



**Fayette County**  
**Office of Planning and Development**

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**FAYETTE COUNTY REGIONAL PLANNING COMMISSION AGENDA**

BILL G. KELLEY CRIMINAL JUSTICE CENTER  
SOMERVILLE, TN

REGULAR MEETING  
MAY 4, 2026 | 6:30 P.M.

Establishment of a Quorum and Call to Order.

Prayer and Pledge of Allegiance.

Item 1: Approval of Agenda.

Item 2: Consideration of an amendment to the Fayette County Zoning Resolution to add provisions related to the following:

- a. Construction, Management, & Environmental Standards
- b. Administrative Processes and Requirements

Adjournment.

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**TO:** Regional Planning Commission  
**FROM:** Jim Atkinson, AICP  
**MEETING DATE:** March 4, 2026  
**SUBJECT:** Consideration of an amendment to the Fayette County Zoning Resolution to add the following sections:

- a. Construction, Management, & Environmental Standards
- b. Administrative Processes and Requirements

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As part of the update to the solar regulations update process, The Fayette County Solar Regulations Review Committee has recommended that staff prepare updates to the Zoning Resolution regarding administrative procedures and construction regulations.

These provisions were included in a recent draft amendment for solar but could also be used generally in the zoning resolution to apply to several other types of projects beyond solar.

The following amendments could be incorporated. Exact section numbers will be added separately.

### **SECTION 1. GENERAL APPROACH TO INCORPORATION**

The Fayette County Zoning Resolution shall be amended to incorporate the administrative and construction standards as follows:

1. **Administrative provisions** shall be incorporated primarily into Article II – Administration, Article III – Board of Appeals, Article XI – Legal Status Provisions, and Appendix A – Schedule of Fees.
2. **General construction, stormwater, site maintenance, and post-construction standards** shall be incorporated into Article V – General Provisions as a new general development standards section.
3. **Enhanced construction, environmental, and technical standards** shall apply only to projects meeting the thresholds established in this amendment.
4. **Environmental Impact Studies** shall not be required for all development. They shall be required only for high-impact development, large-scale development, or development involving specific environmental, agricultural, infrastructure, or public safety impacts.

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5. **Solar photovoltaic facilities** shall remain regulated under Article V, Section 13, but shall also be subject to the generally applicable development administration and construction standards adopted by this amendment.

**SECTION 2. AMENDMENT TO TABLE OF CONTENTS**

The Table of Contents of the Fayette County Zoning Resolution is hereby amended to add the following new sections and appendix references:

**Article V, Section \_\_** – General Development Construction, Stormwater, and Site Management Standards

**Article V, Section \_\_** – Environmental Review and Impact Study Thresholds

**Appendix B** – General Development Construction, Management, and Environmental Standards

**SECTION 3. AMENDMENT TO ARTICLE II – ADMINISTRATION**

Article II of the Fayette County Zoning Resolution is hereby amended by adding the following new section:

**Section \_\_. General Administration of Development Approvals and Permits.**

**\_\_.1 Administering Official.**

The Fayette County Building Commissioner shall administer and enforce the permitting, inspection, construction, site maintenance, and compliance provisions of this Resolution, except where authority is specifically assigned to the Board of Appeals, Planning Commission, County Commission, County Engineer, County Attorney, or other reviewing official.

**\_\_.2 Applicability.**

This section shall apply to all applications, permits, approvals, special exceptions, site plans, building permits, land disturbance activities, nonresidential development, multifamily development, institutional development, industrial development, planned development, public or private utility development, and other development subject to this Resolution, unless expressly exempted.

**\_\_.3 Right of Entry.**

The Building Commissioner, and their authorized designees shall have the lawful right of entry onto property for the purpose of determining compliance with this Resolution, approved plans, permits, conditions of approval, stormwater requirements, site maintenance requirements, construction standards, or enforcement orders.

Such right of entry may include inspection of construction activity, commercial or industrial facilities, land disturbance, access drives, parking areas, stormwater controls, drainage

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structures, post-construction stormwater controls, screening, landscaping, buffers, and exterior site improvements.

Right of entry shall not include entry into buildings without notification to the building owner or occupants, except as otherwise authorized by law.

**\_\_4 Right to Correct Violations.**

If, after notice from the Building Commissioner, a violation has not been corrected by the owner, operator, permittee, applicant, contractor, or other responsible party, the Building Commissioner may take or cause to be taken such lawful measures as are necessary to eliminate the violation, stabilize the site, correct unsafe conditions, protect stormwater systems, protect public infrastructure, or otherwise bring the property into compliance.

