setbacks from property lines;

(9) Elevation drawings of the proposed tower and any other structures;

(10) Surrounding topography, tree coverage and foliage;

(11) Roadway and parking.

(B) Legal description of the parent tract and leased parcel (if applicable).

(C) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and non-platted residentially zoned properties.

(D) The separation distance from other towers described in the inventory of existing sites shall be shown on an updated site plan or map.

(E) Identify the type of construction of the tower and the owner and/or operator.

(F) A landscape plan showing specific landscape materials.

(G) Method of fencing, finished color, method of camouflage and illumination (if applicable).

(H) A description of compliance with all applicable federal, state, and local laws.

(I) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

(J) A description of the suitability of the use of other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed tower.

(K) Costs of alternative technology that exceed new tower and/or antenna development shall not be presumed to render the technology unsuitable.

(L) A description of the feasible location(s) of towers within the City of Lafayette based upon existing physical, engineering, technological, or geographic limitations

(v) Each applicants must certify that they have read, and are familiar with the provisions of this chapter.

(vi) Every application that meets the requirements of this chapter shall be considered by the city council.

(vii) In the event an applicant's circumstances change which compliance with the provisions set forth in this chapter, the applicant shall notify the city recorder in writing within fifteen (15) days from the changes in circumstances.

(viii) Any applicant denied approval three (3) times shall not be allowed to reapply until the expiration of one (1) year from the date of the third refusal. (1973 Code, § 11-604, as replaced by Ord. #679, Feb. 2016)

**14-505. Parking, storage, and use of major recreational equipment, vehicles and trucks.** (1) In the R-1 and R-2 residential districts



no vehicles or trailers of any kind or type without current license plates shall be parked or stored only in a completely enclosed building.

(2) In the R-1 and R-2 districts, no major recreational equipment (including boats and boat trailers, travel trailers, partial travel trailer units, and the like, and equipment used for transporting such) shall be parked or stored in any front yard or in any required side yard except for periods not to exceed twenty-four (24) hours during loading and unloading. No such recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

(3) In the R-1 and R-2 districts, no truck of a rated capacity of greater than three-fourths (3/4) ton nor any other truck painted with any sign nor any other vehicle or heavy equipment may be parked on any lot or in the public right-of-way adjacent to any lot overnight nor stored or parked while loading or unloading for periods in excess of twenty-four (24) hours except in an enclosed building. (as added by Ord. #679, Feb. 2016)

**14-506. Fences, walls, and hedges.** Notwithstanding other provisions of this official zoning code, fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall cause any impairment to vision or create safety hazards to any driveway or at any street intersection. (as added by Ord. #679, Feb. 2016)

**14-507. Front yard setback line exemptions.** The setback requirement of this official zoning code for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred feet (100') on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred feet (100'). In residential districts, however, the setback shall in no case be less than thirty feet (30') from the center line of the streets. (as added by Ord. #679, Feb. 2016)

**14-508. Temporary structures.** Temporary structures and operations in connection with, and on the site of building and land developments, including grading, paving, installation of utilities, erection of field offices, erection of structures for storage of equipment and building materials and the like, are permitted in each zoning district provided that such uses are subject to the issuance of a permit by the building inspector. No such permit shall be for a period of more than six (6) months, but shall be renewable by the building inspector for periods of not more than six (6) months. (as added by Ord. #679, Feb. 2016)

**15-509. General sign regulations.** These provisions are established as a reasonable and impartial method of regulating signs and similar advertising structures in order to insure light, air, and open space, to reduce hazards at intersections, to protect property values of the entire city, and to enhance the aesthetics of the community. In addition to regulations indicated for individual districts elsewhere in this zoning ordinance, the following regulations apply in groups of districts or generally in all districts as specified:

(1) Sign permit required. For all signs allowed in any residential, commercial or industrial zoning district as shown on the official zoning map of the City of Lafayette, Tennessee or with any residential, commercial or industrial use, the following regulations unless otherwise noted herein shall apply:

(a) An application for a sign permit shall be submitted to city's building inspector on forms furnished by city hall and approved prior to the erection, relocation, major alteration or modification or any sign located in the City of Lafayette.

(b) The application for a sign permit shall contain the following information:

- (i) Name, address and telephone number of applicant.
- (ii) Location of building, structure or lot to which or upon which the sign is to be located.
- (iii) Affidavit from property owner, if different from sign owner, indicating approval for sign location.
- (iv) Name of person, firm, corporation or association that will be erecting the sign.
- (v) Evidence of liability insurance policy or bond responsibility for sign erection.
- (vi) Brief description, sketch or drawing of the proposed sign, including all dimensions and estimated cost.
- (vii) Evidence of setback compliance for all freestanding sign structures. Determination of setbacks shall be as specified for the established zoning districts of this official zoning code.
- (viii) Engineered drawings for any sign exceeding twenty feet (20') in height or one hundred fifty (150) square feet in sign face area. Engineered drawings may be required for other signs if determined as necessary by the city's building inspector.
- (ix) Evidence of receipt of electrical inspection permit for any sign requiring electrical power (issued by Tri-County Electric) and evidence of such sign being approved and stamped by Underwriters Laboratory (UL number shall be provided).
- (x) A sign permit fee shall be submitted to the city's building inspector with the application for the sign permit. The permit fee shall be based on the sign value as determined by the City of Lafayette building codes, unless otherwise specified herein.

(xi) Sign permits shall become null and void six (6) months from the date of issuance if the work authorized under the sign permit has not been commenced by that time.

(xii) Inspections required. Inspections by the city's building inspector shall be completed on all footers and upon completion of the final installation of a sign. A minimum notification of twenty-four (24) hours shall be provided to the city's building inspector prior to any required inspection. The state electrical inspector shall inspect signs requiring electricity.

(xiii) Certificate of approval required. No sign shall be considered in compliance with these regulations until such time as a certificate of approval has been issued. A certificate of approval shall be issued on the date that the final inspection of the sign is completed and approved by the city's building inspector.

(2) General regulations for all districts. For all zoning districts as shown on the official zoning map of the City of Lafayette, Tennessee the following regulations for signs and similar advertising structures shall apply:

(a) No sign shall be located in such a manner so as to obstruct free or clear vision, or otherwise cause hazards for vehicular or pedestrian traffic by reason of location, shape, illumination or color.

(b) No sign shall be erected, replaced or relocated so as to prevent free use of any required door, window, fire escape, emergency exit or standpipe.

(c) No sign shall be located on, or attached to, any public property except public signs authorized by the City of Lafayette or the State of Tennessee.

(d) No sign shall be located on or overhanging any public rights-of-way, except for certain signs specifically permitted in the C-1 central business district.

(e) Setbacks for all signs shall be measured from the leading edge of the sign as determined by the city's building inspector.

(f) No sign shall be painted or attached to any trees, rocks, utility poles, guy wires, street name signs, warning and regulatory signs, and the like.

(g) No sign shall have blinking, flashing, or fluttering lights or other illuminating device which has a changing light intensity, brightness, or color. Signs or portions of signs designed primarily for the display of time and temperature and on premise message centers are specifically excluded from the provisions of this paragraph.

(h) No sign shall be placed in such a manner as to impede visibility between a height of two feet (2') and ten feet (10') above street level of intersecting streets at their point of intersection in an area defined by the street lines adjoining the corner lot and a line joining points along said street lines fifty feet (50') from the point of intersection.

(i) All signs designed or equipped to be connected to electricity in any way shall be approved and stamped by Underwriters Laboratory, and shall not be connected to any source of electrical power until such connection meets all applicable city and state codes.

(j) All signs shall be erected, replaced, or relocated in accordance with signage regulations of the official zoning code.

(3) Signs allowed in all districts. The following signs do not require sign permits and are allowed in all zoning districts:

(a) Signs established by, or by order of, any governmental agency.

(b) Directional signs for parking and loading areas, entrance and exit signs not exceeding twelve (12) square feet in area nor three feet (3') in height, however, no such signs shall have the effect of obstructing ingress and egress visibility.

(c) Real estate signs during the time the property on which the sign is located is listed for sale, lease or auction. Such signs shall not exceed nine (9) square feet in sign face area or any individual lot of record located in any residential district and shall not exceed thirty-two (32) square feet in any non-residential district. Such signs shall be removed within fourteen (14) days after the transaction is completed. Off-premise real estate signs, including directional and open house signs, are permitted for one seven (7) consecutive day period during any twelve (12) consecutive month period. Auction signs shall be permitted when in compliance with the provisions of § 14-509(5)(n) of this official zoning code.

(d) Political signs displayed on private property with the consent of the owner for a time period of sixty (60) days prior to a general election or primary election. Such signs shall not exceed nine (9) square feet in sign face area in any residential district nor thirty-two (32) square feet in any non-residential district. Such signs shall be removed fourteen (14) days after the completion of said primary or general election. The owner of the property on which the sign is located shall be responsible for its removal and shall be subject to the penalty and remedy provisions of §§ 14-610 and 14-611 of this official zoning code for failure to comply with the provisions herein stated. These provisions shall not restrict the use of legal off-premise billboards as political signs.

(e) Construction signs, not exceeding thirty-two (32) square feet in sign face area, from the date of issuance of a building permit to a date thirty (30) days after the final inspection on the building project.

(f) Signs denoting the future home of or future location of a particular use or structure, not exceeding thirty-two (32) square feet of sign face area, for a period of ninety (90) days prior to the issuance of a building permit through the building permit period. Such signs shall be

immediately removed if no building permit is issued within ninety (90) days of the sign being erected.

