

# **ZONING RESOLUTION**

## **CHEATHAM COUNTY, TENNESSEE**

*Effective Date: June 28, 2021 / Zoning Resolution #10*

## AMENDMENTS

DATE	RESOLUTION	AMENDMENT
October 17, 2022	Res #4	Amend Article VI, 6.043 by adding Subsection G. The Keeping of Domesticated Chickens
October 17, 2022	Res #4	Amend Article VI, 6.044 by adding Subsection G. The Keeping of Domesticated Chickens
October 17, 2022	Res #4	Amend Article VI, 6.045 by adding Subsection G. The Keeping of Domesticated Chickens
February 27, 2023	Res #5	Add Commercial Campgrounds and RV Parks as a permitted use to section 7.050, 1., B.
August 21, 2023	Res #11	<p>Amend the Cheatham County Zoning Resolution Section 5.150 Development Standards for accessory dwelling units (Mother-In-Law Apartments);</p> <p>Delete the term "Mother In Law Apartments" from the title of section 5.150 DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS</p> <p>Amend section 5.150, 1, to allow a detached accessory dwelling; "1. An accessory dwelling unit shall be within the principal dwelling or detached from the principal dwelling."</p> <p>Amend section 5.150, 11 to require accessory dwelling units to comply with the same bulk and density regulations as a principal dwelling; "11. Accessory dwelling units must comply with the same minimum yard requirements as a principal structure; setbacks, maximum lot coverage and height requirements of the zoning district."</p> <p>Delete section 5.150, 14; "14. An accessory dwelling unit shall not be rental property and the owner of the principal dwelling unit shall not collect rent or accept anything of value for the use and occupancy of the accessory dwelling unit."</p>
August 21, 2023	Res #12	<p>Amend the Zoning Resolution of Cheatham County Section 9.090 AMENDMENTS TO THE RESOLUTION, paragraph four, by changing the requirement for the county commission notice of public hearing time and place from thirty (30) days' to fifteen (15) days'.</p>

## AMENDMENTS (*continued*)

DATE	RESOLUTION	AMENDMENT
		Before finally adopting any such amendment, the county commission shall hold a public hearing thereon, at least <b>fifteen (15) days'</b> notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the county; and any such amendment shall be published at least once in the official newspaper of the county or in a newspaper of general circulation in the county.
August 21, 2023	Res #13	Amend the Zoning Resolution of Cheatham County, Appendix A, Table V, Fee Schedule by increasing the cost of a public announcement sign from \$20.00 to \$30.00
October 16,2023	Res #7	Amend the Zoning Resolution of Cheatham County, Appendix A, Table I by adding Construction Sales and Service as a Permitted Use in the C1 General Commercial Zoning District.
February 26,2024	Res #7	Amend the Zoning Resolution of Cheatham County, by deleting Section 4.110 PORTABLE BUILDING REGULATIONS, subsection 1. In its entirety and replacing it with new subsection 1:
February 26,2024	Res #7	Amend the Zoning Resolution of Cheatham County, Section 5.170 DEVELOPMENT STANDARDS FOR ANIMAL SHELTERS AND KENNELS for use category; Animal Shelter: by deleting subsection 3., in its entirety and replacing it with new subsection 3:
		Amend the Zoning Resolution of Cheatham County, Section 5.170 DEVELOPMENT STANDARDS FOR ANIMAL SHELTERS AND KENNELS for use category; Kennel, Boarding; by deleting subsection 2 and subsection 3 in its entirety and replacing it with new subsection 2 and subsection 3:
		Amend the Zoning Resolution of Cheatham County, Section 5.170 DEVELOPMENT STANDARDS FOR ANIMAL SHELTERS AND KENNELS for use category; Kennel, Breeding: by deleting subsection 3 in its entirety and replacing it with new subsection 3:
June 24,2024	Res #6	Amend the Zoning Resolution of Cheatham County by adding section 4.140 Performance Standards Regulating Glare and Electromagnetic Interference:
		Amend the Zoning Resolution of Cheatham County by deleting section 5.160, design standard item 10 and replace with new design standard item 10: 10. Exterior lightning shall be consistent with section 4.140,
		Amend the Zoning Resolution of Cheatham County by adding site plan requirement (19) to section 9.030, 3, B; (19) Detailed lighting plans consistent with section 4.140

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## **ARTICLE I**

## **ENACTMENT**

### **SECTION**

- 1.010 Authority
- 1.020 Title
- 1.030 Intent and Purpose
- 1.040 Rules for Construction of Language
- 1.050 Enactment

#### **1.010 AUTHORITY**

A Resolution pursuant to the authority granted by Section 13-7-101 through 13-7-119 and 13-7-401 through 13-7-410, Tennessee Code Annotated, to provide for the establishment of districts within Cheatham County, Tennessee; to regulate within such districts the location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot occupancy, the size of open spaces, the density of population, and the uses of land, buildings, and other structures for trade, industry, residence, recreation, public activities, and similar purposes to include special districts for areas subject to flooding and areas developed as a planned unit development, to provide regulations governing nonconforming uses and structures; to provide for a board of appeals and for its powers and duties; to provide for permits; to provide for the administration of this resolution and for the official whose duty it shall be to enforce the provisions thereof; to provide penalties for the violation of this resolution; and to provide for conflicts with other ordinances, resolutions or regulations; and to repeal certain provisions, as amended, in conflict herewith.

#### **1.020 TITLE**

This resolution shall be known as The Zoning Resolution of Cheatham County, Tennessee. The zoning map shall be referred to as the Official Zoning Map of Cheatham County, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this Resolution.

#### **1.030 INTENT AND PURPOSE**

This resolution is enacted pursuant to Title 13 of Tennessee Code Annotated for the following purposes:

1. To promote and protect the public health, safety, morals, comfort, convenience, and general welfare of the people;

2. To divide the County into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, commercial, manufacturing, and other specified uses;
3. To protect the character and maintain the stability of residential, business, commercial, and manufacturing areas within the county, 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 is necessary to provide adequate light and air and protect the public health;
6. To establish building lines and the location of buildings designated for residential, business, commercial, manufacturing, 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 to 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 the buildings thereon throughout the County;
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 provide for condemnation of such nonconforming buildings and structures and of land as the County Commission shall determine is necessary or appropriate for the rehabilitation of the area blighted by such buildings or structures;
16. To define and limit the powers and duties of the administrative officers and bodies as provided herein; and
17. To include in the general purposes additionally the specific purposes stated in the various chapters throughout this resolution.

#### **1.040 RULES FOR CONSTRUCTION OF LANGUAGE**

In the construction of this Title, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:

1. The particular shall control the general;
2. The word “shall” is always mandatory and not discretionary;
3. The word “may” is permissive;
4. The word “lot” shall include the words “piece”, “plot” or “parcel”;
5. The words “used” or “occupied” includes the words “intended”, “designed”, or “arranged to be used” or “occupied”;
6. The word “structure” includes all other structures, or parts thereof, of every kind regardless of similarity to buildings; and the phrase “used for” shall include the phrases “arranged for”, “designed for”, “intended for”, “maintained for”, and “occupied for”;
7. In the case of any difference of meaning or implication between the text of this Title and any caption, illustration or table, the text shall control;
8. The word “permitted” or words “permitted as of right”, means permitted without meeting the requirements for a conditional use permit;
9. The words “conditionally permitted” or “permitted by conditional use permit” means permitted subject to the requirements for a conditional use by special permit pursuant to Article VIII of this Zoning Resolution, and all other applicable

provisions;

10. Words used in the present tense shall include the future, and words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary;
11. 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 any of 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; and
12. All public officials, bodies, and agencies to which reference is made are those of Cheatham County, Tennessee.

#### **1.050 ENACTMENT**

Except as hereinafter provided, no building shall be erected or structurally altered, nor shall any building or premises be utilized for any purpose, other than those permitted in the zoning district in which the building or premises is located. No land or lot area shall be so reduced or diminished that the yards or open spaces shall be smaller than prescribed herein, nor shall the lot area per family be reduced in any manner except in conformity with the area regulations hereby established for the district in which such building is located. No yard or other open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building.

## ARTICLE II

## DEFINITIONS

### SECTION

#### 2.010 DEFINITIONS

Except where definitions are specifically included in various sections of this Resolution words in the text or tables of this Resolution 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.

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

**ACCESSORY:** An activity or structure that is customarily associated with and is appropriately incidental and subordinate to a principal activity and/or structure and located on the same zone lot, except as provided for under the provisions of accessory off-street parking.

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

**ACCESSORY DWELLING UNIT (ADU):** A room or set of rooms in a single-family home that has been designed or configured to be used as a separate dwelling unit, has been established by permit, is typically an additional living area independent of the primary dwelling unit, and includes a fully functioning kitchen and bathroom.

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

**ACTIVITY:** The performance of a function or operation, which constitutes the use of land.

**ADULT ENTERTAINMENT:** Any exhibition of any adult-oriented motion picture, live performance, display or dance of any type, which has a significant or substantial portion of such performance, any actual or simulated performance of specified sexual activities, including removal of articles of clothing or appearing unclothed.

**ADULT ORIENTED ESTABLISHMENT:** Any commercial establishment, business or service, or portion thereof, which offers, as its principal or predominant stock and trade, sexually oriented material or any combination or form thereof, whether printed, filmed, recorded or live and which restricts or purports to restrict admission to adults or any class of adults. "Adult-oriented establishment" includes but is not limited to:

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

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

“Adult Theatres” An enclosed building used for presenting film presentations which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities for observation by patrons therein; and

“Adult Peep Shows” Includes all adult show, exhibitions, performances or presentations which contain acts of depictions of specified sexual activities.

“Specified Sexual Activities” means activities, services or performances that include the following sexual activities and/or the exhibition of the following anatomical areas:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio or any excretory function, or representation thereof; or
3. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

“Sexually Oriented Material” means any book, article, magazine, publication or written matter of any kind, drawing, etching, painting, photograph, motion picture film or sound recording, which depicts sexual activity, actual or simulated, involving human beings or human beings and animals, or which exhibit uncovered human genitals or pubic region in a lewd or lascivious manner or which depicts human male genitals in a discernibly turgid state, even if completely covered.

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

**ANIMAL SHELTER:** A facility used to house or contain stray, homeless, abandoned, rescued or unwanted animals.

**ATTACHED:** Joined together by party wall(s).

**AUTOMOBILE WRECKING:** A yard, field, or other area used as a space of storage for one or more motor vehicles which is unserviceable, discarded, worn-out, junked, or which does not have current license.

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

**BAR:** A place of business where alcoholic beverages are sold to be consumed on the premises and where meals are served as well as drinks.

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

**BED AND BREAKFAST HOMESTAY:** An owner-occupied building or portion thereof offering transient lodging accommodations and breakfast to guests where rent is paid in money. Such building shall be considered as a one-family detached dwelling for purposes of use classification and shall be permitted only through a conditional use permit issued by the Board of Appeals.

**BOARD:** The Cheatham County, Tennessee Board of Zoning Appeals.

**BREW PUB:** A restaurant at which beer is brewed on site in small batches for on-premise consumption.

**BUFFER STRIP:** A planted strip intended to create a buffer between incompatible uses as regulated in Article IV, Section 4.120.

**BUILDING:** A structure permanently affixed to the ground, with a roof, and intended for the shelter or enclosure of persons or property. Where roofed structures are separated from each other by party walls having no openings for passage, each portion so separated shall be considered a separate building.



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

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

**BUILDING COMMISSIONER:** The Building Codes Officer appointed by the Cheatham County Commission or his authorized representative.

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

**BUILDING, MIXED USE:** A building that contains at least one floor devoted to allowed nonresidential uses and at least one devoted to allowed residential uses.

**BUILDING OFFICIAL:** Any appointed or certified official of the Building Department.

**BULK:** Describes the size of buildings or other structures, and their relationship to each other and to open areas and lot lines, and therefore includes:

1. The size (including height and floor area) of buildings or other structures;
2. The area of the zoning lot upon which a residential building is located, and the number of dwelling units within such buildings in relation to the area of the zoning lot;
3. The location of exterior walls of buildings or structures in relation to lot lines, to other walls of the same building, to legally required windows, or to other structures; and
4. All open areas relating to buildings or other structures and their relationship thereto.

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

**CELLAR:** (See Basement)

**CLINIC:** See Medical Facility.

**COMMON OPEN SPACE:** A parcel or parcels of land and/or an area of water within the site designated as a planned unit development to be permanently preserved and designed and intended for use or enjoyment of the occupants of said development or set aside as permanent undeveloped open space. The open space may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants of such development and may be developed as a golf course with appropriate ancillary uses.

**COMPLETELY ENCLOSED:** Refers to a building or other structure having a roof, and separated on all sides from the adjacent open area or from other buildings or other structures, by exterior walls or party walls, pierced only by windows or entrance and exit doors normally provided for persons, goods or vehicles.

**CONDITIONAL USE (SPECIAL EXCEPTION):** A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning division or districts but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as conditional uses, if specific provisions for such use are made in this resolution. For the purposes of this resolution, conditional uses shall be construed as synonymous with special exceptions as authorized by Section 13-7-107, Tennessee Code Annotated.

**COUNTY COMMISSION:** The County Commission of Cheatham County, Tennessee.

**COURT:** An open, unoccupied space other than a yard, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

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

**CURB LEVEL:** The mean of the elevations of the side lot lines extended to the street line.

**DAY CARE HOME:** includes day care in an occupied residence of not more than eight (8) children including children living in the home.

**DAY CARE CENTER:** includes day care for more than eight (8) pre-teenage children in any kind of building.

**DEVELOPMENT AREA PER DWELLING UNIT:** The net amount of land area of a single zone lot required for each dwelling unit to be placed on the zone lot. (May also be referred to as density).

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

**DISTRICT:** Any section or sections of the area lying within Cheatham County, Tennessee, but outside the corporate limits of any municipality for which the regulations governing the use of land, density, bulk, height, and coverage of buildings and other structures are in force.

