

**CHAPTER 4**  
**GENERAL PROVISIONS**

**SECTION**

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**14-401 SCOPE**

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.

**14-402 ONLY ONE (1) PRINCIPAL STRUCTURE ON ANY RESIDENTIAL LOT**

Only one (1) principal structure and its accessory structures may hereafter be erected on any residential lot. This provision does not prohibit planned development complexes as permitted under Subsection 14-609.1, of this ordinance, single-family attached dwellings, multi-family dwellings or mobile home parks.

**14-403 LOT MUST ABUT A PUBLIC STREET**

No building shall be erected on a lot which does not abut at least one (1) publicly maintained street for at least fifty (50) feet; except, on a commercial lot no building shall be erected on a lot which does not abut at least one (1) publicly maintained street for at least twenty-five (25) feet. This section shall not apply to residential properties in a residential district abutting a cul-de-sac, which shall abut a public street for at least forty (40) feet. All flag lots shall be required to abut at least one (1) publicly maintained street for at least fifty (50) feet.

**14-404 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 zoning ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

No part of any yard or other open space or automobile storage area or loading or unloading space provided about any building for the purpose of complying with these regulations shall be considered as providing such space similarly required for any other structure.

#### **14-405 REAR YARD ABUTTING 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 as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

#### **14-406 CORNER LOTS**

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

#### **14-407 FUTURE STREET LINE**

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

#### **14-408 OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED**

In all districts, on a corner lot within the area formed by the center lines of intersecting street and a line joining points on such center lines at a distance of ninety (90) feet from their intersection, there shall be no obstruction to vision between a height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. This section shall not be deemed to prohibit any necessary retaining walls.

#### **14-409 ACCESS CONTROL**

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

- A. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width. In nonresidential districts, vehicular service uses may be permitted points of access exceeding thirty (30) feet, but not exceeding forty (40) feet in width providing that they do not exceed fifty (50) percent of their respective street frontage.

All points of access shall be so constructed as to provide for proper drainage.

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

- C. No point of access shall be allowed within twenty (20) feet of the curb line (or road line when there is no curb) of a public intersection.
- D. No curbs on city streets or rights-of-way shall be cut or altered without approval of the Fayetteville City Street Superintendent, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.
- E. Where two (2) driveways are provided for one (1) lot frontage, the clear distance between the driveways shall not be less than twenty-five (25) feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, 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.

**14-410 ACCESSORY USE REGULATIONS**

The use of land, buildings, and other structures permitted in each of the districts established by this zoning ordinance are designed by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

- A. Be customarily incidental to the principal use established on the same lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.
- E. An accessory use or structure on any residential lot shall not exceed forty (40) percent of the total square footage of the principal structure on such lot, not to exceed six hundred (600) feet in size. If freestanding, it shall be located in the rear yard in relation to the principal structure on any zone lot.

**14-411 BUFFER STRIPS**

Where a use is established in areas zoned commercial or industrial which abuts at any point upon property zoned residential, the developer of said use shall provide a landscaped buffer strip of no less than ten (10) feet in width at the point of abutment.

Furthermore, there shall be installed around the rear of all drive-in restaurants, which abut a residential district, a fence or wall of no less than four (4) feet in height, but not exceeding six (6) feet in height, which is designed to catch all litter or trash generated on the site and to screen incompatible uses, unless specific conditions deem otherwise as determined in a hearing by the Board of Zoning Appeals. Walls shall be constructed

of natural stone, brick, or other weatherproof materials arranged in a linear, serpentine, or other alignment; while fences shall be constructed of wood or other weatherproof, durable materials generally used in the exterior construction of buildings. All walls or fences shall have a minimum opacity of eighty (80) percent. Chain link fencing may not be used to meet the requirements of this article. Walls or fences required by this article shall not be used for the erection or display of any sign or advertising device.

The owner, or his agent, shall be responsible for the maintenance, repair and replacement of all landscaping materials and barriers as may be required by the provisions of this section. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse and debris. Fences and walls shall be maintained in good repair.

#### **14-412 MINIMUM LOT AREA**

No existing yard or lot shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance. This section shall not apply when a portion of a lot is acquired for a public purpose.

#### **14-413 WALLS AND FENCES (Added by Ordinance No. 2000-1, January 11, 2000)**

**WALLS AND FENCES, STANDARDS.** Walls and fences are permitted in any zoning district, except the C-1 Zone, in accordance with the following standards:

- A. The wall or fence is permitted to be built on the property line(s) of a lot or parcel. **(Amended by Ordinance No. 2010-06, September 14, 2010)**
- B. Determination of height shall be measured from grade to the highest point of the wall or fence, specifically excluding barbed/razor wire utilized in conjunction with security fencing. **(Amended by Ordinance No. 2010-06, September 14, 2010)**
- C. The finished side shall face towards adjoining property(ies) or street(s).
- D. The wall or fence must provide access to any easements.
- E. The wall or fence shall not encroach onto any public right-of-way.
- F. The wall or fence shall be maintained so as not to be unsightly, have broken or missing sections, or create a hazard to any person(s).
- G. Barbed wire fencing shall not be permitted in any residential district (excluding agricultural properties or farms in existence).
- H. Any wall or fence constructed on a corner lot shall not create a visual obstruction as defined in Section 14-408.
- I. Maximum height for walls and fences shall be in accordance with the following table: **(Amended by Ordinance No. 2010-06, September 14, 2010)**

<u>ZONING</u>	<u>FRONT YARD</u>	<u>SIDE YARD</u>	<u>REAR YARD</u>
Residential Zones (R-1, R-2 and R-3)	4 feet, if chain link or any other material that is 75% unobstructed, otherwise, 3 feet	6 feet, all types	6 feet, all types
Commercial Zones (C-2, C-3, C-4 and C-5)	6 feet, all types	8 feet, all types	8 feet, all types
Industrial Zones (I-1 and I-2)	8 feet, all types	8 feet, all types	8 feet, all types
Research/Technology Park Zones (T-P)	8 feet, all types	8 feet, all types	8 feet, all types
Agricultural Zones (A-1)	6 feet, all types	6 feet, all types	6 feet, all types

Any government or critical infrastructure facility shall be exempt from the height restrictions designated for the zoning district in which the facility is located but shall; however, be limited to a height of 8 feet as determined by Section 14-413(B). **(Amended by Ordinance No. 2010-06, September 14, 2010)**

A permit must be obtained prior to the erection of any wall or fence. The fee shall be calculated in accordance with the adopted Code fee schedule.