(g) Garage or yard sale signs, not exceeding six (6) square feet in sign face area, for a period of five (5) days prior to and during a garage sale or yard sale. Such signs shall be removed within three (3) days after the sale is completed.

(h) On-premise promotional signs for new subdivisions limited to one (1) sign per subdivision. Such signs shall be not exceed thirty-two (32) square feet in sign face area and shall be removed when eighty percent (80%) of the subdivision lots have been sold.

(4) Signs allowed in residential districts. In the R-1 and R-2 residential districts, as shown on the official zoning map of the City of Lafayette, Tennessee, the following regulations for signs and similar advertising structures shall apply:

(a) Nameplates indicating name, address, house numbers, announcement of boarders or roomers are allowed but shall not exceed two (2) square feet in sign area. No more than one (1) such sign per lot or parcel shall be allowed.

(b) Signs posted on property relating to private parking, trespassing, or dangerous animals are allowed but shall not exceed two (2) square feet in sign area. No more than two (2) such signs per lot or parcel shall be allowed.

(c) For multi-family complexes, apartment buildings, and mobile home parks, identification signs not exceeding sixteen (16) square feet in sign area are allowed.

(d) Signs announcing customary home occupations are prohibited, unless granted by the City of Lafayette Board of Zoning Appeals.

(e) Church, school, childcare, or public building bulletin boards or identification signs are allowed but shall not exceed fifty (50) square feet in sign area.

(f) No sign shall be placed closer than ten feet (10') to any property or right-of-way line.

(g) For a subdivision consisting of ten (10) or more lots or a multi-family development consisting of eight (8) or more dwelling units, two (2) permanent signs identifying the development at each major vehicular entrance are allowed, provided that the location and setback requirements of the Lafayette Subdivision Regulations are complied with, and provided that such signs do not exceed eight feet (8') in height and sixty-four (64) square feet in area.

(h) For existing nonconforming commercial or industrial uses located in residential districts, on-premise business signs are allowed provided the provisions of § 14-509(5) of this official zoning code are complied with.

- (i) Flashing or intermittent illumination is prohibited.
  - (j) Mobile or portable signs are prohibited.
  - (k) Billboards and similar off-premise signs are prohibited.
- (5) Signs allowed in commercial and industrial districts. In the C-1 and C-2 and I-1, I-2, and M-1 districts, as shown on the official zoning map of the City of Lafayette, Tennessee, the following regulations for signs and similar advertising structures shall apply:

(a) All signs allowed in residential districts, subject to the same regulations, are allowed.

(b) Each commercial and industrial premise with less than four hundred feet (400') of frontage on any one (1) public street, regardless of the number of commercial or industrial establishments on such premise, shall be allowed one (1) on-premise freestanding business sign structure per public street frontage, but in no case shall more than two (2) freestanding sign structures be permitted on any premise regardless of the number of street frontages.

(c) Each commercial and industrial premise with greater than four-hundred feet (400') of frontage on any one (1) public street, regardless of the number of commercial or industrial establishments on such premise, shall be allowed two (2) on-premise freestanding business sign structures per public street frontage, but in no case shall more than three (3) freestanding sign structures be permitted on any premise regardless of the number of street frontages.

(d) The following provisions shall apply for all on-premise freestanding signs:

(i) For commercial and industrial premises with fifty feet (50') or less frontage on a public street, or located in the C-1 central business district, the maximum sign face area of any freestanding sign shall not exceed fifty (50) square feet.

(ii) For commercial and industrial premises with greater than fifty feet (50') but less than one hundred feet (100') of frontage on a public street the maximum sign face area of any freestanding sign shall not exceed one hundred (100) square feet in total sign face area.

(iii) For commercial and industrial premises with one hundred feet (100') or greater of frontage on a public street the maximum sign face area of any freestanding sign shall not exceed two hundred fifty (250) square feet of total sign face area.

(iv) In cases where a commercial or industrial premise is allowed two (2) freestanding signs, the aggregate sign face area of both signs shall not exceed four hundred (400) square feet. In cases where a commercial or industrial premise is allowed three (3) freestanding signs, the aggregate sign face area of all signs shall not exceed five hundred (500) square feet.

(v) No on-premise freestanding sign shall be located closer than one hundred feet (100') from any other on-premise freestanding sign located on the same premise, as measured in a radius from the center of the sign base.

(vi) No part of any on-premise freestanding sign shall be placed closer than twenty-five feet (25') from any other on-premise located on a different premise or any off-premise freestanding sign as measured from the center of the sign base.

(vii) No on-premise sign between the height of two feet (2') and eight feet (8') above street level shall be located closer than fifteen feet (15') to the right-of-way of any public street.

(viii) No on-premise sign with a support structure, pole or pole cover of a width greater than two feet (2') shall be placed closer than fifteen feet (15') to the right-of-way of any public street.

(ix) No on-premise sign shall be located closer than five feet (5') to the right-of-way of any public street.

(x) No part of any on-premise freestanding sign located in the C-1 central business district shall be higher than twenty feet (20') from street level at a point nearest the sign.

(xi) No part of any on-premise freestanding sign located in the C-1 and C-2, and I-1, I-2, and CI districts shall be higher than thirty-five feet (35') from street level at a point nearest the sign.

(e) Each commercial or industrial establishment shall be allowed wall signs for on-premise advertising on each outside wall provided that such signs in total shall not exceed fifty percent (50%) of the area of the face of the wall upon which the sign is erected, or portion of the wall occupied by the commercial or industrial establishment, whichever is less, and further provided that if more than one (1) outside wall is utilized for signs then no mansard roof sign shall be allowed.

(f) Each commercial or industrial establishment shall be allowed one (1) mansard sign for on-premise advertising provided that only one (1) outside wall is used to place signs. No mansard sign shall exceed twenty-five percent (25%) of the area of the face of the building upon which it is erected, or portion of the face of the building occupied by the commercial or industrial establishment. Where mansard and wall signs are used in combination they shall not in total exceed fifty percent (50%) of the face of the building.

(g) No sign attached to the building shall be allowed to extend above the highest portion of the roof or facade.

(h) Each commercial or industrial establishment shall be allowed one (1) projecting sign provided that such sign shall not exceed twenty (20) square feet in sign face area and shall not extend above any portion of the roof of the building occupied.

(i) Each commercial or industrial establishment shall be allowed fascia signs provided that such signs do not exceed two feet (2') in height and do not extend above the highest portion of the roof.

(j) Awning, canopy, marquee and under-awning signs are permitted for commercial and industrial establishments. Under-awning signs shall not exceed four (4) square feet in sign face area and shall be placed at least seven feet (7') above the sidewalk or ground level so as to not constitute a hazard or impediment to pedestrians.

(k) For structures located in the C-1 central business district directly abutting the public right-of-way, awning, canopy, or marquee signs overhanging the public right-of-way are allowed provided that no such sign shall be closer than two feet (2') to any street pavement line and provided that no such sign shall obstruct free or clear vision or otherwise cause hazards for vehicular or pedestrian traffic.

(l) Mobile or portable signs are permitted only in the C-2 district and only under the following terms and conditions:

(i) Only one (1) mobile or portable sign shall be allowed per premise.

(ii) Mobile or portable signs shall only be allowed for two (2) periods, not to exceed fourteen (14) days each, during any calendar year (January 1-December 31).

(iii) A special permit is required for any mobile or portable sign.

(iv) The mobile or portable sign shall not be closer than fifteen feet (15') from any street right-of-way.

(m) Banners and other temporary on-premise signs are permitted only under the following terms and conditions:

(i) No freestanding banners or other temporary on-premise freestanding signs shall be permitted.

(ii) Each individual establishment shall be allowed one (1) banner or other temporary on-premise sign attached to a wall, fascia, mansard roof, canopy or awning.

(iii) No individual banner or other temporary on-premise sign shall exceed one hundred (100) square feet in sign face area.

(iv) All banners and other temporary on-premise signs shall be well maintained. Any damaged signs shall be immediately repaired, replaced or removed.

(n) For events of public interest, no more than four (4) temporary off-premise signs shall be allowed, provided that no such sign shall exceed thirty-two (32) square feet in area and provided that such signs shall not be erected more than fourteen (14) consecutive days prior to the scheduled event, and provided that such signs shall be removed within three (3) consecutive days following the event.



(o) Billboards and similar off-premise signs are prohibited in the C-1 and I-1 and I-2 districts.

(p) All other billboards and similar off-premise signs shall be permitted only in the C-2 district under the following terms and conditions:

(i) No off-premise sign shall be located within one thousand five hundred feet (1,500') of any other off-premise sign on the same side of the street as measured along a line parallel to such street; this spacing does not prohibit back-to-back signs on the same structure.

(ii) No off-premise sign shall be located within five hundred feet (500') of any other off-premise sign on the opposite side of the street or on a different street as measured in a radius from the center of the sign base; this spacing does not prohibit back-to-back signs on the same structure.

(iii) No off-premise sign shall be erected or placed closer than three hundred feet (300') from the nearest property line of any property that is zoned residential, and has frontage on the same side of the street as the off-premise sign.

(iv) No off-premise sign shall be located closer than one-hundred feet (100') from any street intersection as measured from the leading edge of the sign.

(v) No off-premise sign shall be located closer than twenty-five feet (25') from any on-premise sign as measured from the center of the sign base.

(vi) No off-premise sign shall have a display surface area exceeding three hundred (300) square feet.

(vii) No off-premise sign shall exceed fifty feet (50') in height as measure from the uppermost portion of the display surface area to the finished grade at street level.

(viii) The sign face shall consist of a single panel and only one side or face shall be used in determining the display surface area.