**DUPLEX:** See Dwelling, Two-Family Detached.

**DWELLING:** A building, or portion thereof, designed or used exclusively for residential occupancy, but not including transient occupancy.

**DWELLING, ATTACHED:** A building containing three or more one family dwelling units on individual lots with each dwelling unit being separated from the others by a party wall

**DWELLING, DETACHED:** A building located on a single zone lot containing not more than two dwelling units surrounded by yards or open area on the same zone lot.

**DWELLING, MOBILE HOME:** A one (1) section manufactured home on a single chassis designed to be occupied as a single living unit.

**DWELLING, MULTI-FAMILY:** A building containing three or more dwelling units. The term includes cooperative apartments, condominiums and the like.

**DWELLING, ONE-FAMILY DETACHED:** A building containing one (1) dwelling unit occupied by one family (which also includes group homes) located on an individual lot.

**DWELLING, TWO-FAMILY DETACHED:** A detached residential building containing two dwelling units, designed for occupancy by not more than two families, also known as a duplex.

**DWELLING UNIT:** A room or rooms connected together constituting a separate independent living facility for one (1) family only, including permanent living, sleeping, eating, cooking, bathing and sanitary facilities.

**EXTENDED STAY HOTEL OR MOTEL:** A hotel or motel as defined in which the guest rooms have separate sleeping and living areas and may include limited kitchen facilities.

**FAMILY:** One person, or two or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such dwelling unit shall

contain over five (5) persons, further provided that domestic servants and temporary nonpaying guests may be accommodated. Family shall not be construed to include a fraternity, sorority, club, or institutional group.

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

**FLOOR AREA:** The total of the gross horizontal areas of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls, but excluding the following:

1. Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto where required in this Section; and
2. In the case of nonresidential facilities: arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

**FLOOR AREA RATIO:** The total floor area on a zone lot, divided by the lot area of that zone lot. (For example, a building containing twenty thousand (20,000) square feet of floor area on a zone lot of ten thousand (10,000) square feet has a floor area ratio of (2.0).

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

**GROSS AREA:** An area of land which is inclusive of all land uses and streets, and other public areas located within the development.

**GROUP HOME:** A building containing only one dwelling unit and shall include any home in which eight (8) or fewer unrelated persons with disabilities reside, and may include three (3) additional persons acting as support staff or guardians, who need not be related to each other or to any of the persons with disabilities residing in the home. The term is general, including such specialized forms as one-family detached and one-family attached houses. For regulatory purposes, the term is not to include mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, or other forms of portable or temporary housing.

**HAZARDOUS OCCUPANCY:** The use of a building or any part thereof, that involves the manufacture, use, or storage of highly combustible, flammable, or explosive materials or materials that constitute a high fire hazard and further defined as a currently adopted county standard.

**HEALTH DEPARTMENT:** The Cheatham County Department.

**HEIGHT:** The vertical distance measured from the highest point of a structure (but excluding HVAC systems on roofs) to the average finished grade across the front of the structure.

**HOME OCCUPATION:** An accessory activity of a nonresidential nature which is performed within the dwelling unit or an accessory structure thereto and which is incidental to the residential use of the property.

**HOTEL:** An establishment providing transient lodging which includes a 24-hour front desk attendant, restaurant, room service, laundry and dry cleaning service, meeting rooms, health club or swimming pool, and concierge/guest services and in which the guest rooms are accessible from an indoor corridor.

**HOSPITAL:** See MEDICAL FACILITIES.

**INCIDENTAL ALTERATIONS:**

1. Changes or replacements in the nonstructural parts of a building or other structure without limitations to the following examples:
  - A. Alterations of interior partitions to improve livability in a nonconforming residential building, provided that no additional dwelling units are created;
  - B. A minor addition to the exterior of a residential building, such as an open porch;
  - C. Alterations of interior non-load-bearing partitions in all other types of buildings or other structures;
  - D. Replacement of, and/or minor change in, capacity of utility pipes, ducts or conduits; or
2. Changes or replacements in the structural parts of a building or other structure, limited to the following examples or others of similar character or extent:

- A. Making windows or doors in exterior walls;
- B Replacement of building facades having non-load-bearing capacity
- C. Strengthening the floor load-bearing capacity, in not more than ten (10) percent of the total floor area, to permit the accommodation of specialized machinery or equipment.

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

**KENNEL:** A building, structure, pen, cage or other facility used to provide care, treatment or boarding services for four (4) or more domestic animals (excluding agricultural livestock), over the age of twelve (12) weeks, which animals are recovering from an injury or veterinary treatment; or which are awaiting adoption, sale, or transfer to another facility; or which by contract with the owner are being boarded until the animal's owner returns and reclaims same.

**KENNEL, BOARDING:** An establishment where pet animals are boarded for compensation.

**KENNEL, BREEDING:** An establishment where animals are kept for the purpose of breeding for compensation.

**KENNEL, NONCOMMERCIAL:** A kennel, at, in or adjoining a private residence where hunting or other dogs are kept for the hobby of the householder in using them for hunting or practice tracking or for exhibiting them in dog shows or field or obedience trials or for the guarding or protecting the householder's property.

**LANDOWNER:** The legal or beneficial owner or owners of all the land proposed to be included in a planned unit development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than fifty (50) years in duration, or other person having an enforceable proprietary interest may be considered a "landowner".

**LANDSCAPING:** The planting and maintenance of trees, shrubs, lawns, and other vegetative ground cover or materials, provided that terraces, fountains, retaining walls, street furniture, sculptures, or other art objects, and similar accessory features may be included as landscaping if integrally designed.

**LOADING SPACE:** An area ten (10) feet by forty (40) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle.

**LOT:** For purposes of this Resolution, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required.

**LOT AREA:** The entire area of a zone lot.

**LOT AREA PER DWELLING UNIT:** That portion of the lot area required for each dwelling unit located on a zone lot. This may also be known as the development area per dwelling unit.

**LOT COVERAGE:** That portion of a zone lot which when viewed directly from above, could be covered by a building or any part of a building.

**LOT FRONTAGE:** The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under yards.

**LOT LINE:** A boundary of a zone lot.

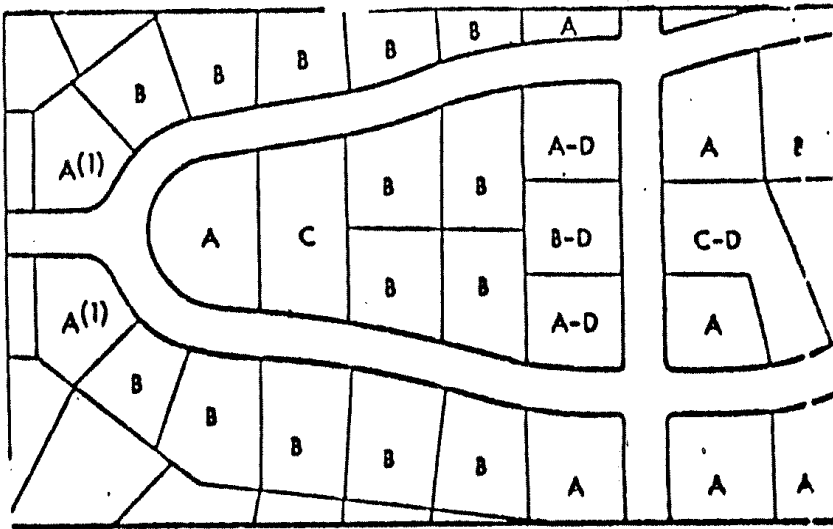
**LOT MEASUREMENTS:**

1. Depth of a lot shall be considered to be the distance from the midpoint of the front lot line to the midpoint of the rear lot line.
2. Width of a lot shall be considered to be the distance along a straight line connecting the side lots lines measured across the lot at the point of the required front yard setback.

**LOT OF RECORD:** A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**LOT TYPES:** The diagram (Figure 1) which follows illustrates terminology used in this resolution with reference to corner lots, interior lots, reversed frontage lots and through lots;

FIGURE 1



In the diagram:

- A = Corner Lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees. See lots marked A (1) in the diagram.
- B = Interior Lot, defined as a lot other than a corner lot with only one (1) frontage of a street.
- C = Through Lot, defined as a lot other than a corner lot with frontage on more than one street. Through lots abutting two (2) streets may be referred to as double frontage lots.
- D = Reversed Frontage Lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than one hundred thirty-five (135) degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), an interior lot (B-D) or through lot (C-D).

**MASTER PLAN:** Used within the context of the planned unit development provisions, master plan refers to either a preliminary plan, which may be approved by the Cheatham County Regional Planning Commission, or a final plan, which may be approved by the Cheatham County Regional Planning Commission. The “Master Plan” shall mean the proposal for the development of a planned unit development including,



but not limited to, the requirements for a preliminary plan as stipulated in this Resolution and those for a final plan as stipulated in this Resolution.

**MEDICAL FACILITIES:**

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

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

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

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

**MINI-WAREHOUSE:** See SELF-STORAGE/MINI-WAREHOUSE.

**MOBILE HOME:** (See Dwelling, Mobile Home)

**MOBILE HOME PARK:** A development which is designed and constructed to accommodate mobile homes.

**MOBILE HOME SPACE:** A designated area within a mobile home park for the exclusive use of the occupants of a single home.

**MOBILE HOME STAND:** That part of an individual mobile home space which has been reserved for the placement of the mobile home.

**MOTEL:** An establishment providing transient lodging which includes a 24-hour front desk attendant, room service, may or may not include restaurants but no in-room food preparation and in which the guest rooms are accessible from outdoor parking areas or walkways and are rented on a less than monthly basis.

**MOTOR VEHICLE:** Any self-propelled vehicle not operated exclusively on tracks, including motorcycles.

**NON-COMPLYING:**

1. Any lawful building or other structure which does not comply with any one (1) or more of the applicable bulk regulations, or
2. Any lawful use other than a nonconforming use, which does not comply with any part of any one or more of the applicable regulations pertinent to:
  - A. Location along district boundary;
  - B. Signs; or
  - C. Accessory off-street parking and loading;either on the effective date of this resolution or as a result of any subsequent amendment.
3. Any lot of record which, at the time of adoption of this resolution, does not contain sufficient lot area to meet the area requirements for the district in which it is located.

**NON-CONFORMING USE:** A use of a building or other structure or of a tract of land which does not conform to any one (1) or more of the applicable use regulations of the district in which it is located, either on the effective date of this resolution or as a result of any subsequent amendment.

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

**OVERALL DENSITY:** The dwelling units per gross acre of the total area within a residential development.

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

**PARKING LOT:** An off-street facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access, and for entrance and exit.

**PARKING SPACE:** An off-street space available for parking one (1) motor vehicle and having an area of not less than one hundred eighty (180) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

**PARTY WALL:** A wall on an interior lot line separating two individual dwelling units which are attached at that wall and which is constructed as a fire wall extending from

the footings through the roof without openings and would prohibit the spread of fire from one dwelling unit to another.

**PERMANENT ACCESS EASEMENT:** A perpetual easement guaranteeing right of ingress and egress to and from the premises of a lot owner to a street appurtenant to the land of the owner. Any permanent access easement utilized as the sole means of providing legal access to two (2) or more parcels of land shall: (1) be so designed as to assure continuing adequate ingress and egress for emergency vehicles; and (2) be assured adequate continuing maintenance by an owners association or similar organization. The portion of the permanent access easement intended for ingress and egress shall, unless located within a Planned Unit development district, be constructed to the standards of a public street as specified in the Subdivision Regulations. In any instance where a permanent access easement is located within a PUD district or multi-family development, the design standard shall be as approved in the development plans required, therefore.

**PERSON:** An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

**PLANNED UNIT DEVELOPMENT:** A development of land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of phases. A planned unit development (PUD) includes all principal and accessory structures and uses related to the character of the development and is built according to general and detailed plans for all buildings, streets, utilities, drainage facilities, lots, building locations and landscaping. The development may include areas, facilities and improvements for common use and enjoyment that are and will continue to be privately owned and maintained.

**PLANNING COMMISSION:** The Cheatham County Regional Planning Commission.

**PRINCIPAL ACTIVITY:** An activity which fulfills a primary function of an establishment, institution, household, or other entity.

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

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

**REQUIRED YARD:** That portion of a zone lot that is required by the specific district regulations to be open from the ground to the sky and may contain only explicitly listed obstructions.

**RESIDENCE:** A building or part of a building containing one (1) or more dwelling units or rooming units, including one-family or two-family houses, multiple dwellings, boarding or rooming houses, or apartment hotels. However, residences do not include:

1. Such transient accommodations as transient hotels, motels, tourist homes, or similar establishments, or
2. Dormitories, fraternity or sorority houses, monasteries, or convents, or similar establishments containing group living or sleeping accommodations, or
3. Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facilities, or
4. In a mixed building, that part of the buildings used for a nonresidential uses, except uses accessory to residential use.

**ROAD:** (See Street)

**ROOMING UNIT:** A unit of occupancy of semi-permanent residential activity.

**SANITARY LANDFILL:** An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Health and Environment.

**SELF-STORAGE/MINI-WAREHOUSE:** A building or group of buildings in a controlled - access and fenced compound that contains varying sizes of individual, compartmentalized, controlled access stalls or lockers for the storage of the customer's personal property. No sales or repair activities are permitted on such premises. Such storage units shall not be used for human or animal habitation.

**SEMI-PERMANENT RESIDENTIAL ESTABLISHMENT:** An establishment where lodging is provided for compensation partly on a monthly or longer basis and partly for a shorter time period, but excluding institutional living arrangements involving the provision of a specific kind of forced residence, such as nursing homes, orphanages, half-way houses, asylums and prisons.

**SETBACK LINE:** A line running parallel to the street which establishes the minimum distance the principal building must be setback from the street line.