All costs associated with correction of the violation shall be billed to the responsible party to the fullest extent permitted by law. Such costs may include direct costs, indirect costs, engineering costs, administrative costs, legal costs where recoverable, contractor costs, remediation costs, stabilization costs, and inspection costs.

**\_\_5 Permit Duration.**

Every permit issued under this Resolution shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty calendar days of issuance, unless a different period is expressly stated in the permit, condition of approval, or applicable section of this Resolution.

Once work has commenced, the work shall not be suspended or abandoned for one hundred eighty consecutive calendar days without prior written notification to and approval by the Building Commissioner. Such suspension or abandonment may result in permit nullification, required stabilization, enforcement action, additional permit application requirements, additional fees, or financial assurance forfeiture where applicable.

**\_\_6 Notice of Construction.**

For any project requiring site plan approval, special exception approval, land disturbance approval, stormwater review, construction of site improvements, or other development approval under this Resolution, the applicant shall notify the Building Commissioner at least ten working days before commencement of construction.

The Building Commissioner may require pre-construction meetings, inspection schedules, documentation of required permits, erosion control installation, construction access controls, road protection measures, or other reasonable pre-construction requirements.

**\_\_7 Inspection Reports.**

Inspections required under this Resolution shall be documented by written reports that may include:

1. The date and location of the inspection;

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2. The work or improvement inspected;
3. Whether construction is consistent with approved plans;
4. Any variation from approved construction specifications;
5. Any violation observed;
6. Required corrective action; and
7. The time period for compliance.

Copies of inspection reports shall be maintained by the Building Commissioner.

**SECTION 4. AMENDMENT TO ARTICLE II – ENFORCEMENT**

Article II is hereby amended by replacing or supplementing the existing enforcement provisions with the following:

**Section \_\_. Enforcement, Notices, Stop Work Orders, and Remedies.**

**\_\_.1 Enforcement Authority.**

The Building Commissioner and their authorized designees shall have authority, within their respective roles, to administer, interpret, inspect, enforce, condition, suspend, revoke, or otherwise act upon approvals, permits, violations, and compliance matters under this Resolution.

**\_\_.2 Informal Notice.**

Whenever the Building Commissioner determines that a violation, potential violation, deficiency, maintenance issue, reporting issue, or compliance concern exists, the Building Commissioner may provide informal written or verbal notice to the responsible party.

**\_\_.3 Written Notice of Violation.**

Whenever the Building Commissioner determines that a permittee, owner, operator, applicant, contractor, or other responsible party has violated or is violating this Resolution, an approved plan, a permit, a condition of approval, or an order issued hereunder, the Building Commissioner may serve written notice of violation.

The notice may require the responsible party to submit, within the time specified in the notice, an explanation of the violation and a plan for satisfactory correction and prevention thereof, including specific required actions.

**\_\_.4 Show Cause Hearing.**

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The Building Commissioner may order any person who violates this Resolution, a permit, a condition of approval, or an order issued hereunder to show cause why proposed enforcement action should not be taken.

**\_\_5 Stop Work Orders.**

Upon determination that a violation exists, the Building Commissioner may issue a written stop work order requiring that all construction, grading, land disturbance, site modification, or operational activity cease immediately until the violation is corrected and the Building Commissioner authorizes work to proceed.

Failure to comply with a stop work order shall constitute a separate violation.

**\_\_6 Revocation or Suspension of Approval.**

The County may suspend or revoke any special exception, permit, site plan approval, construction authorization, operational approval, or other approval issued under this Resolution upon a finding of:

1. Material misrepresentation in application materials;
2. Failure to comply with approved plans;
3. Failure to comply with conditions of approval;
4. Failure to maintain required financial assurance;
5. Chronic or repeated violations;
6. Failure to correct violations within required timeframes;
7. Abandonment;
8. Cessation of work or operations exceeding one hundred eighty consecutive days without approval; or
9. Any other ground authorized by this Resolution or Tennessee law.