(ix) Back-to-back panels of the same shape and dimensions are allowed when the panels are mounted parallel to one another or are placed at an angle between panels not exceeding forty-five degrees (45°). No display surface area shall be allowed between back-to-back panels.

(x) No multiple panels, stacked or side-by-side panels are permitted.

(xi) All off-premise signs shall be of monopole type construction. No off-premise sign shall be attached to the walls or roofs of any building.

(xii) No portable signs are allowed for off-premise advertising.

(xiii) No off-premise sign between the height of two feet (2') and eight feet (8') above street level shall be located closer than fifteen feet (15') to the right-of-way of any public street.

(xiv) No off-premise sign shall be located closer than five feet (5') to the right-of-way of any public street.

(6) Sign maintenance. For all signs and similar advertising structures, including any existing conforming or nonconforming signs, the following regulations shall apply:

(a) All signs, support structures, braces, guys, anchors, and electrical equipment shall be kept in safe repair and shall be well maintained.

(b) All signs and support structures shall be maintained in such a manner so as to allow a clear and unobstructed view of traffic when approaching an intersection or exiting or entering private property.

(c) The area around all signs shall be properly maintained, clear of brush, trees and other obstacles so as to make signs readily visible.

(d) All burned out bulbs or damaged panels shall be promptly replaced.

(e) All sign copy shall be maintained securely to the sign face and all missing copy shall be replaced.

(f) Any sign or similar advertising structure failing to meet the requirements of this section shall be repaired or removed within thirty (30) days after receipt of notification from the city's building inspector.

(7) Removal of illegal, nonconforming, or obsolete signs. The following provisions shall apply for the removal of abandoned, illegal nonconforming, or obsolete signs:

(a) Abandoned or obsolete signs or sign structures, including any illegal or nonconforming on-premise or off-premise sign or sign structure, shall be removed within ninety (90) days of written notification by the city's building inspector.

(b) Any sign that is declared to be an illegal sign, one that is erected or placed in violation of this title or other applicable code, shall be removed immediately.

(c) When fifty percent (50%) or more of the sign structure of any nonconforming sign is removed, (including poles, cabinet or support structure), the sign structure shall only be replaced so as to comply with all applicable provisions of this municipal code.

(d) Any sign or sign structure found by the city's building inspector to present an immediate danger to the public shall be immediately repaired or removed.

(e) Any obsolete sign panel or sign copy which identifies, describes, directs attention to, or gives directions for locating any

business or establishment no longer in operation, or advertises any product no longer being marketed shall be removed within thirty (30) days after becoming obsolete. Covering obsolete sign panels or sign copy with any material is specifically prohibited.

(f) Freestanding sign structures used in conjunction with a building or portion of a building that is vacant shall be considered as abandoned upon one (1) year of the building or portion of the building becoming vacant and shall be removed.

(g) The owner or lessee of the property on which the sign is located shall be responsible for its removal and shall be subject to the general penalties clause of this title for failure to comply with the provisions stated herein. (as added by Ord. #679, Feb. 2016)

## CHAPTER 6

### ADMINISTRATION AND ENFORCEMENT

#### SECTION

- 14-601. Building inspector.
- 14-602. Application of zoning code.
- 14-603. Building permits required.
- 14-604. Plot plan required.
- 14-605. Site plan required.
- 14-606. Certification of occupancy required.
- 14-607. Board of zoning appeals; establishment and procedure.
- 14-608. Board of zoning appeals; powers and duties.
- 14-609. Amendments to zoning code.
- 14-610. Penalties.
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- 14-612. Validity.

**14-601. Building inspector.** The provisions of this official zoning code shall be administered and enforced by the Lafayette Building Inspector as designated by the Lafayette City Council. The building inspector may be provided with the assistance of such other persons as the Lafayette City Council may direct.

(1) **Duties of the building inspector.** The city's building inspector shall administer and enforce this official zoning code and in addition, he shall perform the following duties:

- (a) Issue all building permits and make and maintain records thereof;
- (b) Issue all certificates of occupancy and make and maintain records thereof;
- (c) Issue and renew, where applicable and appropriate, all temporary use permits and make and maintain records thereof;
- (d) Maintain and keep current zoning maps, and records of amendments thereto;
- (e) Conduct inspections as prescribed by this official zoning code, and such other inspections as are necessary to ensure compliance with the various provisions of this official zoning code;
- (f) Receive, file and forward to the planning commission and the staff planner all applications and site plans for applicable uses, and all applications for amendments to this official zoning code;
- (g) Receive, file and forward to the Lafayette Board of Zoning Appeals and the staff planner all applications for special exceptions, variances or other matters, on which the board is required to review under the provisions of this official zoning code.

(2) Powers of the building inspector. The city's building inspector shall have the following powers:

(a) The power to grant building permits and certificate of occupancy permits;

(b) The power to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this official zoning code;

(c) It shall be unlawful for the building inspector to approve any plan or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this official zoning code;

(d) Under no circumstances is the city's building inspector permitted to make changes in this official zoning code nor to vary the terms or provisions in carrying out his duties.

(3) Right of entry upon land. The city's building inspector or persons engaged by him to perform tests or other duties may enter upon any land within the jurisdiction of the city for the purpose of performing tests, making examinations, or surveys, and placing or removing public notices as may be required by this official zoning code. (1973 Code, § 11-701, as replaced by Ord. #679, Feb. 2016)

**14-602. Application of zoning code.** Except as otherwise provided, no structure or land shall after the effective date of the official zoning code be used and no structure or part thereof shall be erected, made addition to, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of the official zoning code shall be considered minimum requirements adopted for the promotion of public health, safety, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. (1973 Code, § 11-702, as replaced by Ord. #679, Feb. 2016)

**14-603. Building permits required.** (1) It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving of or addition to any structure, including accessory structures or to commence the filing of land until the city's building inspector has issued for such work, a building permit containing a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of the official zoning code.

(2) Application for a building permit shall be made in writing to the city's building inspector on forms provided for that purpose. The building

inspector may revoke a permit or approval, issued under the provisions of this official zoning code, in case there has been any false statement or misrepresentation as to the material fact in the application.

(3) Building permit does not waive provisions. The issuance of a building permit shall, in no case, be construed as waiving any provisions of this official zoning code. The city's building inspector may revoke a building permit upon determination that the construction or activity for which the permit was issued is in violation of or not in conformity with the provisions of this official zoning code.

(4) Expiration of building permit. Building permits shall be void one hundred eighty (180) days from the date of issue unless substantial progress on the project has been made by that time. (1973 Code, § 11-703, as replaced by Ord. #679, Feb. 2016)

**14-604. Plot plan required.** The city's building inspector shall require that every application for a building permit for excavation, construction, moving, or addition, to a single or two-family dwelling (including mobile homes located on individual lots) shall be accompanied by a plot plan. This plot plan may be a pen and ink drawing.

(1) Required content of plot plan. The plot plan shall show the following in sufficient detail to enable the building inspector to ascertain whether the proposed development is in conformance with this official zoning code.

(a) The actual shape, location, and dimensions of the lot.

(b) The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any building or other structure already on the lot.

(c) The existing and intended use of the lot and of all such buildings or other structures upon it, including the number of dwelling units the building is intended to accommodate.

(d) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this official zoning code are being observed.

(2) Review of plot plan. All plot plans shall be reviewed by the building inspector and, if necessary, the staff planner. A period of up to ten (10) working days shall be allowed for the review of the plot plan, unless more time is determined to be needed by the building inspector.

(3) Approval of plot plan. If the proposed development is found to be in conformity with the provisions of this official zoning code, the building inspector shall issue a building permit.

(4) Disapproval of plot plan. If the proposed development is found not to be in conformity with the provisions of this official zoning code, a building permit shall not be issued and the building inspector shall state in writing on

the application the cause for such disapproval. (1973 Code, § 11-704, as replaced by Ord. #679, Feb. 2016)

**14-605. Site plan required.** The city's building inspector shall require that every application for a building permit for excavation, construction, moving or addition, except for single and two-family dwellings, shall be accompanied by a site plan or plat of the proposed development.

(1) Required contents of site plan. The site plan or plat shall be prepared to scale by an engineer, architect or other technical personnel approved by the building inspector and shall show the following in sufficient detail to enable the building inspector to ascertain whether the proposed development is in conformance with the official zoning code:

- (a) Actual shape, location, and dimensions of the lot to be built upon.
- (b) Topography of existing and finished grades.
- (c) Shape, size, and location of all buildings or other structures to be erected, added to, or moved and of any buildings or other structures already on the lot.
- (d) Existing and intended use of all such buildings or other structures.
- (e) Location and design of off-street parking, points of access, off-street loading areas and of pedestrian circulation.
- (f) Location and size of nearest water line, sewer line, fire hydrant, and any other public utilities.
- (g) Plans for the provisions of water service, fire hydrants, sewer service and any other public utilities.
- (h) Minimum required front, side and rear yard setback lines.
- (i) All easements with dimensions and designated as to type (examples: public utilities, drainage and public access).
- (j) Plans for storm water drainage.
- (k) All identified floodable areas; if applicable.
- (l) Location and dimensions of all signs.
- (m) Location and type of landscape screening, if applicable.
- (n) Any other information concerning the lot or adjoining lots as may be necessary for determining whether the provisions of the official zoning code are observed.

(2) Review of site plans. All site plans or plats shall be reviewed by the building inspector and the staff planner, and by the appropriate municipal department heads (including streets, water and wastewater, electric, fire and police) if deemed necessary due to the nature or extent of the proposed development. A period of up to ten (10) working days shall be allowed for the review of the site plan.