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

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

**SINGLE OWNERSHIP:** Means a proprietary interest of a landowner as defined herein.

**SINGLE ROOM OCCUPANCY (SRO) RESIDENTIAL FACILITY:** An establishment providing multiple single room rental units with or without cooking facilities on a monthly or longer basis. These facilities shall be considered to be transient habitation for use; provided however, that due to the duration of stay of the rentals, for zoning purposes an SRO shall be classified as a residential activity.

**SPECIAL EXCEPTION:** (See Conditional Use)

**STORY:** A portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story:

1. A basement or cellar if the finished floor level directly above is not more than six (6) feet above the average adjoining elevation of finished grade; or
2. An attic or similar space under a gable, hip, or gambrel roof, where the wall plates of any exterior walls are not more than two (2) feet above the floor of such space; and further provided, that a story shall not exceed fourteen (14) feet between floors.

**STREET:** A publicly maintained right-of-way, other than an alley, which affords a primary means of access to abutting property.

**STREET LINE:** A lot line dividing a lot from an abutting street.

**STRUCTURE:** An object constructed or installed by man, including but not limited to buildings, signs, towers, smokestacks, and overhead transmission lines.

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

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

**USE:** The performance of a function or operation which constitutes the use of land.

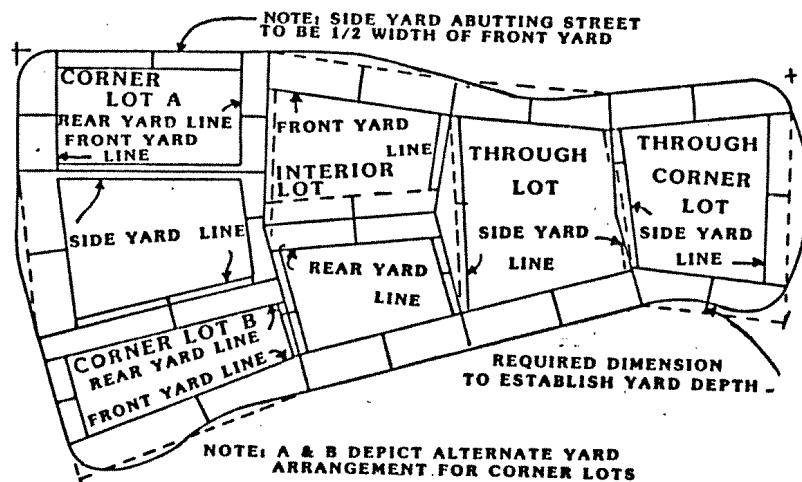
**USE AND OCCUPANCY PERMIT:** A written permit issued by the codes administrator required before occupying or commencing to use any building or other structure or any zone lot.

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

**YARD:** That part of a zone lot extending open and unobstructed from the lowest level to the sky along the entire length of a lot line, and from a lot line equivalent from a depth or width set forth in the applicable regulations.

**YARD, DIAGRAM:** The following “Yard Diagram (Figure 2)” shall be used in clarifying the usage of the “line” and “yard” definitions of this Resolution:

Figure 2



**YARD, FRONT:** Extending along the full length of a front lot line. In the case of a corner lot, a yard of at least full depth required for a front yard in these regulations, and

extending along the full length of a street line shall also be established. Each lot shall have a designated front yard.

**YARD, REAR:** An open space, except for permitted accessory structures, extending for the full length of a rear lot line.

**YARD, SIDE:** An open unoccupied space extending along a side lot line from the required front yard to the required rear yard. In the case of a corner lot, any yard which abuts a street line and which is not designated a front yard shall be considered a side yard and shall meet the same requirements as a front yard. In the case of a through lot, side yards shall extend between the required front yards, except when such corner lots are required by these regulations specifically to have more than one front yard.

**ZONE OR ZONING LOT:** A parcel of contiguous land which is or may be developed or utilized under one ownership as a site for a use or group of uses and which is of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot may consist of:

1. A lot of record, a portion of a lot of record, a combination of lots of records; or a parcel described by metes and bounds;
2. A tract of land, either un-subdivided or consisting of two or more contiguous lots of record, located within a single block, which on the effective date of this Resolution or any subsequent amendment was in single ownership, or
3. A tract of land within a single block, which at the time of filing for a zoning permit (or, if no zoning permit is required, at the time of filing for a use and occupancy permit) is designated by its owner or developer as a tract all of which is to be used, developed, or built upon as a unit under single ownership.

For the purpose of this definition, the ownership of a zone lot shall be deemed to include a lease of not less than fifty (50) years duration as defined under "landowner."

**ZONING PERMIT:** A written permit issued by the Building Commissioner that is required before commencing any construction, reconstruction, or alteration of any building or structure or before establishing, extending, or changing any activity or use on any zone lot and may be construed the same as a building permit required by the currently adopted building code.

## **ARTICLE III**

## **USE CLASSIFICATION**

### **SECTION**

- 3.010 General Classification Rules.
- 3.020 Listing of Activity Classifications.
- 3.030 Accessory Uses.
- 3.040 Classification of Combinations of Principal Activities.
- 3.050 Residential Activities
- 3.060 Community Facility Activities
- 3.070 Commercial Activities
- 3.080 Manufacturing Activities.
- 3.090 Agricultural, Resource Production, and Extractive Activities

### **3.010 GENERAL CLASSIFICATION RULES**

The provisions of this chapter shall be known as the use classifications. The purpose of these provisions is to classify land uses into a number of specifically defined types on the basis of common functional characteristics and similar compatibility with other uses, thereby with criteria which are directly relevant to the public interest. These provisions shall apply throughout the zoning regulations. Where there is a question concerning the appropriate activity classification for any use not listed herein, the Board of Appeals shall make the determination based upon the characteristics of the unlisted use.

### **3.020 LISTING OF ACTIVITY CLASSIFICATIONS.**

All activities are hereby classified into the following activity types:

#### **1. Residential Activities:**

##### **Permanent**

- A. Dwelling, one-family detached
- B. Dwelling, two-family detached (duplex)
- C. Dwelling, multi-family
- D. Dwelling, above Ground floor
- E. Dwelling, mobile home
- F. Bed & Breakfast Homestay
- G. Mobile Home Park

##### **Semi-Permanent:**

- A. Apartment Hotel
- B. Boarding or Rooming Houses
- C. Residential Hotel



2. Community Facility Activities:

- A. Community Assembly
- B. Community Education
- C. Cultural and Recreation Services
- D. Extensive Impact
- E. Governmental and Utility Services
- F. Health Care
- G. Institutional Care
- H. Intermediate Impact
- I. Personal and Group Care Facilities
- K. Religious Facilities

3. Commercial Activities:

- A. Adult Oriented Establishment
- B. Animal Care and Veterinarian Services
- C. Automotive Parking
- D. Automotive Repair and Cleaning
- E. Automotive Servicing
- F. Bottling or Packaging Spring Water
- G. Building Materials and Farm Equipment
- H. Commercial Campgrounds and RV Parks
- I. Consumer Repair Services
- J. Construction Sales and Services
- K. Convenience Commercial
- L. Entertainment and Amusement Services
- M. Financial, Consultative, and Administrative
- N. Food and Beverage Service
- O. Food Service Drive-in and Drive Thru
- P. General Business and Communication Services
- Q. General Personal Service
- R. General Retail Trade
- S. Group Assembly
- T. Junk, Automobile Wrecking and Scrap Operations
- U. Medical and Professional Services
- V. Mini-Warehousing/Self-Storage Units
- W. Scrap Operations
- X. Transient Habitation
- Y. Transport and Warehousing
- Z. Undertaking Services
- AA. Vehicular, Craft, and Related Equipment Sales, Rental and Delivery
- BB. Waste Disposal Facilities

- CC. Wholesale Sales
- DD. Wireless Communications Facilities

4. Manufacturing Activities:

- A. Limited
- B. Intermediate
- C. Extensive

5. Agricultural, Resource Production, and Extractive Activities:

- A. Agricultural Services
- B. Confined Animal Feeding Operations
- C. Mining and Quarrying

**3.030 ACCESSORY USES**

In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity. Such accessory activities shall be controlled in the same manner as principal activities except as otherwise expressly provided in this Article.

Such accessory activities may include, but are not limited to, the activities indicated below:

1. Off-street parking and loading serving a principal activity, whether located on the same zone lot or on a different zone lot, but only if the facilities involved are reserved for the residents, employees, patrons or other persons participating in the principal activity.
2. Home occupations accessory to a residential activity shall be carried on within a dwelling unit, or rooming unit, or by one or more occupants of the dwelling unit or rooming unit subject to further restrictions contained in Section 5.040 Customary Incidental Home Occupation shall not include the manufacture and repair of transportation equipment or any similar type of operation where clientele or patrons are served on the premises.
3. Childcare for eight (8) or less pre-teenage children. The dwelling unit in which this activity occurs shall meet all applicable state and local regulations.
4. Childcare for pre-teenage children when operated by a health care, commercial or industrial activity where the care is provided solely for the children of their employees. The facility shall be located on the same zone lot as the principal

- activity and meet all applicable state and local regulations for a day care center for children.
5. Residential occupancy in connection with a principal nonresidential activity on the same zone lot.
  6. Operation of a cafeteria for employees, residents, patrons or others participating in the principal activity by an organization engaged in a community facility activity on the same zone lot. Where the principal activity is permitted by conditional use only, an accessory cafeteria must be approved as a part of the action granting said permit.
  7. Sale of goods on the same zone lot as a principal community facility activity, but only if such goods are available only to persons participating in the principal activity.
  8. Production of goods for sale by a firm engaged in a principal commercial activity on the same zone lot, but only if:
    - A. All goods so produced are sold at retail by the same firm either on the same or other zone lots;
    - B. Such production does not occupy more than forty-nine (49) percent of the total floor area and open sales, display, storage and service area occupied by such firm on the zone lot;
    - C. Such production does not in any case occupy more than two thousand (2,000) square feet of such floor area; and
    - D. Such production only be permitted in an enclosed building.
  9. Storage of goods sold by a principal commercial activity engaged in by the same firm on the same zone lot, and such storage does not occupy more than forty-nine (49) percent of the total floor area.
  10. Operation of an administrative office of a firm engaged in a principal manufacturing or commercial activity on the same zone lot, but only if such office does not occupy more than forty-nine (49) percent of the total floor area and open sales, display, storage, production, and service area occupied by the same firm on the same zone lot.
  11. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same zone lot, or on another of several zone lots being developed at the same time.

12. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into ten (10) or more zone lots.
13. Storage of flammable and combustible liquids and gases, provided that:
  - A. The provisions of this section regulate the above ground storage of flammable and combustible liquids and gases when such storage is an accessory to another principal, residential or commercial activity on the same zone lot.
  - B. In agricultural districts, no more than one thousand (1,000) gallons of gasoline or diesel fuel, as an accessory activity, may be stored above ground on a single zone lot.
  - C. In all zoning districts, no more than five hundred (500) gallons of home heating oil or liquefied petroleum gas (LPG) per dwelling unit, up to a total of five thousand (5,000) gallons on a single zone lot, may be stored above ground as an accessory activity to a residential activity.
  - D. In all zoning districts other than the agricultural districts above, no more than twenty-five (25) gallons or water gallon equivalents of any other flammable or combustible liquid or gas may be stored above ground on a single zone lot as an accessory activity to a residential activity.
  - E. In all zoning districts where the sale of fuel for motor vehicle occurs as an accessory use to convenience sales and service or to automotive servicing, no more than five thousand (5,000) gallons of gasoline, diesel fuel or liquefied petroleum gas (LPG) may be stored above ground on the same zone lot as a part of such accessory sales.
  - F. In any and all zoning districts where retail sales are permitted, flammable and combustible liquids and gases may be stored, displayed and conveyed in the amounts and containers customarily associated with such sales.
  - G. In any and all zoning districts, up to five thousand (5,000) gallons of heating oil or liquefied petroleum gas (LPG) may be stored above ground for heating nonresidential buildings.
  - H. In any and all zoning districts, no aboveground storage tank, container or vessel in which flammable or combustible liquids or gases are kept may be located in any required front, rear or side yard. Further, the location, construction and installation of all such tanks, containers or vessels must

meet the provisions of the most current International Building Code and the most current NFPA Standard.

### **3.040 CLASSIFICATION OF COMBINATIONS OF PRINCIPAL ACTIVITIES**

The following rules shall apply where a single zone lot contains activities which resemble two or more different activity types and which are not classified as accessory activities.

1. Separate Classification of Each Establishment: The principal activities on a single zone lot by each individual establishment, management, or institution shall be classified separately.
2. Separate Classification of Different Classes of Activities Conducted by a Single Establishment: If the principal activities conducted by a single establishment, management, or institution resemble two or more different classes of activities, the principal activities of each class shall be classified separately.
3. Classification of Different Activities Within the Same Class, Conducted by a Single Establishment: If principal activities conducted on a single zone lot by a single establishment, management, or institution resemble two or more activity types within the same class of activities, all such principal activities shall be classified in the activity type within said class the description of which type most closely portrays the overall nature of such activities.