**\_\_7 Penalties and Remedies.**

Any person who violates any provision of this Resolution, violates any condition of approval, fails to comply with any permit issued pursuant to this Resolution, fails to comply with any written order issued by the Building Commissioner, Planning Commission, Board of Appeals, or County Commission, or engages in construction, operation, land disturbance, or site modification contrary to this Resolution shall be subject to all penalties and remedies authorized by Tennessee law, including but not limited to injunction, mandamus, abatement, stop work orders, permit suspension, permit revocation, financial assurance forfeiture, corrective action, civil penalties where authorized, and any other lawful remedy.

**\_\_8 Remedies Cumulative.**

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The remedies set forth in this Section are cumulative and not exclusive. The pursuit of one remedy shall not preclude the pursuit of any other remedy authorized by this Resolution or applicable law.

**\_\_.9 No Waiver.**

Failure of the County to enforce any provision of this Resolution shall not constitute a waiver of the County's right to enforce such provision in the future.

**SECTION 5. AMENDMENT TO ARTICLE III – BOARD OF APPEALS**

Article III is hereby amended to clarify appeal procedures as follows:

**Section \_\_. Appeals of Administrative Zoning Decisions.**

Any person aggrieved by a decision of the Building Commissioner or other administrative official interpreting or enforcing this Resolution may appeal such decision to the Fayette County Board of Appeals.

Such appeal shall be filed in writing within fifteen days of the decision being appealed, unless a different appeal period is expressly required by Tennessee law.

The Board of Appeals shall conduct a public hearing and render a decision in accordance with applicable law.

Decisions of the Board of Appeals granting, denying, or conditioning a special exception shall constitute final administrative decisions subject to judicial review as provided by Tennessee law.

**SECTION 6. AMENDMENT TO ARTICLE V – GENERAL DEVELOPMENT CONSTRUCTION, STORMWATER, AND SITE MANAGEMENT STANDARDS**

Article V of the Fayette County Zoning Resolution is hereby amended by adding the following new section:

**Section \_\_. General Development Construction, Stormwater, and Site Management Standards.**

**\_\_.1 Purpose.**

The purpose of this section is to establish proportional construction, stormwater, environmental protection, site maintenance, and post-construction standards for development subject to this Resolution. These standards are intended to protect public infrastructure, drainage systems, neighboring properties, agricultural lands, public health, public safety, and the general welfare, while ensuring that review requirements remain

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reasonable and proportional to the size, type, intensity, and potential impact of the proposed development.

**\_\_2 Applicability.**

This section shall apply to the following, unless expressly exempted:

1. Nonresidential development;
2. Multifamily development;
3. Institutional development;
4. Industrial development;
5. Public or private utility development;
6. Special exception uses;
7. Site plans requiring Planning Commission or Board of Appeals approval;
8. Development disturbing one acre or more;
9. Development that is part of a larger common plan of development disturbing one acre or more;
10. Development requiring stormwater, drainage, erosion control, or site improvement review;
11. Development involving new private streets, access drives, parking areas, loading areas, detention, retention, or other stormwater facilities; and
12. Any development for which the Building Commissioner, Planning Commission, Board of Appeals, or County Commission determines that site-specific conditions warrant application of this section.

**\_\_3 Exemptions.**

The following shall be exempt from this section unless the Building Commissioner determines that site-specific conditions create a potential public health, safety, drainage, access, erosion, or environmental concern:

1. Single-family detached dwellings on individual lots;
2. Two-family dwellings on individual lots;
3. Agricultural structures not involving commercial, industrial, institutional, or public assembly uses;
4. Minor accessory structures;
5. Interior renovations with no land disturbance or site modification;

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6. Minor building additions disturbing less than 10,000 square feet and creating less than 5,000 square feet of new impervious surface;
7. Routine maintenance, repair, resurfacing, or replacement of existing improvements that does not expand impervious area, alter drainage, or increase nonconformity.

**SECTION 7. DEVELOPMENT REVIEW TIERS AND THRESHOLDS**

Article V is hereby amended by adding the following new section:

**Section \_\_. Development Review Tiers.**

Development subject to this Resolution shall be classified into one of the following review tiers. When a project meets more than one threshold, the highest applicable review tier shall apply.

**Tier 1 – Minor Development**

**Applicability.**

Tier 1 applies to development that:

1. Disturbs less than one acre of land;
2. Creates less than 20,000 square feet of new impervious surface;
3. Does not involve a high-impact use;
4. Does not require a special exception for an intensive use;
5. Does not include new detention or retention facilities requiring engineered design;
6. Does not involve known wetlands, floodplain encroachment, stream alteration, steep slopes over 15%, or other sensitive environmental conditions; and
7. Does not generate substantial heavy truck traffic.