(3) Approval of site plans. If the proposed development is found to be in conformity with the provisions of this official zoning code, the building inspector shall issue a building permit.

(4) Disapproval of site plans. If the proposed development is found not to be in conformity with the provisions of this official zoning code, a building permit shall not be issued and the building inspector shall state in writing on the application the cause for such disapproval. (1973 Code, § 11-705, as replaced by Ord. #679, Feb. 2016)

**14-606. Certification of occupancy required.** (1) No land or building or other structure or part thereof hereafter erected, moved, added to, or changed in its use shall be used until the city's building inspector shall have issued a certificate of occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of the official zoning code.

(2) Within seven (7) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the city's building inspector to make a final inspection thereof, and to issue a certificate of occupancy, if the building or premises or part thereof is found to conform with the provisions of the official zoning code, or; if such certificate is refused, to state the refusal in writing with the cause for such refusal. (1973 Code, § 11-706, as replaced by Ord. #679, Feb. 2016)

**14-607. Board of zoning appeals; establishment and procedure.**

(1) Establishment and appointment. A board of zoning appeals is hereby established in accordance with §§ 13-7-205 through 13-7-207 of the Tennessee Code Annotated. As permitted by § 13-7-205, Tennessee Code Annotated, the Lafayette Regional Commission is hereby designated as the Lafayette Board of Zoning Appeals.

(2) Conflict of interest. Any member of the Lafayette Board of Zoning Appeals who shall have direct or an indirect interest in any property which is the subject matter of or affected by a decision of the board shall be disqualified from participating in the discussion, decision, and proceedings of the board in connection therewith. The burden for revealing any such conflict rests with individual members of the board. Failure to reveal any such conflict shall constitute grounds for immediate removal from the board for cause.

(3) Proceedings of the board of zoning appeals. (a) The Lafayette Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this official zoning code. Meetings shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

(b) The board of zoning appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if



absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed with official records of the board.

(4) Hearings and appeals. (a) An appeal to the board of zoning appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by any decision of the city's building inspector, based in whole or in part upon the provision of this ordinance. Such appeal shall be taken by filing with the board of zoning appeals a notice of appeal, specifying the grounds thereof.

(b) The building inspector shall transmit to the board all papers constituting the record upon which the appeal was taken. The board shall fix a reasonable time for the hearing of the appeal, give due notice to the parties of interest, and decide the same within a reasonable time. Upon the hearing, any person, or party may appear in person, by agent, or by attorney.

(5) Liability of members of the board of zoning appeals and the building inspector. Any member of the Lafayette Board of Zoning Appeals, the Lafayette building inspector, or other employee charged with the enforcement of this official zoning code acting for the City of Lafayette in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the City of Lafayette of any damage that may accrue to persons or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any board member, the building inspector, or employees charged with the enforcement of any provision of this official zoning code shall be defended by legal representative furnished by the City of Lafayette until the final termination of such proceedings. (as added by Ord. #679, Feb. 2016, as replaced by Ord. #679, Feb. 2016)

**14-608. Board of zoning appeals; powers and duties.** The Lafayette Board of Zoning Appeals shall have the following powers and duties:

(1) Administrative review or interpretation. The Lafayette Board of Zoning Appeals shall interpret the official zoning code or zoning map and pass upon disputed questions of lot lines or district boundary lines or similar questions as they arise in the administration of this official zoning code. The board of zoning appeals shall also hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the city's building inspector or any other administrative official in carrying out or enforcing any provision of this official zoning code, or in his interpretation of the zoning map.

(a) Application required. An application shall be filed with city hall for review by the board of zoning appeals. Said application shall

specify the grounds for requesting the administrative review or interpretation.

(b) Application fee required. A non-refundable fee of fifty dollars (\$50.00) shall be paid to the City of Lafayette with each application for a request for an administrative review or interpretation from the board of zoning appeals to defray costs of notices, the hearing, and any miscellaneous expenses.

(c) Public hearing and notice required. A public hearing for the purpose of soliciting public comments concerning the application shall be held and public notice of reasonable time shall be given in advance of said hearing. Notice of the public hearing shall be published once in a newspaper of general circulation prior to the hearing and due public notice shall be given to the parties in interest.

(2) Special exceptions (uses permitted on appeal). The Lafayette Board of Zoning Appeals may hear and decide only such special exceptions as it is specifically authorized to pass on by the terms of the "uses permitted on appeals" sections of this official zoning code; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this official zoning code; or to deny special exceptions when not in harmony with the purpose and intent of this official zoning code.

(a) Application required. An application shall be filed with the board of zoning appeals for review. Said application shall show the location and intended use of the site, the names of the property owners, existing land uses of all adjacent properties, and any other material pertinent to the request which the board of zoning appeals may require.

(b) Application fee required. A non-refundable fee of fifty dollars (\$50.00) shall be paid to the City of Lafayette with each application for a request for a special exception from the board of zoning appeals to defray costs of notices, the hearing, and any miscellaneous expenses.

(c) Public hearing and notice required. A public hearing for the purpose of soliciting public comments concerning the application shall be held and public notice of reasonable time shall be given in advance of said hearing. Notice of the public hearing shall be published once in a newspaper of general circulation prior to the hearing and due notice shall be given to the parties in interest.

(d) General provisions governing special exceptions. Before any special exception shall be issued, the board of zoning appeals shall certify compliance with the specific rules governing individual exceptions and that satisfactory provision and arrangement has been made concerning the following general requirements:

(i) It is so designed, located and proposed to be operated so that the public health, safety, and welfare will be protected;

(ii) It will not adversely affect other property in the area in which it is located;

(iii) It is within the provision of "uses permitted on appeal" as set forth in this official zoning code; and

(iv) It conforms to all applicable provisions of this official zoning code for the district in which it is to be located.

(e) Conditions and safeguards. In granting any special exception, the board of zoning appeals may prescribe appropriate conditions and safeguards in conformity with this official zoning code. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this official zoning code.

(f) Validity of plans. All approved plans, conditions, restrictions, and rules made a part of the approval of the board of zoning appeals shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.

(g) Time limit prescribed. The board of zoning appeals shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both, however, in no case shall more than one (1) year pass before the action is begun. Failure to begin or complete, or both, such action within the prescribed time limit shall void the special exception.

(3) Variations. The Lafayette Board of Zoning Appeals has the authority to hear and decide applications for variances from the terms of this official zoning code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this official zoning code would result in unnecessary hardship. In exercising its powers, the board of zoning appeals may, so long as such action is in conformity with the terms of this official zoning code, reverse, affirm, or modify the order, requirement, decision, or determination as set forth in the regulations of this official zoning code, and to that end shall have the powers of the administrative official from whom the appeal is taken.

(a) Application required. An application shall be filed with the board of zoning appeals for consideration. Said application shall show the location and intended variance of the site, the names of the property owners, existing land uses of all adjacent properties, and any other material pertinent to the request which the board of zoning appeals may require.

(b) Application fee required. A non-refundable fee of fifty dollars (\$50.00) shall be paid to the City of Lafayette with each application for a request for a variance by the board of zoning appeals to defray costs of notices, the hearing and any miscellaneous expenses.

(c) Public hearing and notice required. A public hearing for the purpose of soliciting public comments concerning the application shall be

held and public notice of reasonable time shall be given in advance of said hearing. Notice of the public hearing shall be published once in a newspaper of general circulation prior to the hearing and due notice shall be given to the parties in interest.

(d) General standards for variances. In granting a variance, the board of zoning appeals shall ascertain that the following criteria are met:

(i) The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this official zoning code were carried out;

(ii) The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district;

(iii) The variance will not authorize in a zoning district activities other than those permitted by this official zoning code;

(iv) Financial returns only shall not be considered as a basis for granting a variance;

(v) The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this official zoning code;

(vi) That granting the variance requested will not confer on the applicant any special privilege that is denied by this official zoning code to other lands, structures, or buildings in the same district;

(vii) That variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;

(viii) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which property is located; and

(ix) The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area.

(e) Non-conformity does not constitute grounds for granting a variance. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

(f) Prohibition of use variances. Under no circumstances shall the board of zoning appeals grant a variance to allow a use not

permissible under the terms of this official zoning code in the district involved, or any use expressly or by implication prohibited by the terms of this official zoning code in said district.

(g) Conditions and restrictions. The board of zoning appeals may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the provisions set out in this official zoning code to reduce or minimize the injurious effect to such variation upon surrounding property and better carry out the general intent of this official zoning code. Violations of such conditions and restrictions, when made a part of the terms under which the variance is granted, shall be deemed a violation of this official zoning code.

(h) Time limit prescribed. The board of zoning appeals shall prescribe a time limit within which the action for which the variance is required shall be begun or completed, or both, however, in no case shall more than one (1) year pass before the action is begun. Failure to begin or complete, or both, such action within the prescribed time limit shall void the variance.

(i) Variance appeals. Any person or agency aggrieved by a decision of the board of zoning appeals on a variance may appeal by certiorari to a court of competent jurisdiction. The judgment and findings of the board on all questions of fact that may be involved in any appeal, cause, hearing or proceeding under this chapter shall be final and subject to review only for illegality or want of jurisdiction. (as added by Ord. #679, Feb. 2016)

**14-609. Amendments to zoning code.** (1) Procedure. The regulations, the number, or boundaries of districts established by the official zoning code may be amended, supplemented, changed, modified, or repealed by the Lafayette City Council after holding a public hearing, fifteen (15) days notice of which has been given in the local newspaper. However, in accordance with § 13-7-204 of the Tennessee Code Annotated, no amendment shall become effective unless it is first submitted to and approved by the Lafayette Regional Planning Commission, or if disapproved, shall receive a majority vote of the entire Lafayette City Council.