### **3.050 RESIDENTIAL ACTIVITIES**

1. Permanent Residential: The occupancy of living accommodations on a monthly or longer basis with none of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living arrangements involving the provision of any kind of special care or forced residence such as nursing homes, orphanages, asylums, half-way houses or prisons, except as provided by general law of the state. The following dwelling types as defined by this resolution are permanent residential activities, however, only those dwelling types as indicated by individual district regulations may be permitted therein.
  - A. Dwelling, one-family detached
  - B. Dwelling, two-family detached (duplex)
  - C. Dwelling, multi-family
  - D. Dwelling, above ground floor
  - E. Dwelling, mobile home
  - F. Bed & Breakfast Homestay
  - G. Mobile Home Park

2. Semi-Permanent Residential: The occupancy of living accommodations partly on a monthly or longer basis and partly for a shorter time period, but with less than thirty (30) percent of the living units under the same ownership or management on the same zone lot being occupied on a less than-monthly basis. This shall not include institutional living arrangements involving the provision of a special kind of care or forced residence, such as nursing homes, orphanages, asylums, half-way houses, and prisons, except as provided by general law of the state, nor any type dormitory, fraternity or sorority houses, or similar group living or sleeping accommodations. The following dwelling or rooming unit types as defined by this resolution are considered as semi-permanent residential activities, however, only those dwelling or rooming unit types as indicated by individual district regulations may be permitted therein.
  - A. Apartment Hotel
  - B. Boarding or Rooming House
  - C. Residential Hotel

### **3.060 COMMUNITY FACILITY ACTIVITIES**

1. Community Assembly: Includes the activities typically performed by or at institutions and installations for various social, athletic, and recreational purposes. These activities do not include facilities primarily utilized for profit. They would include:

Civic, Social, Fraternal, and Philanthropic Associations  
Private (nonprofit) Clubs, Lodges, Meeting Halls, and Recreation Centers  
Temporary Nonprofit Festivals
2. Community Education: Includes the activities of an educational nature typically performed by the following institutions:

Colleges, Junior Colleges and Universities.  
Kindergarten, Primary, and Secondary Schools  
Public and Private Nursery Schools
3. Cultural and Recreational Services: Includes the activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities which are privately owned and operated for profit. These activities would include:

Art Galleries  
Libraries  
Museums  
Parks, Playgrounds, and Playfields

Planetariums and Aquariums  
Recreational Centers and Gymnasiums  
Swimming Pools and Beaches  
Zoological and Botanical Gardens

4. Extensive Impact Facilities: Includes the activities that have a high degree of impact upon surrounding land use due to their hazards or nuisance characteristics, as well as traffic generation, parking, and land requirements and typically performed by, or the maintenance and operation of, the following institutions and installations:

Airports, Air Cargo Terminals, Heliports, or Other Aeronautical Devices  
Correction and Detention Institutions  
Electricity Generating Facilities and Transmission Lines  
Garbage Incineration Plants including Co-generation Facilities  
Major Fuel Transmission Lines and Facilities  
Major Mail Processing Centers  
Marshalling and Storage Yards  
Military Installations  
Public and Private Utility Corporations and Truck Yards, including Storage Yards  
Radio and Television Transmission Facilities  
Railroad Yards and Other Transportation Equipment  
Railroad, Bus, and Transit Terminals  
Sanitary Landfill  
Sewage Treatment Plants  
Stadiums, Sports Arenas, Auditoriums, and Bandstands  
Water Treatment Plants

5. Governmental and Utility Services: Includes the activities typically performed by public authorities. These activities would include:

City, County, State, and Federal Offices  
Civil Defense Facilities  
Court Buildings  
Electric, Gas, Water, and Sewer Distribution and Collection Lines  
Electrical and Gas Substations  
Fire Department Facilities  
Police Department Facilities  
Post Offices  
Pumping Facilities for Water and Sewer Systems  
Rights-of-Way for Transportation Modes  
Telephone Switching Facilities  
Water and Sewage Treatment Plants  
Water Storage Facilities

6. Health Care Facilities: Includes the activities typically performed by the following institutions but not including the offices, clinics, etc., of private physicians or other health care professionals:

Centers for Observation or Rehabilitation  
Convalescent Homes  
Hospitals  
Medical Clinics

7. Institutional Care Facilities: Includes activities providing residential services to unrelated individuals. These activities include:

Assisted Living Facilities  
Group Homes  
Nursing Homes

8. Intermediate Impact Facilities: Includes the activities that have a significant effect upon surrounding land uses due to their traffic generation characteristics, parking requirements, land requirements, or potential nuisances and typically performed by, or the maintenance and operation of, the following institutions or installations:

Cemeteries, Columbariums, and Mausoleums  
Golf Courses

9. Personal and Group Care Facilities: Includes the activities and facilities to provide for the care of pre-teenage children, excluding living accommodations for the clientele, the elderly and/or disabled and handicapped persons needing special care or supervision but excluding facilities oriented toward medical care and also excluding facilities for delinquent, criminally dangerous, or psychotic people. These activities would include:

Associations for Physically or Mentally Handicapped Persons  
Child Care Facilities  
Nursing Homes  
Retirement or Rest Homes (without health care)

10. Religious Facilities: Includes the activities or facilities utilized by various religious organizations for worship functions but excluding any facility the primary function of which is to produce products or printed matter for sale or general distribution, any retail sales or commercial overnight accommodations. The activities include:



Chapels  
Churches  
Convents or Monasteries  
Sanctuaries  
Synagogues  
Temples

### **3.070 COMMERCIAL ACTIVITIES**

1. Adult Oriented Establishment

2. Animal Care and Veterinarian Services: Includes the provision of animal care, treatment, and boarding services.

Animal Shelter  
Kennel  
Pet Day Care  
Pet Grooming and Cleaning  
Veterinarian Clinics

3. Automotive Parking: Includes the parking and/or storage of motor vehicles but excluding junk or scrap vehicles.

4. Automotive Repair and Cleaning: Includes establishments primarily engaged in furnishing auto repair services to the general public. The activities include:

Auto Cleaning and Detailing Services  
Auto Engine Repair and Replacement Shops  
Auto Glass Repair and Replacement Shops  
Auto Inspection and Diagnostic Services  
Auto Paint Shops  
Auto Towing Services  
Auto Transmission Repair Shops  
Car Washes  
Radiator and Muffler Shops  
Tire Retreading and Repair Shops

5. Automotive Servicing: Includes the sale, from the premises, of goods and the provision of services which are generally required for the operation and maintenance of motor vehicles and fulfilling motorist's needs. Activities include:

Gasoline Service Stations, excluding fuel services for trucks over 10,000 pounds  
in gross vehicle weight  
Lubricating Services

Performance of Minor Repairs (brakes, tune-up and similar service)  
Sale and Installation of Tires, Batteries, Accessories, and Replacement Items  
Wheel Alignment

6. Bottling or Packaging Spring Water

7. Building Materials and Farm Equipment: Includes the retail and wholesale sales and storage of materials used in the construction of buildings and other structures as well as the retail and wholesale sale and storage of implements, equipment, feed and seed used in agricultural pursuits.

Farm Equipment and Supplies  
Feed Milling and Sales  
Heating, Plumbing, and Electrical Supplies  
Lumber and Other Building Materials Dealers  
Seed Storage and Sales

8. Commercial Campgrounds and RV (Recreational Vehicle) Parks: Includes facilities for temporary camping or recreational vehicle parking and related outdoor activities. Limited to facilities with less than one-hundred fifty (150) camping or recreational vehicle parking sites. The owner or operator of the campground or recreational vehicle park shall not maintain or allow to be maintained on any site within the facility, campers, tents, recreational vehicles, trailers, cabins or other lodgings which are available for rental to or for use by guests of the facility. No person shall be permitted to be a guest of the facility for more than forty-five (45) days in any calendar year. The facility may contain one permanent residential structure for occupancy by the operator or staff member (and family) of the facility.

Commercial Campgrounds  
Commercial (Recreational) Resorts  
Recreational Vehicle Parks

9. Consumer Repair Services: Includes the servicing and repair of appliances, furniture, and equipment generally used or owned by individuals.

Electrical Repair Shops  
Furniture Repair, Upholstery and Refinishing Shops  
Gunsmith Shops  
Instrument Repair Shops  
Lawn Mower Repair Shops  
Locksmith Shops  
Office Equipment Cleaning and Repair  
Refrigeration and Air Conditioning Repair

Saddlery Repair Shops

10. Construction Sales and Services: Includes the offices, buildings, and shops of various types of contractors as well as incidental on-site construction and storage.

Builder's Hardware  
Carpentering Contractors  
Concrete Contractors  
Excavation Contractors  
General Building Contractors  
Glazing Contractors  
Highway and Street Construction Contractors  
Masonry, Stonework, Tile Setting and Plastering Contractors  
Painting and Paper Hanging  
Plumbing, Heating and Electrical Contractors  
Roofing and Sheet Metal Contractors

11. Convenience Commercial: Includes the retail sale, from the premises, of groceries, drugs and other frequently needed personal convenience items, as well as the provision of personal convenience services that are typically needed frequently or recurrently; provided that no establishment shall exceed 5,000 square feet of gross floor area.

Bakeries  
Barber Shops  
Beauty Shops  
Drug Stores  
Grocery Stores  
Hardware Stores (No outside storage)  
Laundry and Dry Cleaning Pick-up Stations  
News Stands (excluding adult bookstores as defined)  
Self-Service Gasoline Pumps, excluding fuel services for trucks over 10,000 pounds in gross vehicle weight  
Shoe Repair Services

12. Entertainment and Amusement Services: Includes the provision of cultural, entertainment, educational and athletic services, other than those classified as Community Facility Activities, to assembled groups of spectators or participants.

Art Galleries (Commercial)  
Batting and Golf Driving Ranges  
Bowling Alleys and Billiard Parlors  
Coin Operated Amusement Arcades

Exhibition Halls and Auditoriums  
Motion Picture Theaters (excluding adult entertainment as defined)  
Skating Rinks  
Theaters – Legitimate  
Theatrical Producers, Bands, Orchestras and Entertainers

13. Financial, Consultative and Administrative Services: Includes the provision of financial, insurance, real estate brokerage and general business offices, as well as advice, designs, information or consultations of a professional nature (other than those classified as Community Facility Activities, Medical Service, or Business and Communication Services).

Accounting, Auditing, and Bookkeeping Services  
Agricultural Credit Institution  
Artist Studios (excluding Commercial Artists)  
Attorneys and Law Offices  
Banking and Bank-Related Functions  
Consulting Scientists  
Credit Unions  
Educational and Scientific Research Services  
Engineering, Architectural, and Planning Services  
Holding and Investment Organizations  
Insurance Carriers, Agents, Brokers, and Service  
Money Management and Investment Offices  
Real Estate Brokers, Managers and Appraisers  
Rediscount and Financing Institutions for Credit Agencies Other Than Banks  
Savings and Loan Associations  
Securities Commodities, Brokers, Dealers, and Exchanges  
Songwriters, Music Arrangers, Writers and Lecturers  
Title Offices

14. Food and Beverage Service: Includes the retail sale of prepared food or beverages for primarily on-premises consumption within the principal structure on the zone lot.

Bars  
Brew Pubs  
Restaurants

15. Food Service Drive-In and Drive-Thru: Includes the retail sale of prepared food or beverages for either home or on premises consumption either within the principal structure or within a parked car on the same zone lot or with the principal structure having a pick-up window with a drive-thru lane.

Drive-In Restaurants  
Restaurants with Drive-Thru Service

16. General Business and Communication Services: Includes the provision of services of a clerical, goods brokerage, and communications of a minor processing nature, copying and blueprinting services, custom printing (except books) but exclude the sale and/or storage of goods and chattel unless otherwise permitted by this ordinance.

Advertising Agencies and Services  
Automobile Clubs  
Better Business Bureaus  
Chamber of Commerce  
Commercial Cleaning Services  
Commercial Testing Laboratories  
Communications Services  
Computer and Data Processing Services  
Credit Reporting, Adjustment, and Collection Agencies  
Detective Agencies and Protective Services  
Drafting Services  
Employment, Personnel, and Temporary Help Services  
Exterminating Services  
Interior Decorator and Consulting Services  
Labor Unions  
Mailing, Reproduction, and Commercial Art Services  
Management, Consulting, and Public Relations Services  
Membership Organizations  
News Syndicates  
Photo-finishing Services  
Political Organizations  
Professional Associations  
Radio and Television Broadcasting Studios  
Research and Development Laboratories  
Telegraph Offices and Message Centers  
Telephone Exchanges and Relay Towers  
Television and Recording Production Studios  
Trading Stamp Services

17. General Personal Services: Includes the provision to individuals of informational and instructional services as well as the provision of care and maintenance for personal items. These activities do not include the storage or sale of goods or chattel unless otherwise permitted herein.

Art and Music Schools  
Automatic Teller Machines (ATM)  
Barber and Beauty Schools  
Barber Shops  
Beauty Shops and Salons  
Business Schools  
Clothing Rental Agencies  
Dancing Schools/Exercise Studios  
Decorating Services  
Driving Schools  
Health Spas  
Laundry, Cleaning, and Garment Services  
Mini Warehouses (included by conditional use only)  
Miscellaneous Personal Services  
Photographic Studios  
Shoe Repair Shops  
Special Training and Schooling Services  
Watch, Clock and Jewelry Repair

18. General Retail Trade: Includes the retail sales or rental from the premises, primarily for personal or household use, of goods and/or services but excluding goods and services listed in the other classifications herein.

Antique and Secondhand Merchandise Stores  
Automotive Parts (No exterior storage)  
Bakeries  
Bathing Suit Stores  
Bedding and Linen Stores  
Book and Stationery Stores (excluding adult bookstores)  
Camera Stores  
Candy, Nut and Confectionery Stores  
Children's and Infant's Stores  
Convenience Markets including gasoline and diesel fuel sales for cars and trucks  
Cookware Stores  
Custom Tailors  
Cutlery Stores  
Dairy Products Stores  
Department Stores  
Direct Selling Organizations  
Drapery, Curtain, and Upholstery Stores  
Drug Stores and Proprietary Stores  
Family Clothing Stores  
Floor Covering Stores  
Florists

Fruit Stores and Vegetable Markets  
 Furniture Stores  
 Furriers and Fur Shops  
 Gift Shops  
 Glassware and China Shops  
 Grocery Stores  
 Hardware Store  
 Hobby, Toy, and Game Stores  
 Household Appliance Stores  
 Jewelry Stores  
 Lamp and Shade Shops  
 Lawn and Garden Supplies, Retail Nurseries  
 Liquor Stores  
 Luggage Shops  
 Mail Order Houses  
 Meat and Seafood Markets  
 Men's and Boy's Clothing and Furnishing Stores  
 Miscellaneous Apparel and Accessory Stores  
 Miscellaneous General Merchandise Stores  
 Miscellaneous Home Furnishings Stores  
 Music Stores  
 News Stands  
 Paint and Wallpaper Stores  
 Radio and Television Stores  
 Retail Bakeries  
 Sewing and Piece Goods Stores  
 Shirt Shops  
 Shoe Stores  
 Sporting Goods Stores  
 Sports Apparel Stores  
 Tobacco Shops  
 Uniform Stores  
 Variety Stores  
 Women's Accessory and Specialty Stores  
 Women's Ready-to-Wear Store

19. Group Assembly: Includes the provision of cultural, entertainment, educational, and athletic services, other than those classified as Community Facilities, to large groups of assembled spectators and/or participants (150 or more) or that have a substantial potential impact upon adjoining property.