**Requirements.**

Tier 1 projects shall comply with:

1. Applicable zoning district standards;
2. Building permit requirements;
3. Access and parking requirements;
4. Basic erosion and sediment control requirements;
5. Construction site waste prohibitions;

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6. Drainage protection requirements;
7. Any conditions imposed by the Building Commissioner.

**EIS Requirement.**

No Environmental Impact Study shall be required for Tier 1 projects.

**Tier 2 – Standard Development**

**Applicability.**

Tier 2 applies to development that:

1. Disturbs one acre or more but less than five acres;
2. Creates 20,000 square feet or more but less than 100,000 square feet of new impervious surface;
3. Requires site plan approval;
4. Includes nonresidential, multifamily, institutional, civic, or commercial development;
5. Includes a new commercial building, retail store, office, restaurant, church, school, warehouse, or similar standard development;
6. Requires engineered drainage or stormwater review; or
7. Is part of a larger common plan of development meeting these thresholds.

**Requirements.**

Tier 2 projects shall comply with:

1. Site plan approval requirements;
2. Construction notice requirements;
3. Basic construction phase standards;
4. Tennessee Construction General Permit requirements, if applicable;
5. Erosion and sediment control plan;
6. Stormwater and drainage plan;
7. Construction site waste prohibitions;
8. Stabilization and revegetation requirements;
9. As-built plans for required stormwater facilities and site improvements;
10. Maintenance agreement for private stormwater facilities, where applicable;

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11. Inspection and correction requirements.

**EIS Requirement.**

No comprehensive Environmental Impact Study shall be required for Tier 2 projects unless the reviewing body makes a written finding that extraordinary site-specific conditions exist, such as wetlands, floodplain encroachment, stream alteration, known contamination, steep slopes, threatened or endangered species habitat, major off-site drainage impacts, or similar conditions.

**Example.**

A typical new Dollar General store, convenience store, small retail building, office building, church building, or similar standard commercial site would normally be a Tier 2 project. It should be required to provide site plans, drainage plans, erosion control, access review, parking, stabilization, and maintenance documentation, but not a full Environmental Impact Study.

**Tier 3 – Major Development**

**Applicability.**

Tier 3 applies to development that:

1. Disturbs five acres or more but less than twenty-five acres;
2. Creates 100,000 square feet or more of new impervious surface;
3. Includes 100,000 square feet or more of gross building area;
4. Generates substantial truck traffic;
5. Requires major drainage, detention, or retention improvements;
6. Involves phased development or a larger common plan of development;
7. Includes industrial, warehousing, distribution, manufacturing, large institutional, large commercial, or large multifamily development;
8. Includes outdoor storage, contractor yards, vehicle fleets, or similar operational impacts;
9. Requires road improvements, turn lanes, traffic studies, or road damage mitigation; or
10. Is determined by the Planning Commission to create potential impacts beyond those normally associated with standard development.

**Requirements.**

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Tier 3 projects shall comply with all Tier 2 requirements, plus any of the following as required by the reviewing body:

1. Pre-construction meeting;
2. Construction management plan;
3. Heavy truck routing plan;
4. Pre-construction road condition survey;
5. Road damage bond or infrastructure protection agreement;
6. Enhanced erosion and sediment control plan;
7. Stormwater modeling;
8. Downstream drainage analysis;
9. Geotechnical report where mass grading, steep slopes, or unstable soils are present;
10. Landscape and long-term site maintenance plan;
11. Annual or periodic compliance certification for private stormwater facilities;
12. Third-party engineering review at the applicant's expense, where warranted.

#### **Environmental Review.**

A limited environmental review may be required for Tier 3 projects when the reviewing body finds that site-specific conditions warrant additional study. The scope of review shall be limited to the actual issue presented, such as wetlands, drainage, floodplain, traffic, slope stability, contamination, or agricultural soil impacts.

#### **EIS Requirement.**

A full Environmental Impact Study shall not be required for Tier 3 projects unless the project also meets the Tier 4 threshold or unless extraordinary site-specific conditions are documented in writing by the reviewing body.

#### **Tier 4 – High-Impact Development**

##### **Applicability.**

Tier 4 applies to development that, because of its size, intensity, location, operational characteristics, or potential off-site impacts, requires enhanced review.