(2) Application and fee. (a) Any person desiring to bring a request for an amendment to the official zoning code shall first submit an application for such a request. Said application shall state the purpose of the amendment and any other information or material pertinent to the request which the planning commission or Lafayette City Council may require.

(b) A non-refundable fee of fifty dollars (\$50.00) shall be paid to the City of Lafayette with each application requesting an amendment to the official zoning code to defray costs of notices, public hearings, and any miscellaneous expenses. (as added by Ord. #679, Feb. 2016)

**14-610. Penalties.** Any person violating any provisions of this official zoning code shall be guilty of a misdemeanor, punishable as other misdemeanors as provided by law. (as added by Ord. #679, Feb. 2016)

**14-611. Remedies.** In case any building or other structure is erected, constructed, added to, moved or converted, or any building, structure, or land is used in violation of the official zoning code, the Lafayette building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or appropriate action or proceeding to prevent such unlawful erected, construction, addition, conversion, moving, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure or land. (as added by Ord. #679, Feb. 2016)

**14-612. Validity.** Should any section, clause, or provision of this official zoning code be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgment shall not affect the validity of the official zoning code as a whole or any other part other than the part judged invalid. (as added by Ord. #679, Feb. 2016)

**CHAPTERS 7 - 10**

**DELETED**

(as deleted by Ord. #679, Feb. 2016)

**CHAPTER 11****TELECOMMUNICATIONS RIGHTS-OF-WAY RENTAL  
REGULATIONS****SECTION**

- 14-1101. Purpose.
- 14-1102. Applicable scope.
- 14-1103. Definitions.
- 14-1104. Municipal right-of-way use permit required.
- 14-1105. Application to provide telecommunications services using the public rights-of-way.
- 14-1106. Municipal right-of-way use permit issuance.
- 14-1107. Petition for reconsideration.
- 14-1108. Administration and enforcement.
- 14-1109. Applicability.
- 14-1110. Compensation to city.
- 14-1111. Remitting rental fees to the city.
- 14-1112. Audits.
- 14-1113. Transfers.
- 14-1114. Notices to the city.
- 14-1115. Construction obligations.
- 14-1116. Conditions of rights-of-way occupancy.
- 14-1117. Insurance requirements.
- 14-1118. Indemnity.
- 14-1119. Privacy of customer information.
- 14-1120. Annexation; deannexation.
- 14-1121. Unauthorized use of public rights-of-way.

**14-1101. Purpose.** The purpose of this chapter is to establish a competitively neutral policy for usage of public rights-of-way for the provision of telecommunications services and enable the city to:

- (1) Permit non-discriminatory access to the public rights-of-way for providers of telecommunications services;
- (2) Manage the public rights-of-way in order to minimize the impact and cost to the citizens of the placement of telecommunications facilities within the rights-of-way;
- (3) Obtain fair and reasonable compensation for the commercial use of public rights-of-way through collection of rents;
- (4) Promote competition among telecommunications service providers and encourage the universal availability of advanced telecommunications services to all residents and businesses of the city; and
- (5) Minimize the congestion, inconvenience, visual impact, and other adverse effects on the city's public rights-of-way. (1973 Code, § 5-601)



**14-1102. Applicable scope.** This chapter applies to all telecommunications service providers under Titles II ("Title II") and VI ("Title VI") of the Communications Act of 1934, as amended, (47 USC 201, et seq.) excluding services provided solely by means of wireless transmission. This chapter does not exempt providers of cable service or open video systems service from the requirements of Title VI and applicable FCC rules and regulations. Any requirements and obligations imposed by this chapter are in addition to any requirements imposed by Title VI or state law and regulation on such providers. (1973 Code, § 5-602)

**14-1103. Definitions.** (1) "Applicant." Any person who files an application with the city, under § 14-1105 (Application to provide telecommunications services) of this chapter, in order to obtain the necessary permission to use the public rights-of-way to provide to telecommunications services within the city, whether by means of the person's own facilities or by means of capacity obtained from another provider of telecommunications services.

(2) "City." The City of Lafayette the present municipal corporation of Tennessee, together with any future annexation made pursuant to law.

(3) "Chief administrative officer." The chief administrative officer of the City of Lafayette, or the person designated by the city council to carry out the duties and responsibilities of the chief administrative officer. Chief administrative officer shall also mean the person under the chief administrative officer's management and control designated by the chief administrative officer to administer the provisions of this chapter.

(4) "City requirements." All laws, rules, regulations, policies and directives of general application of the City of Lafayette, in effect at present or to be adopted in the future by the city.

(5) "Gross revenue." All revenues received by a provider for telecommunications services furnished within the city. However, revenues received for use of network capacity, switched or unswitched access, and sale of unbundled elements under 47 USC 251(b) and (c) from resellers of telecommunications services who are in compliance with this chapter are not included. Gross revenue does not include revenue uncollectible from customers ("bad debt") and any end user taxes collected from customers.

(6) "Municipal right-of-way use permit or municipal permit." The right granted by the city to use public rights-of-way to provide telecommunications services within the city to the public or to other providers, as specified by the terms of this chapter.

(7) "Person." Any person, firm, partnership, association, corporation, company or organization of any kind.

(8) "Provider." A person who has been granted a certificate of need by the Tennessee Regulatory Authority and/or who operates or uses a telecommunications network within the city to provide telecommunications

services, and who falls under the definition of § 14-1102 (Applicable scope) of this chapter.

(9) "Public rights-of-way." The surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, easement or similar property in which the city holds any property interest or exercises any rights of management or control over and which, consistent with the purposes for which it was acquired or dedicated, may be used for the installation and maintenance of a telecommunications network.

(10) "Telecommunications network or network." All facilities placed in the public rights-of-way and used to provide telecommunications services.

(11) "Telecommunications services." All transmissions between or among points specified by the user, of information of the user's choosing (whether voice, video or data), without change in content of the information as sent and received, where such transmissions are accomplished through a telecommunications network. Telecommunications services include all ancillary or adjunct switching services and signal conversions rendered as a function of underlying transmission services, but excludes long distance transmissions (inter-LATA and intra-LATA toll transmissions). Telecommunications services include all services provided. Telecommunications services also include all content or value-added services rendered in conjunction with transmission services. (1973 Code, § 5-603)

**14-1104. Municipal right-of-way use permit required.** (1) A person may not deliver telecommunications services in the city by means of a network unless the person obtains a municipal right-of-way use permit.

(2) The use of public rights-of-way for the delivery of any service not covered by this chapter is subject to all other applicable city requirements. (1973 Code, § 5-604)

**14-1105. Application to provide telecommunications services using the public rights-of-way.** (1) Any person proposing to provide telecommunications services by means of a telecommunications network located within the public rights-of-way ("applicant") shall submit an application to the chief administrative officer. The application, in a form to be prescribed by the chief administrative officer, shall describe all services the applicant wishes to provide, outline applicant's proposed network, and identify the uses of and potential impact on the public rights-of-way.

(2) The chief administrative officer shall have the duty to review applications submitted under this chapter and administer the provisions of this chapter regarding the granting or denial of a municipal right-of-way use permit to applicants. The chief administrative officer shall issue municipal right-of-way use permits, and shall administer and enforce compliance with respect to all municipal right-of-way use permits granted under this chapter. The chief

administrative officer shall submit a report annually to the city council analyzing whether any requirements imposed by each section of this chapter result in:

- (a) Anticompetitive effects in the market for telecommunications services in the city, as defined by federal law; and/or
- (b) Discrimination in favor of or against a holder of a certificate of need under state law. (1973 Code, § 5-605)

**14-1106. Municipal right-of-way use permit issuance.** (1) If the chief administrative officer finds that the application meets the requirements of this chapter, the chief administrative officer shall cause to be prepared a municipal right-of-way use permit for issuance to the applicant.

(2) The chief administrative officer shall complete all deliberations towards issuing a municipal right-of-way use permit, and shall issue the permit or a written denial within sixty (60) days of the receipt of an application. The applicant shall respond to all reasonable information requests of the chief administrative officer during this consideration period. Any delays in providing such information shall be documented in writing by the chief administrative officer, who may cite any delays or refusals in obtaining information from an applicant as grounds for denial of a permit. (1973 Code, § 5-606)

**14-1107. Petition for reconsideration.** The act of granting, denying or terminating a municipal right-of-way use permit is an exercise of the police power of the city. A person whose application for a municipal right-of-way use permit is denied must petition the city council for reconsideration before seeking judicial remedies, and must file such a petition within forty-five (45) days of the written denial of such application by the chief administrative officer. A petition is considered denied if the city council does not act within forty-five (45) days after the petition is filed with the city clerk. (1973 Code, § 5-607)

**14-1108. Administration and enforcement.** (1) The chief administrative officer shall administer this chapter and enforce compliance with a municipal right-of-way use permit granted under this chapter.

(2) A provider shall report information that the chief administrative officer requires in the form and manner prescribed by the chief administrative officer relating to the use of public rights-of-way for the right-of-way occupancy authorized by a municipal right-of-way use permit granted under this chapter.

(3) The chief administrative officer shall report to the city council the chief administrative officer's determination that a provider has failed to comply with this chapter. (1973 Code, § 5-608)

**14-1109. Applicability.** (1) §§ 14-1115 (construction), 14-1116 (right-of-way occupancy), and 14-1117 (insurance) of this chapter apply only to a provider that owns or contracts physical facilities in the right-of-way.