Amusement Parks  
 Commercial Sports Arenas and Playing Fields  
 Drag Strips

Racetracks (Auto, Motorcycle, Dog, and Horse)

20. Medical Services: Includes the provision of therapeutic, preventive, or corrective personal treatment services by physicians, dentists, and other practitioners, as well as testing and analysis services of which is provided in an office environment.

Chiropractors Offices

Consulting Scientists

Dental Offices and Laboratories

Optometrists

Physicians' Offices and Clinics (Outpatient Services only)

Psychologists and Psychotherapists

21. Mini-Warehouse/Self Storage Units

22. Scrap Operations: Includes firms engaged in the storage and/or sale, from the premises, of used or waste material or other items except when such activities are incidental to a manufacturing activity.

Automobile Junk Yards

Salvage Operations

23. Transient Habitation: Includes the provision of lodging services for transient guests. The term shall include two different types of activities as defined in Section 2.010.

Hotel

Motel

24. Transport and Warehousing: Includes the provision of warehousing, storage, freight handling, shipping, and trucking services.

Bus and Truck Maintenance and Repair

Food Lockers

General Warehousing

Household Goods Storage

Packing and Crating Services

Refrigerated Warehousing

Truck Stops with Facilities for Fueling, Parking and Washing

Truck Terminals and Freight Handling Services

Wrecker Services



25. Undertaking Services: Includes the provision of undertaking and funeral services involving the care and preparation of the human deceased prior to burial.

Cemeteries  
Funeral Homes  
Undertakers

26. Vehicular, Craft, and Related Equipment: Includes the retail or wholesale sale or rental from the premises of watercraft, vehicular and related equipment with incidental maintenance.

Boat and Motor Dealers  
Mobile Home Dealers  
Motor Vehicle Dealers  
Motorcycle Dealers  
Motor Vehicle Leasing  
Recreational Vehicles, including all-terrain vehicles (ATV) and Utility Trailer Dealers

27. Waste Disposal Facilities: Includes sanitary landfills which serve municipal, institutional, and/or rural populations and are used or are to be used for disposal of domestic wastes, commercial wastes, institutional wastes, municipal solid wastes, bulky wastes, landscaping and land-clearing wastes, industrial wastes, construction/demolition wastes, farming wastes, shredded automotive tires, dead animals, and special wastes.

Solid Waste Landfills  
Waste Incinerators, including Hospital and Medical Waste

28. Wholesale Sales: Includes the storage and sale from the premises of goods to other firms for resale, as well as the storage of goods and their transfer to retail outlets; but exclude sale or storage of motor vehicles, except for parts and accessories. These would include such uses as:

Apparel, Piece Goods, and Notions  
Automotive Parts and Supplies  
Beer, Wine, and Distilled Alcoholic Beverages  
Chemicals and Allied Products  
Drugs, Drug Proprietary, and Sundries  
Electrical Goods and Appliances  
Farm Products Raw Materials  
Farm Supplies  
Furniture and Home Furnishings  
Groceries and Related Products

Hardware, Plumbing, and Heating Equipment and Supplies  
Lumber and Other Construction Materials  
Machinery, Equipment, and Supplies  
Metals and Minerals  
Paints, Varnishes, and Supplies  
Petroleum and Petroleum Products  
Sporting, Recreational, Photographic, and Hobby Goods  
Tobacco and Tobacco Products  
Toys and Supplies

29. Wireless Communications Facilities

**3.080 MANUFACTURING ACTIVITIES.** Manufacturing activities include the on-site production of:

1. Limited Manufacturing Activities: Includes the following operations:

- A. The manufacture, compounding, processing, assembling, packaging, treatment, or fabrication of the following products if all such operations are carried out within completely enclosed buildings:

Apparel and Apparel Accessories  
Art Objects  
Bakery Goods  
Beverages  
Dairy Products  
Instruments for Medical, Dental, Engineering, Scientific, and Other Professional Purposes  
Optical Instruments and Lens  
Printed Matter  
Signs

- B. Activities and operations which includes the following:

Book Binding  
Cabinets and Similar Products  
Data Processing Service  
Photocopying  
Photoengraving  
Precision Machining of Dies, Jigs, and Fixtures  
Printing  
Publishing  
Record Pressing  
Schools for Instruction of Industrial Processes Such as Welding, HVAC, etc.

Upholstering  
Welding

2. Intermediate Manufacturing Activities: Includes the following:

- A. The manufacture, compounding, assembling, packaging, treatment or fabrication of products except for the following:

Cotton Seed Oil  
Explosives  
Fireworks  
Organic Fertilizers

- B. Other activities and operations except for the following:

Abrasive, Asbestos, and Non-metallic Mineral Processing  
Arsenals  
Asphaltic Cement Plants  
Atomic Reactors  
Automobile Wrecking Yards, Scrap and Waste Materials  
Cement and/or Concrete Plants  
Chemical Manufacturing in excess of 1 ton per day  
Cotton Ginning  
Fat Rendering  
Foundries  
Grain Milling  
Offal Processing  
Ore Reduction  
Paper Mills  
Petroleum Refining  
Pulp Manufacturing  
Radioactive Materials Waste Handling  
Rolling and Finishing of Ferrous Materials  
Slaughtering of Animals  
Smelting and Refining of Metals and Alloys  
Steel Works (Other than those listed)  
Tanning  
Waste Disposal by Compacting or Incineration, as a principal use

3. Extensive Manufacturing Activities: Includes all of the exceptions listed above under Intermediate Manufacturing except for the following:

Arsenals  
Atomic Reactors

Explosives Manufacturing and Storage  
Fireworks Manufacturing  
Hazardous Wastes Storage and/or Transfer  
Radioactive Waste Handling

### **3.090 AGRICULTURAL, RESOURCE PRODUCTION, AND EXTRACTIVE ACTIVITIES**

1. Agricultural Services: Includes various activities designed to provide needed services for agricultural activities, crop and animal raising, plant and forest nurseries and are appropriately located in close proximity thereto. Kennels are not considered to be customary agricultural uses.

Crop Drying, Storage, and Processing  
Crop Planting, Cultivating, and Protection Services  
Dairies  
Farms  
Forest Nursery  
Horticultural Services  
Plant Nursery  
Raising of Plants, Animals, and Fish  
Soil Preparation Services  
Truck Gardens  
Veterinary Services for Large Animals

2. Confined Animal Feeding Operations: Includes facilities and operations involved in the storage and feeding (other than pasture grazing) of animals for resale or slaughter within confined fenced spaces (also known as a feed lot) or within buildings.

3. Mining, Drilling, and Quarrying: Includes operations and facilities either utilized by, or in support of the extraction of minerals, ores, petroleum, and natural gas or in the quarrying and collection of stone, gravel, sand, clay, and other non-metallic minerals (i.e. phosphate rock).

Chemical Fertilizer and Non-metallic Mineral Mining  
Clay, Ceramic, and Refractory Minerals  
Coal Mining  
Crude Petroleum and Natural Gas Production  
Metal Ore and Mineral Mining  
Sand and Gravel Quarrying  
Stone Quarrying

## **ARTICLE IV**

## **GENERAL PROVISIONS**

### **SECTION**

- 4.010 Scope
- 4.020 Only One (1) Principal Building on Any Lot
- 4.030 Lot Must Abut a Public Street or Permanent Access Easement
- 4.040 Reduction in Lot Area Prohibited
- 4.050 Rear Yard Abutting a Public Road
- 4.060 Corner Lots
- 4.070 Future Road Lines
- 4.080 Obstruction to Vision at Street Intersection Prohibited
- 4.090 Access Control
- 4.100 Accessory Use Regulations
- 4.110 Portable Building Regulations
- 4.120 Landscaping and Buffer Strips
- 4.130 Traffic Impact Study

#### **4.010 SCOPE**

For the purpose of this zoning resolution, the following general provisions shall apply, except as specifically noted, to the county as a whole.

#### **4.020 ONLY ONE (1) PRINCIPAL BUILDING ON ANY LOT**

Only one (1) principal building and its accessory structures may hereafter be erected on any zone lot. This provision shall not apply to planned unit developments, multi-family developments, and mobile home parks as permitted in this resolution.

#### **4.030 LOT MUST ABUT A PUBLIC STREET OR PERMANENT ACCESS EASEMENT**

No building permit or certificate of compliance shall be issued and no building shall be erected on any lot within the planning region unless one (1) of the following criteria is met:

1. The lot fronts for a distance of at least fifty (50) feet on a public street, except on a permanent dead-end street (cul-de-sac) where the minimum frontage may be thirty (30) feet;
2. The lot fronts for a distance of at least fifty (50) feet on a street shown on a subdivision plat approved by the regional planning commission except on a permanent dead-end street (cul-de-sac) where the minimum frontage may be thirty (30) feet;

3. The lot fronts for a distance of at least fifty (50) feet on a permanent access easement with access to an existing public highway or street which conforms to all rules, regulations and specifications applicable to the permanent access easement requirements of the planning commission or other department, division or agency of the county.

Provided further that a permanent access easement which serves more than one resident or farm, or is used as access to a lot or tract of land having been separated by deed or plat from other property, be at least fifty (50) feet in width its entire length, and meet the requirements for a permanent access easement as set forth in the Cheatham County Subdivision Regulations.

The above section shall not be construed to prohibit the development of buildings on lots or tracts with permanent access by private ways when such development is in the form of condominium ownership of such private improvements or a multi-family development which have been approved by the planning commission and will be in private ownership and control in perpetuity.

#### **4.040 REDUCTION IN LOT AREA PROHIBITED**

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the Zoning Resolution 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, or unless such lot fronts on a permanent easement which conforms to the regulations below.

#### **4.050 REAR YARD ABUTTING A PUBLIC ROAD**

When the rear yard of a lot abuts a public road, all structures built in that rear yard shall observe the same setback as required for adjacent properties which front on that road. 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 road.

#### **4.060 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 road that the side yard of the corner lot faces.

#### **4.070 FUTURE ROAD LINE**

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

#### **4.080 OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED**

On a corner lot in any district nothing shall be erected, placed, planted, or allowed to be grown in such a manner as materially to impede vision between a height of two and one half (2 1/2) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of the intersection.

#### **4.090 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 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 road frontage. All points of access shall be constructed as to provide for proper drainage.
2. There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.
3. No point of access shall be allowed within twenty (20) feet of the right-of-way line of a public intersection.
4. No curbs, or shoulders on county streets or rights-of-way shall be cut or altered without approval of the Cheatham County Highway Superintendent, or if a state

highway, a permit must be obtained from the Tennessee Department of Transportation.

5. 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.
6. 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.

#### **4.100 ACCESSORY USE REGULATIONS**

The use of land, buildings, and other structures permitted in each of the districts established by this resolution 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:

1. Be customarily incidental to the principal use established on the same lot.
2. Be subordinate to and serve such principal use.
3. Be subordinate in area, intent, and purpose to such principal use.
4. Contribute to the comfort, convenience, or necessity of users of such principal use.
5. Not use trailers, vans, mobile homes, buses, truck bodies or automobiles for storage.
6. Within any Agricultural or Residential Districts, accessory structures will be permitted on lots with a minimum of fifteen (15) acres prior to the construction of a principal building on the lot. Any accessory use or building located on a lot under this section shall conform with provisions of this resolution as related to use and dimensional requirements.

#### **4.110 PORTABLE BUILDING REGULATIONS**

A portable building is defined as any structure enclosed by walls and a roof designed to be transported on its own wheels or on a flatbed truck or trailer and delivered to a site ready for occupancy or use. This definition shall not include mobile homes as defined elsewhere herein or factory manufactured modular units which comply with the currently adopted Building Code.



1. In any residential zone, a portable building shall be an accessory use and used only for storage of materials commonly incidental to the occupancy of the principal residential use. Such portable buildings shall meet all requirements for setbacks and building coverage. The use of a movable trailer shall not be allowed as an accessory portable building included in this section. Such movable trailers may be utilized for temporary storage during remodeling or for household moves but shall be located on the premises no longer than sixty (60) days. Notwithstanding the foregoing but subject to the requirements for other accessory structures, not more than one (1) metal intermodal or shipping container not exceeding forty (40) feet in length may be utilized as a portable building within the meaning of this section provided that such intermodal or shipping container is removed from the trailer used to transport it to the premises.
2. In all districts, no portable building may be used for any kind of human occupancy. Such buildings may be used for storage in zoning districts that permit outside storage as otherwise permitted herein provided all site planning standards are met.
3. Mobile homes as defined may be used only for residential occupancy.
4. In the event of damage or destruction of an existing building caused by fire, explosion or natural disaster that results in the building being unusable, the Building Commissioner or his/her designee may issue a temporary building permit for a portable building to be used as emergency quarters while the permanent building is being reconstructed. Such permit shall expire and the portable building shall be removed after nine (9) months or when reconstruction is complete, whichever is less. For any new construction, a building permit and septic approval shall be required.
5. In any district, the Building Commissioner or his/her designee may issue a temporary building permit for a contractor's temporary office and equipment sheds which are incidental to a construction project. Such buildings or sheds shall be removed at the time of completion of the project.