Tier 4 includes:

1. Utility-scale solar photovoltaic facilities or ground-mounted solar energy systems;

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2. Wind energy facilities;
3. Landfills, waste transfer stations, construction and demolition disposal facilities, or solid waste facilities;
4. Mining, quarrying, borrow pits, or mineral extraction;
5. Asphalt plants, concrete plants, batch plants, or similar heavy industrial uses;
6. Hazardous materials storage, processing, or disposal facilities;
7. Battery energy storage systems not accessory to a standard commercial or residential use;
8. Major utility, energy, or infrastructure facilities;
9. Industrial development disturbing twenty-five acres or more;
10. Any development disturbing fifty acres or more;
11. Any development that removes twenty-five acres or more of native forested land;
12. Any development involving substantial alteration of streams, wetlands, floodplains, or major drainageways;
13. Any development located on a site where more than fifty percent of the area contains Prime Farmland soils, when the project would remove such land from agricultural use on a long-term basis;
14. Any development that, in the written finding of the Planning Commission, Board of Appeals, or County Commission, may create extraordinary impacts on public infrastructure, stormwater systems, agricultural resources, environmental resources, surrounding properties, or public health and safety.

**Requirements.**

Tier 4 projects shall comply with all applicable Tier 2 and Tier 3 requirements, plus enhanced review requirements as determined by the reviewing body, including:

1. Full Environmental Impact Study;
  - a. Baseline environmental benchmarking, including twelve-month field investigation.
2. Qualified Environmental Professional certification;
3. Third-party peer review at the applicant's expense;
4. Agricultural impact analysis where applicable;
5. Infrastructure impact study;

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6. Traffic impact analysis;
7. Road damage bond;
8. Emergency access and response plan;
9. Noise and visual impact study where applicable;
10. Glare analysis where applicable;
11. Hazardous materials and fire risk analysis where applicable;
12. Decommissioning or closure plan where applicable;
13. Financial assurance where applicable;
14. Annual compliance certification;
15. Long-term maintenance agreement;
16. Any additional mitigation measures necessary to protect public health, safety, welfare, infrastructure, neighboring properties, agricultural lands, or environmental resources.

Where a full Environmental Impact Study is required, the study shall include baseline conditions sufficient to evaluate the existing environmental, agricultural, hydrologic, ecological, infrastructure, and land use conditions of the site and surrounding area before development.

The EIS shall be site-specific and based on field investigation, data collection, and baseline documentation conducted no more than twelve (12) months prior to submission, unless the reviewing body determines that older data remains reliable due to unchanged site conditions.

For Tier 4 High-Impact Development involving energy facilities, utility-scale solar, wind energy, mineral extraction, solid waste facilities, major industrial facilities, or other projects with substantial land disturbance or ecological impacts, the EIS shall include, where applicable:

1. Twelve-month species inventory;
2. Migratory bird assessment;
3. Bat acoustic monitoring for a minimum of two seasons;
4. Habitat fragmentation analysis;
5. Threatened and endangered species consultation documentation;
6. Pollinator impact assessment;
7. Identification of native forested land proposed for clearing;

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8. Baseline stormwater and hydrologic conditions;
9. Pre-development runoff and post-development runoff comparison;
10. Baseline agricultural soil and productivity conditions, where applicable; and
11. Any additional baseline data necessary to allow the County to compare pre-development and post-development conditions.

The EIS shall include methodologies consistent with accepted professional standards and industry best practices. All data, modeling assumptions, field notes, agency correspondence, and supporting documentation shall be independently verifiable and made available to Fayette County upon request.

**SECTION 8. GENERAL CONSTRUCTION STANDARDS**

Article V is hereby amended by adding the following:

**Section \_\_. General Construction Phase Standards.**

**\_\_.1 State Permit Compliance.**

Any development disturbing one acre or more, or that is part of a larger common plan of development disturbing one acre or more, shall obtain coverage under the applicable Tennessee Construction General Permit for Stormwater Discharges from Construction Activities, where required by State law.

All applicable State and federal permits shall be incorporated as conditions of local approval.

**\_\_.2 Required Technical Manuals.**

The following manuals may be used as technical guidance and minimum standards where applicable to the type and scale of development:

1. TDEC Erosion & Sediment Control Handbook, latest edition;
2. Tennessee Permanent Stormwater Management and Design Guidance Manual;
3. NRCS Field Office Technical Guide for Fayette County;
4. FEMA floodplain management guidance, where floodplain issues are present.