(2) § 14-1118 (indemnity) of this chapter applies to a provider that has a property interest in a network. (1973 Code, § 5-609, modified)

**14-1110. Compensation to city.** (1) To compensate the city for the use and occupancy of the public rights-of-way, a provider shall pay a municipal right-of-way rental fee calculated as follows:

(a) Rights-of-way rental fee. Each provider shall be subject to a five percent (5%) annual fee based on gross revenue obtained from the provision of telecommunications services within the city.

(b) Non-monetary consideration. To the extent allowed by state and federal law, the city may include non-monetary consideration from each provider. To the extent not expressly prohibited by applicable law, a provider may agree to furnish to the city non-monetary consideration in the form of telecommunications services, network capacity, conduit, or other infrastructure, valued at the provider's direct cost. The chief administrative officer shall apply a credit or an offset for any non-monetary consideration received to the annual right-of-way rental fee. The chief administrative officer shall publicly disclose the form of non-monetary consideration and the credit amount.

(c) Credit for cable television franchise fees and other contributions. Any telecommunications provider who is currently franchised by the city under state and federal law and regulations to provide cable television service shall receive a credit against the annual rights-of-way rental fee for any cable television franchise fees paid to the city, and any other monetary or non-monetary contributions to the city under a cable franchise agreement.

(2) A provider may pass through to customers the municipal right-of-way rental fee on a pro rata basis, at its discretion, as permitted by state and federal law. The city does not require or recommend a pass-through charge of the fee on a per line or per customer basis. (1973 Code, § 5-610)

**14-1111. Remitting rental fees to the city.** A provider shall remit the municipal right-of-way rental fee on a quarterly basis. Payment shall be made on or before the forty-fifth (45th) day following the close of each calendar quarter for which the payment is calculated. (1973 Code, § 5-611)

**14-1112. Audits.** (1) On thirty (30) days notice to a provider, the city may audit a provider at any time. The provider shall furnish information to demonstrate its compliance with the municipal right-of-way use permit.

(2) A provider shall keep complete and accurate books of accounts and records of business and operations in accordance with generally accepted accounting principles for a period of five (5) years. If the Federal Communications Commission requires, a provider shall use the system of accounts and the forms of books, accounts, records, and memoranda prescribed

in 47 CFR part 32 or its successor. The city may examine the provider's books and records.

(3) A provider shall make available to the city, for the city to examine, audit, review and copy, in the city's offices, upon the chief administrative officer's reasonable written request, its books and records including papers, books, accounts, documents, maps, plans and other provider records pertaining to a municipal right-of-way use permit granted under this chapter. A provider shall fully cooperate in making records available and otherwise assist the city examiner. The city examiner shall not make copies of customer specific information. (1973 Code, § 5-612)

**14-1113. Transfers.** (1) A provider may not transfer a municipal right-of-way use permit unless the chief administrative officer approves the transfer in writing.

(2) A change in control of a provider is a transfer requiring chief administrative officer approval. A change of twenty-five percent (25%) or greater in the ownership of the provider establishes a rebuttable presumption of a change in control.

(3) If a provider attempts to transfer or transfers the provider's municipal right-of-way use permit without approval of the chief administrative officer, the chief administrative officer may revoke the municipal right-of-way use permit. If a municipal right-of-way use permit is revoked, all rights of the provider under the municipal right-of-way use permit end.

(4) A provider may transfer, without the chief administrative officer's approval, the facilities in the rights-of-way under a municipal right-of-way use permit to the provider's affiliate or to another provider who has a municipal right-of-way use permit under this chapter. The provider transferring the facilities remains subject to all applicable obligations and provisions of the municipal right-of-way use permit unless the provider to which the facilities are transferred is also subject to these applicable obligations and provisions.

(5) The chief administrative officer must act on a request for transfer of a municipal permit within ninety (90) days of receipt of the request from the provider. Any request for a transfer of a municipal permit not acted upon within ninety (90) days shall be deemed to have been approved. (1973 Code, § 5-613)

**14-1114. Notices to the city.** (1) A provider shall notify the chief administrative officer in writing contemporaneously with the transmittal of all petitions, applications, written communications and reports submitted by the provider, to the Federal Communications Commission and the Tennessee Regulatory Authority, or their successor agencies relating to matters affecting both the use of public rights-of-way and the telecommunications services authorized by a municipal permit granted under this chapter. A provider shall furnish the chief administrative officer copies of the documents upon request.

(2) If a provider notifies the city of the confidential nature of information, the chief administrative officer shall maintain the confidentiality of the information to the extent permitted by law. Upon receipt in the chief administrative officer's office of requests for confidential information the city shall notify the affected providers of the request by facsimile transmission. (1973 Code, § 5-614)

**14-1115. Construction obligations.** (1) A provider is subject to the police powers of the city, other governmental powers, and the city's rights as a property owner under state and federal laws. A provider is subject to city requirements and federal and state rules in connection with the construction, expansion, reconstruction, maintenance or repair of facilities in the public rights-of-way.

(2) A provider shall place certain facilities underground according to applicable city requirements.

(3) At the city's request, a provider shall furnish the city accurate and complete information relating to the construction, reconstruction, removal, maintenance, operation and repair of facilities performed by the provider in the public rights-of-way. If any information furnished is erroneous as to the location of facilities, and reliance on this information results in construction delays or additional expenses, the provider who furnished the erroneous information shall be liable for the cost of delays and the additional expenses.

(4) The construction, expansion, reconstruction, excavation, use, maintenance and operation of a provider's facilities and property are subject to applicable city requirements.

(a) A provider shall perform excavations and other construction in the public rights-of-way in accordance with all applicable city requirements, including the obligation to use trenchless technology whenever possible. The water superintendent shall waive the requirement of trenchless technology if he determines that field conditions warrant the waiver. A provider shall minimize interference with the use of public and private property and shall follow the construction directions given by the city.

(b) When a provider completes construction work, a provider shall promptly restore the public rights-of-way in accordance with applicable city requirements. A provider may excavate only for the construction, installation, expansion, repair, removal, and maintenance of the provider's facilities.

(c) The city may require a provider to allow attachment of another provider's facilities to its poles and conduits, in accordance with the city charter, state and federal law.

(d) A provider shall furnish the water superintendent and the chief administrative officer with construction plans and maps showing the routing of new construction at least forty-five (45) days before

beginning construction that involves an alteration to the surface or subsurface of the public right-of-way. A provider may not begin construction until the plans and drawings have been approved in writing by the director of public works.

(e) If the chief administrative officer declares an emergency and requests the removal or abatement of facilities, by written notice, a provider shall remove or abate the provider's facilities by the deadline provided in the chief administrative officer's request. A provider and the city shall cooperate to the extent possible to assure continuity of service. If a provider, after notice, fails or refuses to act, the city may remove or abate the facility, at the sole cost and expense of the provider, without paying compensation to the provider and without the city incurring liability for damages.

(f) Except in an emergency, a provider may not excavate the pavement of a street or public right-of-way without first complying with city requirements.

(g) Within one hundred twenty (120) days of completion of each new segment of a provider's facilities, a provider shall supply the city with a complete set of "as built" drawings for the segment in a format prescribed by the water superintendent. A provider must obtain the city's approval before relocating the provider's facilities in the public rights-of-way. The city may not unreasonably withhold approval. A provider shall furnish a revised map including additional facilities on June 30 of each year to the water superintendent showing how these facilities connect to existing facilities. (1973 Code, § 5-615)

**14-1116. Conditions of rights-of-way occupancy.** (1) In the exercise of governmental functions, the city has first priority over all other uses of the public rights-of-way. The city reserves the right to lay sewer, gas, water, and other pipe lines or cables and conduits, and to do underground and overhead work, and attachment, restructuring or changes in aerial facilities in, across, along, over or under a public street, alley or right-of-way occupied by a provider, and to change the curb, sidewalks or the grade of streets.

(2) In case of conflict or interference between the facilities of different providers, the provider whose facilities were first permitted shall have priority over a competing provider's use of the public rights-of-way.

(3) If, during the term of a municipal permit, the city authorizes abutting landowners to occupy space under the surface of any public street, alley, or rights-of-way, the grant to an abutting landowner shall be subject to the rights of the provider. If the city closes or abandons a public right-of-way that contains a portion of a provider's facilities, the city shall convey the land in the closed or abandoned public rights-of-way subject to the rights granted in the municipal permit.

(4) If the city gives written notice, a provider shall, at the provider's expense, temporarily or permanently, remove, relocate, change or alter the position of provider's facilities that are in the public rights-of-way within one hundred twenty (120) days. The city shall give notice whenever the city has determined that removal, relocation, change or alteration is reasonably necessary for the construction, operation, repair, maintenance or installation of a city or other governmental entity's public improvement in the public rights-of-way. This section shall not be construed to prevent a provider's recovery of the cost of relocation or removal from private third parties who initiate the request for relocation or removal.

(5) A provider who holds a municipal permit may trim trees in or over the rights-of-way for the safe and reliable operation, use and maintenance of its network. All tree trimming shall be performed in accordance with standards promulgated by the city. When ordered by the water superintendent tree trimming shall be done under the supervision of the city.