#### **4.120 LANDSCAPING AND BUFFER SCREENS**

The purpose and intent of buffers is to preserve and promote the health, safety, and general welfare of the public; to facilitate the recreation of a convenient, attractive and harmonious community; to preserve the character of an area by preventing the harmful effects of prejudicial uses; and to encourage the appropriate use of land. More specifically this section is intended to make incompatible uses compatible by requiring a screen or buffer between the uses in order to minimize the harmful impact of noise,

dust, and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on or created by an adjoining or nearby use. Additionally, this section is intended to require landscaping in order to reduce the harmful effects of wind and air turbulence, heat, and noise, and the glare of motor vehicle lights, to preserve underground water reservoirs and to permit the return of precipitation to the ground water strata; to act as a natural drainage system and improve storm water drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to prevent soil erosion; to provide shade; and to enhance the blighted appearance of parking lots.

The provisions of this section shall apply to all developments where site plans are filed and shall also apply to buffer strips as required.

1. Provisions for administration shall be as follows:
  - A. Following the adoption of this resolution no site plan shall be approved which does not meet the landscaping and buffering requirements pertaining to it.
  - B. No application for a zoning change shall be recommended for approval by the Planning Commission or approved by the County Commission unless such application demonstrates that the provisions of this section pertaining to buffering can be met.
  - C. The Board of Zoning Appeals shall not approve any request for a special exception unless the provisions of this section can be met.
  - D. The landscaping measures as required by this section and approved on the landscaping plan submitted in accordance with these provisions shall be completed according to specifications prior to the issuance of an occupancy permit.
2. General Landscaping Requirements
  - A. Landscaping shall be integrated into building arrangements, topography, parking and buffering requirements. Landscaping shall include trees, shrubs, ground cover, perennials, annuals, plant sculpture, art and the use of building and paving materials in an imaginative manner.
  - B. Where the strict provisions of this section would reduce the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot, landscaping requirements may be waived or modified.

- C. Plants installed as a result of the provision of this chapter shall meet the standards for size, form and quality set out in the American Standard for Nursery Stock (ANSI Z60.1, latest edition)

- D. Each acre of area not presently forested shall be landscaped as follows:

- (1) Minimum number of

<b>Trees/Shrubs</b>	<b>Minimum Size</b>
<b>3 Canopy Trees</b>	<b>5 Inch Caliper</b>
<b>8 Canopy Trees</b>	<b>3 Inch Caliper</b>
<b>10 Canopy Trees</b>	<b>2 Inch Caliper</b>
<b>5 Understory Trees</b>	<b>1.5 Inch Caliper</b>
<b>25 Shrubs</b>	<b>16 Inches High</b>

\*per approval of Planning Commission, two 2 ½" caliper trees may be substituted for each 5" caliper required.

- (2) Where the application of the above standards results in a fractional requirement, then a fraction of one-tenth (.1) or greater shall be rounded off to the higher whole number.

- E. Landscape plans shall depict any free-standing or building-mounted site lighting fixtures.

### 3. Buffer Screens

- A. Buffer screening shall be subject to the following provisions:

- (1) Buffering screening shall be provided along all zoning district boundaries separating any special exceptions from permitted uses.
- (2) Buffer screening shall be located along the outer perimeter of a lot or parcel being considered and shall extend to the lot or parcel boundary line. The required minimum yard may be utilized to provide buffer screening. There shall be three (3) different buffer screening requirements which will apply in the following manner. Rights-of-way shall not constitute a separation of uses.

<b>Buffer One</b>	<b>When</b>	<b>Is Proposed to Abut</b>
	Any C2 or C5 Use	Any A, E1, R1, R2, R3 Use
<b>Buffer Two</b>		
	Any C1 Use	Any A, E1, R1, R2, R3 Use
	Any I1 or I2 Use	Any C1, C2, C5 Use
<b>Buffer Three</b>		

	Any I3 or C3 Use	Any C1, C2, C5, I1, I2 Use
	Any I1, I2, I3 Use	Any A, E1, R1, R2, R3 Use

B. Buffer screening shall be defined as follows:

Pursuant to this section, the following descriptions apply:

Large evergreen tree: trees that retain their foliage throughout the year with an installed height of eight (8) feet or greater achieving a mature height of 25 feet or greater

Medium evergreen tree: trees that retain their foliage throughout the year with an installed height of six (6) feet or greater achieving a mature height of 12 feet or greater

Large deciduous tree: trees that annually lose their foliage with an installed height of fifteen (15) feet or greater achieving a mature height of 30 feet or greater

Small deciduous tree: trees that annually lose their foliage with an installed height of ten (10) feet or greater achieving a mature height of 12 feet or greater

Medium evergreen shrub: Shrubs that retain their foliage throughout the year with an installed height of two (2) feet or greater achieving a mature height between 6 feet and 12 feet

(1) Buffer Screen One

One (1) large evergreen tree for every thirty (30) linear feet, plus  
 One (1) medium evergreen for every ten (10) linear feet, plus  
 One (1) large deciduous tree for each thirty linear feet, plus  
 One (1) small deciduous tree for each fifteen (15) linear feet.

(2) Buffer Screen Two

Shall consist of an unbroken strip of open space a minimum of thirty (30) feet wide and planted with:

One (1) large evergreen tree for every twenty (20) linear feet, plus  
 One (1) medium evergreen for every ten (10) linear feet, plus  
 One (1) deciduous tree for each thirty (30) linear feet, plus  
 One (1) medium evergreen shrub for every ten (10) linear feet, plus  
 One (1) small deciduous tree for every twelve (12) linear feet

(3) Buffer Screen Three

Shall consist of an unbroken strip of open space a minimum of forty (40) feet wide planted with:

One (1) large evergreen tree for every twenty (20) linear feet, plus  
One (1) medium evergreen for every ten (10) linear feet, plus  
One (1) deciduous tree for each thirty (30) linear feet, plus  
One (1) medium evergreen shrub for every ten (10) linear feet, plus  
One (1) small deciduous tree for every twelve (12) linear feet.

C. Modifications and Waivers

The buffer yards are normally calculated as being parallel to the property line. However, design variations, especially when used to incorporate existing native vegetation into the buffer yard area, shall be considered. The edges of the buffer yard may meander, including the permitted walls, provided that: 1) the total area of the buffer yard is equal to or greater than the total area of the required buffer yard; and 2) the buffer yard measures no less than the minimum width required by the applicable buffer yard standard at all points along the perimeter of the property line.

Buffer yard requirements may be waived by the Cheatham County Regional Planning Commission with a demonstration of unusual site grade conditions that would clearly negate the effects of the required buffer yard. The applicant shall supply section or profiles (drawn to scale) through the property line along the buffer yard proposed for the waiver. These drawings shall show the existing and proposed grades on both sides of the property line, as well as the principal structures on both properties. The sections or profiles shall show the line of sight for a pedestrian or a motorist, as applicable, from principal entrances, sidewalks or streets and from the highest point of the site to be buffered. Such sections or profiles shall clearly demonstrate that effect of the change in grade would negate the effect of a mature landscaped buffer yard thirty (30) feet in height.

Buffer screening may be waived or modified by the Planning Commission in any of the following circumstances. The Planning Commission may attach conditions to any waiver or modification which would assure that the results of the waiver or modification would be in accordance with the purpose and intent of this section.

- (1) Buffer screening may not be required between uses that are to be developed under a common development plan or a series of development plans within a PUD district or a common site plan.
- (2) Where the strict provisions of this section would reduce the usable area of a lot due to lot configuration or size to a point which would preclude a reasonable use of the lot, or buffer(s) require more than 20 percent of the total lot area, buffer screening may be modified by reduction up to 50 percent of the buffer width and landscape materials, provided a solid wall or closed wooden fence at least six feet in height is provided along the entire length of the reduced buffer yard.
- (3) Buffer screening may be waived and/or modified where the subject property line abuts a railroad or limited access highway right of way, public street of four or more travel lanes, utilities with easement of 50-foot widths or greater or navigable river.
- (4) Existing Native Plant Material - Existing native plant material should be retained where possible by avoiding scraping, grading and sodding within the landscape buffer yard. Pre-existing native plant materials shall count toward the linear footage requirement (grouping) or individual plants (surveyed), whichever is higher.
- (5) Berms - Earthen berms with slopes no steeper than 3:1 shall reduce the required width by no more than 25 percent and/or reduce the required height of the plant materials by no more than 50 percent, provided the combined height of berms and planting will equal the required installed height as set forth in this section. Grading of berms shall not endanger or remove existing trees which occur within a buffer yard, unless the proposal clearly demonstrates an improved buffer.
- (6) Opaque fences shall reduce the minimum width by up to 50 percent and shrub plants by 75 percent if installed at 6-foot height of permanently affixed materials that comprise an integral part of the fence itself. The use of plastic, fabric, sheet or corrugated metal, and plywood shall not be allowed. The finished side shall face the lower intensity land use.
- (7) Utility and Drainage Easements - Required landscape buffer yards shall not be permitted in utility or drainage easements unless approved by the affected utility and, if approved, the property owner shall execute and record a restrictive covenant agreeing to full replacement of plant materials which may be removed by the utility

in the exercise of its rights within the easement. Opaque fences shall not be located within utility and/or drainage easements.

- (8) The Cheatham County Planning Commission may waive or modify buffer screening requirements where it can be demonstrated that the topographical, dimensional, or other conditions between unnecessary, adjoining properties are such that required buffers would be ineffective, or otherwise impractical.

D. Exemptions

No buffer yard shall be required when a zoning district boundary falls along a public street containing four (4) or more travel lanes; or along an elevated railroad bed, utility line easement fifty (50) or more feet wide, or along a creek or waterway that is fifty (50) or more feet wide.

#### 4.130 TRAFFIC IMPACT STUDY

The purpose of a traffic impact study shall be to identify what improvements, if any, are necessitated to offset the additional traffic generated by a proposed level of development. Such improvements might include the provision of traffic signals, turning lanes or road widenings.

1. Requirements for a Traffic Impact Study: A traffic impact study (TIS) may be required by the Planning Commission or Building Commissioner in the following situations:
  - A. Residential developments with more than one hundred dwelling units;
  - B. Nonresidential developments of more than fifty thousand square feet; or
  - C. Combinations of residential and nonresidential uses that would be expected to generate one thousand vehicle trips or more per day, or one hundred or more peak-hour trips;
  - D. Or in the opinion of the County engineer a TIS is needed.
2. Levels of Traffic Impact Study Required: Three levels of traffic impact studies have been identified based on the number of trips that a development is projected to generate in a twenty-four hour period (See Table 4-105.2)

LEVEL OF TRAFFIC IMPACT STUDY REQUIRED	
Twenty-four Hour Trip Generation	Level of Study Required

1,000 to 3,000 average daily trips	Level 1
3,000 to 6,000 average daily trips	Level 2
6,000 and higher average daily trips	Level 3

- A. **Level 1** studies require analysis of each access that the development has to an existing roadway. Access points to be analyzed include public roads, joint permanent access easements, and private driveways.
  - B. **Level 2** studies require the analysis of each access that the development has to an existing roadway, and to the first control point beyond those access points. A control point is an intersection controlled by a traffic signal or stop sign on the existing roadway onto which the development has access. For cases where a traffic-control device does not exist, the County Engineer will determine the extent of the study. If a freeway interchange is near the property to be developed and is not signalized, the County Engineer will determine if ramps need to be included in the study.
  - C. **Level 3** studies require a complex traffic access and impact study, addressing each access point, the first control point beyond each access point, and the nearest collector/collector intersection or street of higher classification or as determined by the County engineer. The exact area to be studied will be determined by the County Engineer with input from the individual who is to prepare the study.
3. Approval of Traffic Impact Study: The Planning Commission shall approve the traffic impact study, with all applicable performance requirements incorporated into any site and building plans.
  4. Implementation of a Traffic Impact Study: The traffic impact study may rely on improvements for which the County has adopted a resolution appropriating funds. Any required traffic improvements that have not been funded or otherwise completed by the County shall be completed by the developer prior to the issuance of a use and occupancy permit. When it can be demonstrated that a development will only partially contribute to the need for additional off-site improvements, the Planning Commission may require a pro-rata contribution. The County Engineer will certify that all traffic improvements to be provided by the developer or property owner have been properly bonded prior to building permit issuance and completed before a use and occupancy permit shall be issued.



#### **4.140 Performance Standards Regulating Glare and Electromagnetic Interference:**

##### **Definitions**

1. A. Foot Candle: a unit of illumination. Technically the illumination at all points one (1) foot distance from a uniform point source of one (1) candlepower.

2. Limitation of Glare:

In all districts, any operation or activity producing glare shall be conducted so that direct and indirect light from the source shall not cause illumination in excess of 0.5 foot candles when measured at a residential district boundary or at the street right-of-way line.

All site lighting shall be shielded so that substantially all directly emitted light falls within the property line of the lot emitting the light. No illumination shall produce direct, incident or reflected light that interferes with the safe operation of motor vehicles on public streets. Lighting prohibited by this provision shall include, but not be limited to any light that may be confused with or construed as a traffic-control device.

3. Electromagnetic Interference

In all districts, no operations or activities shall be conducted which cause electrical disturbances to be transmitted across zone lot lines.