Compliance with these manuals shall constitute minimum compliance only and shall not limit the County's authority to require additional protections where necessary.

**\_\_.3 Clearing and Grading.**

Clearing shall be limited to the area reasonably necessary for installation of approved site improvements.

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Mass grading of entire tracts may be prohibited or limited unless justified by an approved grading plan, drainage plan, geotechnical report, or other documentation acceptable to the County.

Pre-construction vegetative cover shall not be removed substantially in advance of earth disturbance unless temporary stabilization is installed.

Slopes exceeding fifteen percent shall require engineered stabilization where disturbed.

**\_\_4 Sediment and Erosion Control.**

The applicant shall prepare and implement a sediment and erosion control plan for construction activities as required by the Building Commissioner, County Engineer, Planning Commission, Board of Appeals, or other reviewing body.

Sediment shall be removed from sediment traps, silt fences, sedimentation ponds, and other sediment controls as necessary and when design capacity has been reduced by fifty percent.

If sediment escapes the construction site, off-site accumulations shall be removed at a frequency sufficient to minimize off-site impacts and protect public streets, storm sewers, streams, drainageways, and neighboring property.

**\_\_5 Construction Site Waste.**

It shall be unlawful for construction site operators to discard waste, including building materials, concrete truck washout, chemicals, litter, sanitary waste, or other potential pollutants in a manner that may cause adverse impacts to soil, water quality, drainage systems, neighboring properties, or public infrastructure.

**\_\_6 Construction Traffic and Infrastructure Protection.**

The reviewing body may require construction traffic controls, including:

1. Heavy truck routing plan;
2. Pre-construction road condition survey;
3. Road damage bond;
4. Infrastructure protection agreement;
5. Construction entrance controls;
6. Dust control;
7. Repair of road damage attributable to the project.

These requirements shall generally be reserved for Tier 3 and Tier 4 projects, or Tier 2 projects where site-specific conditions warrant additional controls.

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**SECTION 9. POST-CONSTRUCTION STANDARDS**

Article V is hereby amended by adding the following:

**Section \_\_. Post-Construction, Stabilization, Maintenance, and As-Built Requirements.**

**\_\_.1 As-Built Plans.**

As-built plans shall be required for Tier 2, Tier 3, and Tier 4 projects involving engineered stormwater facilities, private streets, major access drives, utility infrastructure, drainage structures, or other site improvements requiring verification after construction.

The Building Commissioner may waive as-built plans for small Tier 2 projects where no engineered stormwater facility or major site improvement is required.

**\_\_.2 Stabilization and Revegetation.**

Any area of land from which natural vegetative cover has been partially or wholly cleared by development activities shall be stabilized and revegetated according to a schedule approved by the County.

Approved sediment controls shall be maintained until stabilization has been completed.

**\_\_.3 Maintenance Agreements.**

A maintenance agreement shall be required when a development includes private stormwater facilities, detention or retention basins, drainage structures, private access infrastructure, required landscape screening, buffers, or other private improvements that must be maintained for continuing compliance.

The maintenance agreement shall bind the current property owner and subsequent owners and may be required to be recorded in the land records.

**\_\_.4 Records.**

Parties responsible for operation and maintenance of required private improvements shall maintain records of installation, maintenance, repair, inspection, and corrective action for at least five years and shall make such records available to the Building Commissioner upon request.

**\_\_.5 Failure to Maintain.**

If a responsible party fails or refuses to maintain required improvements, the Building Commissioner may provide written notice requiring corrective action. If corrective action is not completed within the time specified, the County may take lawful action to correct the violation and recover costs to the fullest extent permitted by law.

**SECTION 10. ENVIRONMENTAL REVIEW AND EIS THRESHOLDS**

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Article V is hereby amended by adding the following:

**Section \_\_. Environmental Review and Environmental Impact Studies.**

**\_\_.1 Purpose.**

Environmental review requirements shall be proportional to the scale, location, intensity, and potential impact of the proposed development. The purpose of this section is to require appropriate environmental information when necessary while avoiding unreasonable review burdens for ordinary development.

**\_\_.2 No Automatic EIS for Standard Commercial Development.**

A comprehensive Environmental Impact Study shall not be required solely because a project is commercial, institutional, civic, multifamily, or nonresidential.

A standard commercial development, including a retail store, office, restaurant, church, school, small warehouse, or similar use, shall not be required to submit a comprehensive Environmental Impact Study unless it meets the Tier 4 threshold or the reviewing body makes written findings that extraordinary site-specific conditions require such study.