(6) Providers shall temporarily remove, raise or lower its aerial facilities to permit the moving of houses or other bulky structures, if the city gives written notice of no less than forty-eight (48) hours. The expense of this temporary rearrangement shall be paid by the party or parties requesting and benefitting from the temporary rearrangement. Provider may require prepayment or prior posting of a bond from the party requesting the temporary move. (1973 Code, § 5-616)

**14-1117. Insurance requirements.** (1) A provider shall obtain and maintain insurance in the amounts prescribed by the chief administrative officer with an insurance company licensed to do business in the State of Tennessee acceptable to the chief administrative officer throughout the term of a municipal permit granted under this chapter. A provider shall furnish the city with proof of insurance at the time of issuance of a municipal permit. The city reserves the right to review the insurance requirements while a municipal permit is in effect, and to reasonably adjust insurance coverage and limits when the chief administrative officer determines that changes in statutory law, court decisions, or the claims history of the industry or the provider require adjustment of the coverage. For purposes of this section, the city will accept certificates of self-insurance issued by the State of Tennessee providing the same coverage.

(2) The chief administrative officer may, on request and at no cost to the city, receive copies of certificates of insurance evidencing the coverage required by this section. The chief administrative officer may request the deletion, revision or modification of particular policy terms, conditions, limitations or exclusions, unless the policy provisions are established by a law or regulation binding the city, the provider, or the underwriter. If the chief administrative officer requests a deletion, revision or modification, a provider shall exercise reasonable efforts to pay for and to accomplish the change. An insurance certificate shall contain the following required provisions:



(a) Name the city and its officers, employees, board members and elected representatives as additional insureds for all applicable coverage;

(b) Provide for thirty (30) days notice to the city for cancellation, nonrenewal, or material change;

(c) Provide that notice of claims shall be provided to the chief administrative officer by certified mail; and

(d) Provide that the terms of the municipal permit which impose obligations on the provider concerning liability, duty, and standard of care, including the indemnity section, are included in the policy and that the risks are insured within the policy terms and conditions.

(3) A provider shall file and maintain proof of insurance with the chief administrative officer during the term of a municipal permit. An insurance certificate obtained in compliance with this section is subject to city approval. The city may require the certificate to be changed to reflect changing liability limits. A provider shall immediately advise the city of actual or potential litigation that may develop that would affect insurance coverage related to a municipal permit.

(4) An insurer has no right of recovery against the city. The required insurance policies shall protect the provider and the city. The insurance shall be primary coverage for losses covered by the policies.

(5) The policy clause "other insurance" shall not apply to the city where the city is an insured under the policy.

(6) The provider shall pay premiums and assessments. A company which issues an insurance policy has no recourse against the city for payment of a premium or assessment. Insurance policies obtained by a provider must provide that the issuing company waives all right of recovery by way of subrogation against the city in connection with damage covered by the policy. (1973 Code, § 5-617)

**14-1118. Indemnity.** (1) During the term of a municipal permit, a provider is liable for the acts or omissions of an entity used by the provider, including an affiliate, when the entity is involved directly or indirectly in the construction and installation of the provider's facilities. The acts or omissions of the entity shall be considered the acts or omissions of the provider.

(2) Each provider granted a municipal permit under this chapter shall provide to the chief administrative officer, in writing, a statement that the provider agrees to defend, indemnify and hold the city harmless against all damages, cost, loss or expense arising out of, incident to, concerning or resulting from the negligence or willful misconduct of the provider, its agents, employees, or subcontractors, in the performance of activities under the municipal permit:

(a) For the repair, replacement, or restoration of city property, equipment materials, structures and facilities which are damaged, destroyed or found to be defective; and

(b) Against any and all claims, demands, suits, causes of action, and judgments for:

(i) Damage to or loss of the property of any person including, but not limited to the provider, its agents, officers, employees and subcontractors, the city's agents, officers and employees, and third parties; and

(ii) Death, bodily injury, illness, disease, workers' compensation, loss of services, or loss of income or wages to any person including but not limited to the agents, officers and employees of the provider, the provider's subcontractors, the city, and third parties, no matter how, or to whom, the loss may occur.

(3) The chief administrative officer shall give prompt written notice to a provider of any claim for which the city seeks indemnification. The provider shall have the right to investigate, defend and compromise these claims subject to the city's prior approval. (1973 Code, § 5-618)

**14-1119. Privacy of customer information.** A provider shall comply with state and federal law regarding privacy of customer information. (1973 Code, § 5-619)

**14-1120. Annexation; deannexation.** Within thirty (30) days following the date of passage of any action affecting any deannexation or annexation, the chief administrative officer shall notify providers of this action by furnishing to the providers maps of the affected area(s), showing the new boundaries of the city. (1973 Code, § 5-620)

**14-1121. Unauthorized use of public rights-of-way.** (1) A person commits an offense if a person uses the public rights-of-way to provide a telecommunications service without first securing a municipal permit from the city.

(2) Each unauthorized use of the public rights-of-way and each unauthorized placement of facilities constitutes a separate offense. Each day a violation of this chapter occurs shall constitute a distinct and separate offense.

(3) An offense under this subsection is punishable by a fine of five hundred dollars (\$500.00). (1973 Code, § 5-621)

## CHAPTER 12

### MUNICIPAL FLOOD DAMAGE PREVENTION ORDINANCE

#### SECTION

- 14-1201. Statutory authorization, findings of fact, purpose and objectives.
- 14-1202. Definitions.
- 14-1203. General provisions.
- 14-1204. Administration.
- 14-1205. Provisions for flood hazard reduction.
- 14-1206. Variance procedures.
- 14-1207. Legal status provisions.

**14-1201. Statutory authorization, findings of fact, purpose and objectives.** (1) Statutory authorization. The Legislature of the State of Tennessee has in Private Act Charter 1945, Chapter 325, delegated the responsibility to units of local government to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, be it ordained by the City Council of the City of Lafayette, Tennessee as follows:

(2) Findings of fact. (a) The City of Lafayette, Tennessee, Mayor and its Legislative Body wishes to establish eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), ch. 1, section 60.3.

(b) Areas of the City of Lafayette, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(c) Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

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

(a) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

(b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

(c) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

(d) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(e) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(4) Objectives. The objectives of this ordinance are:

(a) To protect human life, health, safety and property;

(b) To minimize expenditure of public funds for costly flood control projects;

(c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(d) To minimize prolonged business interruptions;

(e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;

(f) To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;

(g) To ensure that potential homebuyers are notified that property is in a floodprone area;

(h) To establish eligibility for participation in the NFIP.

(Ord. #583, Sept. 2010)

**14-1202. Definitions.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as to give them the meaning they have in common usage and to give this ordinance its most reasonable application given its stated purpose and objectives.

(1) "Accessory structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this ordinance, shall conform to the following:

(a) Accessory structures shall only be used for parking of vehicles and storage;

(b) Accessory structures shall be designed to have low flood damage potential;

(c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(d) Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures;

(e) Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

(2) "Addition (to an existing building)" means any walled and roofed expansion to the perimeter or height of a building.

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

(4) "Area of shallow flooding" means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (1' – 3') 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.

(5) "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.

(6) "Area of special flood hazard" see "special flood hazard area."

(7) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one percent (1%) annual chance flood.

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

(9) "Building" see "structure."

(10) "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 storage of equipment or materials.

(11) "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 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.

(12) "Emergency flood insurance program" or "emergency program" means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer

amount of insurance on all insurable structures before the effective date of the initial FIRM.

(13) "Erosion" means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the program.

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

(15) "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

(16) "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 ordinance adopted by the community as a basis for that community's participation in the NFIP.

(17) "Existing structures" see "existing construction."

(18) "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).

(19) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters;

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(20) "Flood elevation determination" means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

(21) "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.

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

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

(24) "Flood insurance study" is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

(25) "Floodplain" or "floodprone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

(26) "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.

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

(28) "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 and structures and their contents.

(29) "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.

(30) "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.

(31) "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 floodplain management regulations.

(32) "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.

(33) "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, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

(34) "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.

(35) "Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

(36) "Historic structure" means any structure that is:

(a) 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;

(b) 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;

(c) 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

(d) Individually listed on the City of Lafayette, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

(i) By the approved Tennessee program as determined by the Secretary of the Interior; or

(ii) Directly by the Secretary of the Interior.

(37) "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.

(38) "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.

(39) "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 ordinance.



(40) "Manufactured home" means a structure, transportable in one (1) 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."

(41) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

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

(43) "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 ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

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

(45) "New construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

(46) "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 on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

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

(48) "100-year flood" see "base flood."

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

(50) "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

(51) "Recreational vehicle" means a vehicle which is:

(a) Built on a single chassis;

(b) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light duty truck;

(d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(52) "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.

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

(54) "Special flood hazard area" is the land in the floodplain within a community subject to a one percent (1%) 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.

(55) "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.

(56) "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 one hundred eighty (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.

(57) "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 FEMA to assist in the implementation of the NFIP for the state.

(58) "Structure," for purposes of this ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

(59) "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 (50%) of the market value of the structure before the damage occurred.

(60) "Substantial improvement" means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The market value of the structure should be:

(a) The appraised value of the structure prior to the start of the initial improvement; or

(b) In the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either:

(a) 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

(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(61) "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 fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(62) "Variance" is a grant of relief from the requirements of this ordinance.

(63) "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 ordinance is presumed to be in violation until such time as that documentation is provided.

(64) "Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various

magnitudes and frequencies in the floodplains of riverine areas. (Ord. #583, Sept. 2010)

**14-1203. General provisions.** (1) Application. This ordinance shall apply to all areas within the incorporated area of the City of Lafayette, Tennessee.

(2) Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified on the City of Lafayette, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), community panel numbers 47111C0110C, 47111C0115C, 47111C0120C, 47111C0140C, dated October 19, 2010, along with all supporting technical data, are adopted by reference and declared to be a part of this ordinance.