## ARTICLE V

## SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

### SECTION

- 5.010 Off-Street Parking Requirements
- 5.020 Off-Street Loading and Unloading Requirements
- 5.030 Temporary Use Regulations
- 5.040 Customary Incidental Home Occupations
- 5.050 Gasoline Service Station Restrictions
- 5.060 Swimming Pool Regulations
- 5.070 Development Standards for Multi-Family Residential Projects
- 5.080 Standards for Signs, Billboards, and Other Advertising Structures
- 5.090 Development Standards for Mobile Home Parks
- 5.100 Development Standards for Automobile Wrecking, Junk & Salvage Yards
- 5.110 Development Standards for Cemeteries
- 5.120 Minimum Design Standards for Transmission and Communication Towers
- 5.130 Minimum Standards - Land Disturbing Activities
- 5.140 Minimum Standards - Sawmill Operations
- 5.150 Development Standards for Accessory Dwelling Units
- 5.160 Development Standards for Self-Storage Mini-Warehouses
- 5.170 Development Standards for Animal Shelters and Kennels
- 5.180 Development Standards for Bed and Breakfast Homestay

#### 5.010 OFF-STREET PARKING REQUIREMENTS

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle parking space shall be 10 feet x 18 feet and such space shall be provided with vehicular access to a street or alley. All parking for industrial, commercial, or multi-family uses shall be paved and spaces lined and marked. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

1. Single Detached Dwelling, Duplex and Mobile Homes: Not less than two (2) spaces for each dwelling unit.
2. Apartment, Townhouse, and Condominium: Not less than two (2) spaces per dwelling unit.

3. Boarding Houses and Rooming Houses: Not less than one (1) space for each one (1) room to be rented
4. Other Dwelling Units: Not less than two (2) spaces per dwelling unit.
5. Hotels, Motels and Other Tourist Accommodations: Not less than one space for each room to be rented plus one (1) additional space for each two (2) employees.
6. Any Auditorium, Church, Stadium, or Other Place of Public Assembly: Not less than one (1) space for each four (4) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one (1) space for each two hundred (200) square feet of floor space devoted to that particular use shall be provided.
7. Manufacturing, Industrial or Wholesaling Use: Not less than one (1) space for each two (2) employees anticipated during maximum production, with a minimum of five (5) spaces provided for any establishment. For establishments maintaining space for the sale of products at retail, there shall be provided one (1) parking space for each five hundred (500) square feet of floor area devoted to retail sales.
8. Office and Professional Buildings: Not less than one (1) parking space for each two hundred-fifty (250) square feet of office space, or fraction thereof.
9. Retail Sales and Service Establishments: Not less than one (1) parking space for each two hundred (200) square feet, or fraction thereof, of floor space.
10. Medical or Dental Clinic: Not less than four (4) spaces per doctor, plus one (1) additional space for each employee.
11. Service Stations: Not less than five (5) spaces for each grease rack or service bay, or one (1) space for each fifteen hundred (1,500) square feet of lot area or fraction thereof, whichever is greater.
12. Restaurants: Not less than one (1) space per one hundred-fifty (150) square feet of floor area, plus one (1) space for each two (2) employees. For drive-in restaurants, one (1) space per one hundred (100) square feet of floor area, plus one (1) space for each two (2) employees.
13. Shopping Centers: Four (4) parking spaces for each one thousand (1,000) square feet of gross leasable area for shopping centers up to 500,000 square feet. Five parking spaces for each one thousand (1,000) square feet of gross leasable area shall be required for shopping centers with more than 500,000 square feet.

14. Other Structures or Uses Customarily Requiring Automobile Storage Areas: For buildings and uses not listed, the off-street parking requirements shall be determined by the Planning Commission.

#### **5.011 Certification of Minimum Parking Requirement**

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

#### **5.012 Combination of Required Parking Spaces**

The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that the parking spaces 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.

#### **5.013 Requirements for Design of Parking Lots**

1. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
2. Each parking space shall be no less than one hundred eighty (180) square feet in area.
3. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 4.090, of this resolution.
4. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.
5. A parking lot for multi-family residential, commercial or industrial uses shall be suitably paved with an all-weather wearing surface or dustless material. All paving must be completed within six (6) months after completion or issuance of a temporary occupancy permit.
6. No off-street parking is required for nonresidential uses in C-5 districts unless such uses exceed 3,000 square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of 3,000 square feet.

7. In C-5 districts, off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way or residential zoning districts.

#### **5.020 OFF-STREET LOADING AND UNLOADING REQUIREMENTS**

Every building or structure hereafter constructed and used for industry, business, or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley, or if there is no alley, to a public street. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

<b>Total Usable Floor Area</b>	<b>Spaces Required</b>
0 to 4,999 sq. ft.	One (1) space
5,000 to 9,999 sq. ft.	Two (2) spaces
10,000 to 14,999 sq. ft.	Three (3) spaces
15,000 to 19,999 sq. ft.	Four (4) spaces
Over 20,000 sq. ft.	Four (4) spaces, plus one (1) space for each additional 20,000 sq. ft.

#### **5.030 TEMPORARY USE REGULATIONS**

The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Where applicable, application for a Temporary Use Permit shall be made to the Board of Zoning Appeals through the Building Department. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking spaces for the proposed temporary use.

The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located.

1. Carnivals, Festivals or Circuses: May obtain a Temporary Use Permit in the Agricultural, Estates, or Commercial Districts; however, such permit shall be issued for a period not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided
2. Limited Duration Goods and Merchandise: May obtain a thirty (30) day Temporary Use permit for the display and sale of limited duration goods and merchandise on open lots in any district.

3. Temporary Buildings: In any district, a Temporary Use Permit may be issued by the Building Commissioner for contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year, but may be renewed for six (6) month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.
4. Real Estate Sales Office: In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the planning commission under the Cheatham County Subdivision Regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted two (2), six (6) month extensions. Such office shall be removed upon completion of sales of the lots therein, or upon expiration of the Temporary Use Permit, whichever occurs sooner.
5. Religious Tent Meeting: In any district, except Industrial Districts, a Temporary Use Permit may be issued for a tent or other temporary structures to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.
6. Seasonal Sale of Farm Produce: In any district except the industrial districts, a Temporary Use Permit may be issued for the sale of farm produce grown on the premises. Structures utilized for such sales shall be removed when not in use. The permit shall be issued for a five (5) month period. All structures must be set back from the right-of-way.
7. Temporary Dwelling Unit in Case of Medical Hardship: In any residential, estate or agricultural district, a Temporary Use Permit may be issued by the Building Commissioner to place a mobile home on a lot which already contains a residential structure, provided that the purpose of such temporary placement shall be to make it possible for a resident of either structure to provide assistance to a person who requires daily assistance due to physical or mental disability, and provided further that such temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a Temporary Use Permit as provided under this Subsection must produce a written statement from a physician certifying that the specific disability requires assistance from someone in close proximity as evidence of such disability, and a written statement from the Cheatham County Health Department approving the sewage disposal system of the proposed temporary

structure. Such permit may be initially issued for twelve (12) months. A permit may be renewed for six (6) months at a time, subject to producing a new statement from a physician certifying that the assistance is still required due to the disabling condition. The temporary permit shall be revoked and the structure removed immediately upon expiration of the permit or upon a change in the conditions under which such permit was issued.

The person requiring assistance due to the disabling condition may be a resident of either the temporary or permanent structure. The temporary residence shall be treated as an accessory building.

8. Temporary Dwelling Unit in Case of Special Hardship: In any residential estate or agricultural district, a Temporary Use Permit may be issued by the Building Commissioner to place a mobile home (double-wide excluded) or recreational vehicle (RV) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomena. The purpose of such placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health, or welfare of the community. An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the Cheatham County Health Department and/or the Utilities System approving the water supply and sewage disposal systems of the temporary structure. Such permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen (18) months.
9. Temporary Dwelling Unit During Construction of a Residence: In any residential, estate or agricultural district, a Temporary Use Permit may be issued by the Building Commissioner to place a mobile home (double-wide excluded) or recreational vehicle (RV) temporarily on a lot during construction of a residence after application for and issuance of a building permit for the permanent residence. The purpose of such placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of construction. Placement of such temporary structure must not represent a hazard to the safety, health, or welfare of the community. An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the Cheatham County Health Department and/or the Utilities System approving the water supply and sewage disposal systems of the temporary structure. Such permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen (18) months.

10. Temporary Manufacture of Road Materials: In any district, except the residential districts, a Temporary Use Permit may be issued upon approval by the Cheatham County Board of Zoning Appeals to operate manufacturing plants which are necessary in order to produce the materials required for the construction of approved public roads where the Board finds that such a use is not potentially noxious, dangerous, or offensive. In the exercise of its approval, the Board of Zoning Appeals may impose such conditions upon the proposed plants as it may deem advisable in the furtherance of the general purposes of this resolution.

Such a permit may be initially issued for a nine (9) month period. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of twenty-four (24) months

#### **5.040 CUSTOMARY INCIDENTAL HOME OCCUPATIONS**

A customary incidental home occupation is a gainful occupation or profession (including the professional office of an architect, artist, dentist, engineer, lawyer, physician and the like, barber, beauty and tailor shops) conducted by member of a family residing on the premises or only one person in addition to those persons residing therein and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings.

When questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine whether said home occupation is in compliance with the district in which said home occupation is located. However, activities such as dancing instruction, band instrument instruction (except piano instruction) tea rooms, tourist homes, real estate offices, convalescent homes, mortuaries, animal clinics, retail sales business, or any other similar activity determined by the Board to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation.

##### Requirements for Home Occupations:

Any home occupation shall meet the following requirements:

1. No person other than members of the family residing on the premises and one employee not residing on the premises shall be engaged in such occupation;
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by the occupants, and not



more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;

3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not to exceed two (2) square feet in area, non-illuminated, and mounted flat against the wall of the principal building;
4. Home occupations may be conducted in accessory buildings;
5. There shall be no retail sales on the premises in connection with such home occupation;
6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard;
7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot;
8. The home occupation shall not involve the storage of commercial vehicles nor the use of such vehicles for delivery of goods or materials to and from the premises;
9. No home occupation shall require internal or external alterations, construction features, or the use of any equipment that would change the fire rating of the structure;
10. No outdoor display of goods or outside storage of equipment, parts, or materials of any kind used in the home occupation shall be permitted; and
11. The following is specifically prohibited as home occupations: The repair of motor vehicles.

#### **5.050 GASOLINE SERVICE STATION RESTRICTIONS**

The following regulations shall apply to all gasoline services stations:

1. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands.

2. Gasoline pumps and canopies shall not be located closer than fifteen (15) feet to any right-of-way line.
3. Sign requirements as established in Article V, Section 5.080, shall be met.

#### **5.060 SWIMMING POOL REGULATIONS**

The following regulations shall apply to all swimming pools:

1. No swimming pool or part thereof, excluding aprons, walks, shall protrude into any front yard.
2. The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or adjacent properties. Said fence or wall shall be not less than three (3) feet in height and maintained in good condition.

#### **5.070 DEVELOPMENT STANDARDS FOR MULTI-FAMILY RESIDENTIAL PROJECTS**

This procedure shall be used in the case of a multi-family residential project of one (1) or more residential buildings to be constructed on a plot of ground not subdivided into the customary streets and lots, and which will not be so subdivided. The procedure applies to all proposals for multi-family (i.e., apartment and townhouse units) developments whether such units are individually owned or held in common ownership. The reviewing agency for this plan is planning commission.

##### **5.071 Procedure for Submission and Review**

A site development plan as specified in Section 9.030, B, shall be required for review of all proposals subject to this provision. The approval of said plan along with any accompanying conditions associated with a particular development is precedent to any approval under this section.

##### **5.072 Required Development Standards**

The following shall apply to all developments subject to this provision:

1. Location
  - A. The site shall comprise a single lot or tract of land, except where divided by public streets.
  - B. The site shall abut a public street.

2. Density and Dimension
  - A. The average number of dwelling units per acre of buildable land, not including streets, shall not exceed that permitted within the applicable zoning district.
  - B. All yard requirements as established for the districts in which such use is permitted are applicable, except where buildings may be joined by common walls.
3. Design
  - A. Internal Drives: The maximum grade on any drive shall be seven (7) percent unless specifically approved by the planning commission.
  - B. Where feasible, all drive intersections shall be at right angles.
  - C. Minimum distance between buildings shall be thirty (30) feet at any point.
4. Public Street Access
  - A. The minimum distance between access points along public street frontage, center line to center line, shall be two hundred (200) feet.
  - B. The minimum distance between the center line of an access point and the nearest curb line or street line of a public street intersection shall be one hundred (100) feet.
5. Required Improvements
  - A. Internal Drives: Specifications for drives in multi-family residential developments shall conform to roadway specifications required by the Cheatham County Subdivision Regulations to which reference is hereby made, and incorporated herein, by reference.
  - B. Utilities: The development shall be served with public water systems adequate to ensure fire protection and a public sanitary sewer system or an alternative sewage disposal system approved by the appropriate governmental authority. Fire hydrants shall be installed at minimum of five hundred (500) feet apart except for areas of detached dwellings where the fire hydrants shall be spaced so that no dwelling is farther than five hundred (500) feet away from such hydrant.

- C. Storage of Solid Waste: Any central refuse disposal area shall be screened from view and shall be maintained in such manner as to meet county health requirements.
- D. Service Building: Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.
- E. Landscape Requirements: See Article IV, Section 4.120.

## **5.080 STANDARDS FOR SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES**

### **1. Purpose and Intent**

Signs constitute a separate and distinct use of the land upon which they are placed and affect the use of adjacent street, sidewalks, and property. The provisions of this section are made to establish reasonable and impartial regulations for all exterior signs to protect the general public health, safety, convenience, and welfare; to reduce traffic hazards caused by unregulated signs which may distract, confuse, and impair the visibility of motorist and pedestrians; to impair the visibility of motorists and pedestrians; to insure the effectiveness of public traffic signs and signals; to protect the public investment in streets, highways, and other public improvements; to facilitate the creation of an attractive and harmonious community; to protect property values; and to further economic development.

### **2. Applicability**

These sign regulations shall apply to all exterior signs within Cheatham County which are outside corporate city limits.

### **3. Definitions**

**AWNING**: Any non-rigid material such as fabric or flexible plastic that is supported by or stretched over a frame that is attached to an exterior wall.