**\_\_.3 Limited Environmental Review.**

For Tier 3 projects, or Tier 2 projects with site-specific concerns, the reviewing body may require a limited environmental review addressing only the specific issue presented, such as:

1. Wetlands;
2. Floodplain;
3. Drainage;
4. Stream impacts;
5. Steep slopes;
6. Known contamination;
7. Traffic and road impacts;
8. Agricultural soil protection;
9. Groundwater or private well impacts;
10. Noise, glare, or visual impacts, where relevant.

**\_\_.4 Full Environmental Impact Study.**

A full Environmental Impact Study shall be required for Tier 4 High-Impact Development unless expressly waived or modified by the County Commission upon written findings that the full scope is unnecessary due to the size, location, design, or limited impact of the proposed development.

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The scope of the EIS shall be established by the reviewing body and may include, as applicable:

1. Site and soil analysis;
2. Water resources and hydrology;
3. Wetlands and floodplain analysis;
4. Stormwater modeling;
5. Wildlife and ecological assessment;
6. Agricultural impact assessment;
7. Infrastructure impact study;
8. Traffic impact analysis;
9. Noise and visual impact study;
10. Glare analysis;
11. Hazardous materials and fire risk analysis;
12. Historic, cultural, or burial ground review;
13. Property impact analysis when appropriate;
14. Mitigation measures;
15. Any additional study reasonably related to the potential impacts of the proposed development.

#### **\_\_5 Qualified Professionals.**

When a full EIS is required, it shall be prepared, signed, sealed, or certified by one or more qualified professionals with expertise appropriate to the subject matter being studied.

The County may require specialized professionals for specific components, including engineering, hydrology, wetlands, wildlife, soil science, archaeology, traffic, or hazardous materials, where applicable.

#### **\_\_6 Third-Party Review.**

For Tier 4 projects, and for Tier 3 projects where warranted, the County may retain independent third-party reviewers at the applicant's expense to evaluate technical studies, engineering reports, environmental reviews, traffic studies, financial assurance, decommissioning plans, or other specialized materials.

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**SECTION 11. AMENDMENT TO ARTICLE V, SECTION 13 – SOLAR PHOTOVOLTAIC FACILITIES**

Article V, Section 13 shall remain the County's specific zoning section for solar photovoltaic facilities. However, it shall be amended to clarify that solar facilities are subject to the general development standards and Tier 4 standards.

Add the following to Article V, Section 13:

**13.\_\_ Relationship to General Development Standards.**

Solar photovoltaic facilities and ground-mounted solar energy systems shall comply with Article V, Section 13 and with the generally applicable administration, construction, stormwater, environmental review, maintenance, enforcement, and financial assurance provisions of this Resolution.

For purposes of Article V, Section \_\_, solar photovoltaic facilities and ground-mounted solar energy systems shall be classified as Tier 4 High-Impact Development unless the County Commission determines, upon recommendation of the Planning Commission or Board of Appeals, that a smaller accessory, private, or limited-scale solar installation should be classified under a lower review tier.

Nothing in the general development standards shall be interpreted to reduce or waive any specific requirement applicable to solar photovoltaic facilities under Article V, Section 13.

**SECTION 12. AMENDMENT TO APPENDIX A – SCHEDULE OF FEES**

Appendix A is hereby amended to allow fees, deposits, and escrows based on review tier.

Add:

**Development Review, Technical Review, and Inspection Fees.**

The County Commission may establish by separate fee schedule fees, deposits, and escrows for:

1. Tier 1 minor development permits;
2. Tier 2 standard development site plan review;
3. Tier 3 major development review;
4. Tier 4 high-impact development review;
5. Construction inspection;
6. Stormwater review;
7. Erosion control inspection;

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8. Third-party engineering review;
9. Third-party environmental review;
10. Traffic study review;
11. Road damage bond administration;
12. Maintenance agreement review;
13. Annual compliance certification review;
14. Reinspection;
15. Enforcement inspection;
16. Financial assurance review;
17. Decommissioning or closure plan review.

No application shall be deemed complete until required fees, deposits, and escrows have been paid.