(3) Requirement for development permit. A development permit shall be required in conformity with this ordinance prior to the commencement of any development activities.

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

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

(6) Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

- (a) Considered as minimum requirements;
- (b) Liberally construed in favor of the governing body; and
- (c) Deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

(7) Warning and disclaimer of liability. The degree of flood protection required by this ordinance 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 ordinance 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 ordinance shall not create liability on the part of the City of Lafayette, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(8) Penalties for violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided

by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Lafayette, Tennessee from taking such other lawful actions to prevent or remedy any violation. (Ord. #583, Sept. 2010)

**14-1204. Administration.** (1) Designation of ordinance administrator. The City of Lafayette Building Inspector is hereby appointed as the administrator to implement the provisions of this ordinance.

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

(a) Application stage. (i) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(ii) Elevation in relation to mean sea level to which any non-residential building will be floodproofed where base flood elevations are available, or to certain height above the highest adjacent grade when applicable under this ordinance.

(iii) A FEMA floodproofing certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in § 14-1205(1) and (2).

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

(b) Construction stage. Within AE Zones, where base flood elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where base 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. The administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

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.

(3) Duties and responsibilities of the administrator. Duties of the administrator shall include, but not be limited to, the following:

(a) Review all development permits to assure that the permit requirements of this ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.

(b) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

(c) Notify 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 submit evidence of such notification to FEMA.

(d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRMs through the letter of map revision process.

(e) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.

(f) 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 and substantially improved buildings, in accordance with § 14-1204(2).

(g) Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with § 14-1204(2).

(h) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with § 14-1204(2).

(i) 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), 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 ordinance.

(j) When base flood elevation data and floodway data have not been provided by FEMA, 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 City of Lafayette, Tennessee FIRM meet the requirements of this ordinance.

(k) Maintain all records pertaining to the provisions of this ordinance in the office of the administrator and shall be open for public inspection. Permits issued under the provisions of this ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files. (Ord. #583, Sept. 2010)

**14-1205. Provisions for flood hazard reduction.** (1) General standards. In all areas of special flood hazard, the following provisions are required:

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;

(b) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces;

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) 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;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) 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;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance;

(j) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;

(k) All new construction and substantial improvement proposals shall provide copies of all necessary federal and state permits, including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 USC 1334;

(l) All subdivision proposals and other proposed new development proposals shall meet the standards of § 14-1205(2);

(m) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;

(n) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

(2) Specific standards. In all areas of special flood hazard, the following provisions, in addition to those set forth in § 14-1205(1), are required:

(a) Residential structures. In AE Zones where base flood elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot (1') 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 shall be provided in accordance with the standards of this section: "Enclosures."



Within approximate 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 to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-1202). 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 shall be provided in accordance with the standards of this section: "Enclosures."

(b) Non-residential structures. In AE Zones, where base flood elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one foot (1') above the level of 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 shall be provided in accordance with the standards of this section: "Enclosures."

In approximate A Zones, where base flood elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three feet (3') above the highest adjacent grade (as defined in § 14-1202). 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 shall be provided in accordance with the standards of this section: "Enclosures."

Non-residential 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 Tennessee 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 § 14-1204(2).

(c) Enclosures. All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, 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.

(i) Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria:

(A) Provide a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(B) The bottom of all openings shall be no higher than one foot (1') above the finished grade;

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

(ii) The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.

(iii) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of § 14-1205(2).

(d) Standards for manufactured homes and recreational vehicles. (i) All manufactured homes placed, or substantially improved, on:

(A) Individual lots or parcels;

(B) In expansions to existing manufactured home parks or subdivisions; or

(C) In new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.

(ii) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

(A) In AE Zones, with base flood elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one foot (1') above the level of the base flood elevation; or

(B) In approximate A Zones, without base flood elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three feet (3') in height above the highest adjacent grade (as defined in § 14-1202).

(iii) Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of § 14-1205(1) and (2).

(iv) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(v) All recreational vehicles placed in an identified special flood hazard area must either:

(A) Be on the site for fewer than one hundred eighty (180) consecutive days;

(B) 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); or

(C) The recreational vehicle must meet all the requirements for new construction.

(e) Standards for subdivisions and other proposed new development proposals. Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

(i) All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.

(ii) All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(iii) All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(iv) In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data (see § 14-1205(5)).

(3) Standards for special flood hazard areas with established base flood elevations and with floodways designated. Located within the special flood hazard areas established in § 14-1203(2) are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

(a) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development 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 shall not result in any increase in the water surface elevation of the base flood elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective flood insurance study for the City of Lafayette, Tennessee and certification, thereof.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-1205(1) and (2).

(4) Standards for areas of special flood hazard Zones AE with established base flood elevations but without floodways designated. Located within the special flood hazard areas established in § 14-1203(2), where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

(a) No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee 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 foot (1') at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(b) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-1205(1) and (2).

(5) Standards for streams without established base flood elevations and floodways (A Zones). Located within the special flood hazard areas established in § 14-1203(2), where streams exist, but no base flood data has been provided and where a floodway has not been delineated, the following provisions shall apply:

(a) The administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from any federal, state, or other sources, including data developed as a result of these regulations (see (b) below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of § 14-1205(1) and (2).

(b) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres,

whichever is the lesser, include within such proposals base flood elevation data.

(c) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three feet (3') above the highest adjacent grade (as defined in § 14-1202). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in § 14-1204(2). Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of § 14-1205(2).

(d) Within approximate A Zones, where base flood elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20'), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee 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 foot (1') at any point within the City of Lafayette, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(e) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of § 14-1205(1) and (2). Within approximate A Zones, require that those subsections of § 14-1205(2) dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

(6) Standards for areas of shallow flooding (AO and AH Zones). Located within the special flood hazard areas established in § 14-1203(2) are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1 – 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in § 14-1205(1) and (2), apply:

(a) All new construction and substantial improvements of residential and non-residential buildings shall have the lowest floor, including basement, elevated to at least one foot (1') above as many feet as the depth number specified on the FIRMs, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three feet (3') above the highest adjacent grade. Openings sufficient to facilitate

automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of § 14-1205(2).

(b) All new construction and substantial improvements of non-residential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one foot (1') above the flood depth number specified on the FIRM, 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 on the FIRM, the structure shall be floodproofed to at least three feet (3') above the highest adjacent grade. A Tennessee 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 ordinance and shall provide such certification to the administrator as set forth above and as required in accordance with § 14-1204(2).

(c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

(7) Standards for areas protected by flood protection system (A-99 Zones). Located within the areas of special flood hazard established in § 14-1203(2) are areas of the 100-year floodplain protected by a flood protection system but where base flood elevations have not been determined. Within these areas (A-99 Zones) all provisions of §§ 14-1204 and 14-1205 shall apply.

(8) Standards for unmapped streams. Located within the City of Lafayette, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

(a) No encroachments including fill material or other development including 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 Tennessee 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 foot (1') at any point within the locality.

(b) When a new flood hazard risk zone, and base flood elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with §§ 14-1204 and 14-1205. (Ord. #583, Sept. 2010)

**14-1206. Variance procedures.** (1) **Board of floodplain review.**

(a) **Creation and appointment.** A board of floodplain review is hereby established which shall consist of three (3) 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 floodplain review shall be terms of one (1), two (2), and three (3) years, respectively. Vacancies shall be filled for any unexpired term by the chief executive officer.

(b) **Procedure.** Meetings of the board of floodplain review shall be held at such times, as the board shall determine. All meetings of the board of floodplain review shall be open to the public. The board of floodplain review shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the board of floodplain review shall be set by the legislative body.

(c) **Appeals: how taken.** An appeal to the board of floodplain review 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 ordinance. Such appeal shall be taken by filing with the board of floodplain review a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of fifty dollars (\$50.00) for the cost of publishing a notice of such hearings shall be paid by the appellant. The administrator shall transmit to the board of floodplain review all papers constituting the record upon which the appeal action was taken. The board of floodplain review 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 fifteen (15) 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.

(c) **Powers.** The board of floodplain review shall have the following powers:

(i) **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 carrying out or enforcement of any provisions of this ordinance.

(ii) **Variance procedures.** In the case of a request for a variance the following shall apply:

(A) The City of Lafayette, Tennessee Board of Floodplain Review shall hear and decide appeals and requests for variances from the requirements of this ordinance;

(B) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, 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 necessary deviation from the requirements of this ordinance to preserve the historic character and design of the structure;

(C) In passing upon such applications, the board of floodplain review shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance; and

(1) The danger that materials may be swept onto other property to the injury of others;

(2) The danger to life and property due to flooding or erosion;

(3) The susceptibility of the proposed facility and its contents to flood damage;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

(D) Upon consideration of the factors listed above, and the purposes of this ordinance, the board of floodplain review may attach such conditions to the granting of



variances, as it deems necessary to effectuate the purposes of this ordinance.

(E) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(2) Conditions for variances. (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in § 14-1206(1).

(b) 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; or 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 ordinances.

(c) 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 elevation will result in increased premium rates for flood insurance (as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00)) coverage, and that such construction below the base flood elevation increases risks to life and property.

(d) The administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request. (Ord. #583, Sept. 2010)

**14-1207. Legal status provisions.** (1) Conflict with other ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the City of Lafayette, Tennessee, the most restrictive shall in all cases apply.

(2) Severability. If any section, clause, provision, or portion of this ordinance 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 ordinance which is not of itself invalid or unconstitutional.

(3) Effective date. This ordinance shall become effective immediately after its passage, in accordance with the Charter of the City of Lafayette, Tennessee, and the public welfare demanding it. (Ord. #583, Sept. 2010)