**SECTION 13. AMENDMENT TO ARTICLE XI – LEGAL STATUS PROVISIONS**

Article XI is hereby amended by adding or replacing the severability language with the following:

**Section \_\_. Severability and Maximum Lawful Application.**

If any section, subsection, sentence, clause, phrase, map designation, standard, condition, requirement, or application of this Resolution is for any reason held by a court of competent jurisdiction to be invalid, unconstitutional, preempted by State or federal law, or otherwise unenforceable, such decision shall not affect the validity of the remaining portions of this Resolution.

It is hereby declared to be the legislative intent of the Fayette County Board of Commissioners that this Resolution and each amendment thereto would have been adopted even if such invalid, unconstitutional, preempted, or unenforceable provision had not been included.

If any provision is determined to be preempted or inapplicable to a particular entity or class of entities under Tennessee or federal law, such determination shall apply only to the extent of such preemption or inapplicability, and all other applications and provisions shall remain in full force and effect.

To the extent any provision of this Resolution is found to exceed the authority granted to counties under Tennessee law, such provision shall be construed and applied to the maximum extent permitted by law.

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**SECTION 14. ADOPTION OF APPENDIX B**

The Fayette County Zoning Resolution is hereby amended by adding a new appendix:

**Appendix B – General Development Construction, Management, and Environmental Standards**

Appendix B shall be based on the draft **Construction, Management, & Environmental Standards**, revised to remove solar-only terminology and to incorporate the tiered applicability thresholds established in Article V.

Appendix B shall be applied as follows:

1. Basic construction, erosion control, drainage protection, construction site waste, stabilization, and maintenance standards may apply to Tier 1 through Tier 4 projects as applicable.
2. Enhanced construction management, road protection, maintenance agreements, as-built plans, and periodic inspection requirements shall generally apply to Tier 2 through Tier 4 projects.
3. Traffic, road damage, infrastructure protection, third-party review, annual certification, and enhanced maintenance requirements shall generally apply to Tier 3 and Tier 4 projects.
4. Full Environmental Impact Study requirements shall apply only to Tier 4 projects or projects for which written findings support such review.
5. Solar-specific language, including references to panels, ground-mounted solar energy systems, GSES, utility-scale solar, or decommissioning of solar facilities, shall be retained only in Article V, Section 13 or in solar-specific subsections of Appendix B.

**SECTION 15. EXISTING PROVISIONS TO BE MODIFIED**

The Planning Commission specifically recommends that the following existing provisions of the Fayette County Zoning Resolution be reviewed and amended for consistency with this amendment:

**Article II – Administration**

Modify to incorporate:

1. General right of entry;
2. Permit duration;
3. Notice of construction;

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4. Inspection reports;
5. Right to correct violations;
6. Stop work orders;
7. Revocation or suspension of approvals;
8. Cost recovery;
9. Remedies cumulative;
10. No waiver.

**Article III – Board of Appeals**

Modify to incorporate:

1. Fifteen-day appeal period for administrative decisions, unless otherwise required;
2. Clarification of appeals from Building Commissioner decisions;
3. Finality of special exception decisions;
4. Judicial review language.

**Article V – General Provisions**

Modify to add:

1. General construction standards;
2. Stormwater and drainage standards;
3. Development review tiers;
4. Environmental review thresholds;
5. Post-construction maintenance requirements;
6. As-built requirements;
7. Maintenance agreements;
8. Site stabilization;
9. Construction site waste prohibitions.

**Article V, Section 13 – Solar Photovoltaic Facilities**

Modify to:

1. Retain solar as a special activity district use;
2. Classify utility-scale solar as Tier 4 High-Impact Development;

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3. Require full EIS for utility-scale solar;
4. Preserve solar-specific location, design, decommissioning, and financial assurance standards;
5. Avoid applying solar-specific requirements to ordinary commercial projects.

#### **Article VII – Provisions for Land Use Districts**

Modify to cross-reference the new general development standards where district regulations require site plan approval, special exception approval, or development review.

#### **Article IX – Overlay Districts**

Modify to clarify that overlay district standards continue to apply and may trigger limited environmental review, especially for floodplain, airport, drainage, height, glare, or similar impacts.

#### **Article X – Exceptions and Modifications**

Modify to clarify that general exceptions do not waive required stormwater, environmental, access, maintenance, financial assurance, or high-impact development standards unless expressly authorized.

#### **Article XI – Legal Status Provisions**

Modify to include the enhanced severability and maximum lawful application language.

#### **Appendix A – Schedule of Fees**

Modify to create review-tier-based fees, deposits, and third-party review escrows.