**BANNER**: A sign that is mounted on or attached to a non-rigid surface such as cloth, fabric, plastic, or paper.

**BILLBOARD**: See off premises sign.

**CANOPY**: An extension of the roof of a building or a freestanding structure that has a roof with support, but no walls.

**COPY:** The characters, letters, or illustrations displayed on a sign face.

**MARQUEE:** A permanent structure other than a roof attached to, supported by, and projecting from a building and providing protection from natural elements.

**SIGN:** Any device situated outdoors that displays letters, characters, or graphics to identify a land use or attract the public's attention.

**SIGN, AWNING:** A sign placed directly on the surface of an awning.

**SIGN, BULLETIN BOARD:** A particular type of changeable copy sign that displays copy in a casement of glass or Plexiglas.

**SIGN, CANOPY:** A sign attached to a canopy.

**SIGN, CHANGEABLE COPY:** A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

**SIGN, DIRECTIONAL:** A sign that provides on-site directional assistance for the convenience of the public such as location of exits, entrances, and parking lots.

**SIGN, DIRECTORY:** A sign which displays the names and/or addresses of the establishments or uses of a building or group of buildings.

**SIGN, FREESTANDING:** The general term for any on-site sign which is supported from the ground and not attached to a building.

**SIGN, ILLEGAL:** A sign that was constructed in violation of regulations that existed at the time it was built.

**SIGN, ILLUMINATED:** A sign illuminated in any manner by an artificial light source, whether internally or externally lit.

**SIGN, MARQUEE:** A sign attached to and made part of a marquee or any other similar projection from a building.

**SIGN, MONUMENT:** A freestanding sign that is detached from a building and having a support structure that is a solid-appearing base constructed of a permanent material, such as concrete block or brick. All other freestanding signs not meeting the definition of a monument sign shall be a pole sign.

**SIGN, NONCONFORMING:** A sign that met all legal requirements when constructed but that is not in compliance with this resolution. An illegal sign is not a nonconforming sign.

**SIGN, OFF-PREMISES:** Any sign which is not located on the premises that it identifies or advertises.

**SIGN, POLE:** A freestanding sign with a base at least seven (7) feet above the ground which is supported from the ground by a pole or a similar support structure of narrow width.

**SIGN, PORTABLE:** A sign that is not permanently affixed to building, structure, or the ground or designated to be permanently affixed to a building, structure, or the ground.

**SIGN, PROJECTING:** A sign which is supported by an exterior wall of building and which is displayed perpendicular to the face of the building.

**SIGN, TEMPORARY:** A sign that is displayed only for a specified period of time.

**SIGN, WALL:** A sign painted on or attached to a wall of a building and parallel to the wall.

**SIGHT DISTANCE TRIANGLE:** On any corner lot no sign shall be erected or placed in a manner to impede or obstruct vision between a height of two and one-half (2 ½) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.

#### 4. Administration

The building commissioner shall have the responsibility and full authority to administer and enforce all provisions of this resolution, other than those provisions specifically reserved for the authority of the Board of Zoning Appeals.

#### 5. Permit Procedures

##### A. Permit Required

No sign or sign structure, except as provided in 5.080.9 (exempt signs) and 5.080.14 (nonconforming signs), shall be erected, displayed, altered, relocated, or replaced until a sign permit has been issued. For the purpose of this resolution, all signs are considered accessory uses of real property

and shall be located on the premises of the principal use to which they pertain.

B. Permit Application

Applications for sign permits shall be submitted on a form provided by the building commissioner and shall contain or have attached at a minimum the following information in either written or graphic form:

- (1) Application date.
- (2) Name, address, and telephone number of the sign owner and, if different, the owner of the land on which the sign will be erected.
- (3) Address of property where the sign or sign structure will be erected.
- (4) Signature(s) of the sign owner and, if different, the owner of the land on which the sign will be displayed.
- (5) Location of the sign on the property in relation to lot lines, buildings, sidewalks, streets, public rights of way, and intersection.
- (6) Type of sign (e.g., monument, wall) and general description of structural design and construction materials.
- (7) Drawing(s) of the proposed sign which shall contain specifications indicating height, perimeter, and area dimensions means of support, method of illumination if any, and any other significant aspect of the proposed sign.
- (8) Any other information requested by the building commissioner in order to carry out the purpose and intent of these regulations.

C. Permit Review, Issuance, and Recording

The building commissioner shall examine all sign permit applications. Permit applicants shall be issued a copy of the original permit application, with approval and approval date noted, for all signs which conform to the requirements of this resolution. Such approved applications shall serve as sign permits. The building commissioner shall maintain a record of all sign permit applications with notations of approval or disapproval. All sign permits shall be dated and numbered in the order of their issuance.

D. Inspections

A final inspection by the building commissioner or his designee shall be completed after installation of all approved signs. Any discrepancies between an approved sign and a sign as constructed shall be identified in writing and may result in the halt of construction or sign removal, if so ordered by the building commissioner.

E. Complaints and Revocations

The building commissioner shall investigate any complaints of violations of this resolution and may revoke a permit if there is any violation of the provisions of this resolution or there was misrepresentation of any material facts in either the application or plan.

F. Expiration of Sign Permits

If an approved sign is not erected within a period of twelve (12) months from the date the permit was originally issued, the permit shall expire and become null and void.

G. Removal

(1) Illegal Signs

The building commissioner may remove or order the removal of any sign not in conformance with the provision of this resolution, at the expense of sign owner or lessor.

(2) Immediate Peril

If the building commissioner shall find any sign which is an immediate peril to persons or property, the sign shall be removed. If the building commissioner cannot locate the sign owner or lessor for immediate removal of the sign, he shall remove or order the removal of the sign at the expense of the sign owner or lessor.

H. Standards for Appeals Decisions

Before granting any relief from the application of the provisions of this section, the Board shall make specific findings of fact justifying the case under appeal.



- (1) For a finding of error, the Board shall state the section of the resolution that is being appealed and how the enforcing officer erred in the application of the requirements of this resolution.
- (2) For an action granting a variance, the Board shall state the provisions being varied and shall grant the minimum variance to satisfy the relief of hardship and shall state the specific hardship which justifies the variance.

The Board shall not grant a variance unless it makes findings based upon evidence presented to it as follows:

- (1) The particular physical surroundings, shape, or topographic conditions of the specific property involved that would result in an exceptional hardship upon the owner as distinguished from an inconvenience;
- (2) The conditions upon which the petition for a variance is based would not be applicable to other similarly situated properties;
- (3) The hardship has not been created by any person having an interest in the property;
- (4) Financial returns only shall not be considered as a basis for granting the variance;
- (5) The variance will not be detrimental to the public welfare, injurious to other property, or to the intent and spirit of this resolution; and
- (6) The variance does not confer a special privilege to the applicant this is denied to others.

I. Exempt Signs

Sign permits shall not be required for the following:

**Address and Name of Resident:** Signs indicating address and/or name of residential occupants of the premises, not exceeding two (2) square feet in area, and not including any commercial advertising or identification.

**Artwork:** Works of art that do not include any commercial messages or references.

**Decals:** Decals affixed to windows or door glass panes, such as indicating membership in a business group or credit cards accepted at establishment.

**Directional Signs:** Signs giving on-site directional assistance for the convenience of the public, not exceeding two (2) square feet in area or located closer than five feet to any property line. Directional signs may be internally lit or illuminated by white light only.

**Flags, Emblems, and Insignia:** Of any governmental agency or religious, charitable, public or non-profit organization, subject to the following: No single flag that is flown shall exceed forty (40) square feet in area and no single zoning lot shall fly more than three flags. If the total area of such flags exceeds seventy-two (72) square feet, the excess shall be included in the sign area calculations for the zoning lot. Flagpoles shall not exceed twenty-five (25) feet in height. Wall mounted flags, emblems, or insignia shall be limited to one per zoning lot and shall not exceed forty (40) square feet in area.

**Handicapped Parking Space Sign:** Signs not exceeding two (2) square feet in area reserving parking spaces for handicapped motorists.

**Home Occupation Signs:** On-premises identification signs for home occupations shall not exceed four (4) square feet in area and shall contain only the name of the business and/or business owner. Such signs shall be located on an exterior wall, window, or door of the premises.

**Private Drive Signs:** On-premises private drive signs limited to one per drive entrance, not exceeding two (2) square feet in area, with language limited to the words "private drive" and the address of any residences utilizing the private roadway.

**Public Signs:** Signs erected by government agencies or utilities including traffic, utility, safety, railroad crossing, and identification signs for public facilities.

**Security and Warning Signs:** On premises signs regulating the use of the premises, such as "no trespassing", "no hunting" and "no soliciting" signs that do not exceed two (2) square feet in area in residential zones and five (5) square feet in commercial and industrial areas.

**Temporary Real Estate Signs:** Temporary signs indicating the availability of real property for lease or sale, located on the premises being leased or sold. Display of such signs shall be limited to one per property not exceeding six (6) feet in height and not exceeding four (4) square feet in

residential zones and eight (8) square feet in area in all other zones. Such signs shall be removed within seven (7) days of the settlement or lease of the property.

**Temporary Political Signs:** On premises temporary political signs may be located in any district. These signs are permitted in addition to any other signs permitted by this resolution. The signs shall be removed within seven (7) days after the election or political event.

J. Temporary Signs Requiring a Sign Permit

The following signs may be erected only after obtaining a temporary sign permit from the building commissioner. the permit shall cite the length of time the sign may be displayed. If any temporary sign is not removed by the expiration of the appropriate time limit noted in this section, the building commissioner may remove it and charge the costs of removal to the individual or enterprise responsible.

**Special Event Signs:** Signs announcing special events including, but not limited to, auctions, grand openings, new management, going out of business, and event sponsored by religious, charitable or public service groups. Any business, individual, or organization may display once in a twelve (12) month period a maximum of two (2) signs for up to fourteen (14) days prior to a special event. Such signs shall be attached to buildings or existing private sign structures or sign poles with the permission of the owner and shall not exceed sixteen (16) square feet in area each and shall be removed immediately following the event.

**Temporary Farm Products Signs:** Temporary on-premises signs announcing the availability of seasonal farm products. The number of signs shall not exceed two (2) and the total area of all such signs shall not exceed twenty (20) square feet, nor shall any sign exceed six (6) feet in height.

**Construction Signs:** Temporary signs announcing new buildings or projects, erected after the commencement of building construction or site development. Each construction site shall be limited to one (1) construction sign not exceeding twenty (20) square feet in area and eight (8) feet in height, which shall be removed by the time a permanent sign is erected or a certificate of occupancy for the building is issued, whichever occurs first.

K. Standards and Criteria

(1) Generally

The regulations in this section specify the number, types, sizes, heights, and locations of signs which are permitted within Cheatham County and which require a permit. Any sign regulations incorporated into a development plan approved by the County Commission may supersede all or part of this section.

(2) Determination of Sign Area

In meaning the area of signs permitted under these regulations, the entire face of the sign (one side only) and any wall work incidental to its decoration shall be included. Where both sides of a sign contain lettering or other allowable display, one side only shall be used to compute the allowable size of the sign. Where the sign consists of individual raised letters or a sign face of irregular shape, the sign area shall include the area of the smallest rectangle that encompasses the letters or sign face.

(3) Determination of Sign Height

The height of a sign erected within thirty (30) feet of a street shall be the distance from the grade level of the nearest curb of the street to the top of the sign or sign structure, whichever is greater. The height of all signs farther than thirty (30) feet from a street shall be the distance from the grade level where the sign is erected to the top of the sign or sign structure, whichever is greater.

(4) Street Frontage Requirements for Freestanding Signs

Freestanding signs shall be permitted only on zoned lots with one hundred (100) feet or more of street frontage.

(5) Spacing of Freestanding Signs

No freestanding sign shall be erected within one hundred (100) feet of another freestanding sign.

(6) Installation of Wall Signs

All wall signs shall be installed flat against the wall of buildings and shall not extend from the wall more than twelve (12) inches.

(7) Residential Districts

Within residential districts, signs authorized in 5.080.9 (exempt signs) do not require a permit. Permits are required for all other allowed signs and must conform to the following criteria:

a. Single Family Subdivision Identification Signs

Signs that identify the name of single family residential subdivisions, located at any street entrance to the subdivision shall be erected as follows:

- i. Number - One (1) per main entrance, not exceeding two (2) per subdivision.
- ii. Type - Monument.
- iii. Maximum Size and Height - Thirty (30) square feet in area and six (6) feet in height.
- iv. Minimum Setback - Ten (10) feet from any property line and outside of all sight visibility triangles.

b. Multi-Family Residential Complex Signs

Signs that identify the name and/or address of an apartment, townhouse, condominium, or other multi-family residential complex, located at any street or private drives entrance to the complex, shall be erected as follows:

- i. Number - One (1) per main entrance, not to exceed two (2) per complex.
- ii. Maximum Size and Height - Thirty (30) square feet in area and six (6) feet in height.
- iii. Minimum Setback - Ten (10) feet from any property line and outside of all sight visibility triangles.

c. Accessory Management or Rental Office Signs.

Signs that identify an accessory management or rental office shall be erected as follows:

- i. Number - One (1).

- ii. Type - Wall.
- iii. Maximum Size and Height - Six (6) square feet in area and located below the roof line.
- d. Churches, Public and Private Schools and Places of Public Assembly.

Signs that identify the name of the facility may be located as follows:

- i. Number - One (1) sign per main entrance not to exceed two (2) per facility.
- ii. Type - Monument.
- iii. Maximum Size and Height - Thirty (30) square feet in area and six (6) feet in height.
- iv. Minimum Setback - Ten (10) feet from any property lines an outside of all visibility triangles.

(8) Commercial and Industrial Districts

Within commercial and industrial districts, signs authorized in 5.080.9 (exempt signs) do not require a permit. Permits are required for all other allowed signs and must conform to the following criteria.

- a. Signs Facing Residential Areas. Any sign erected within one hundred (100) feet of either an existing residential use or a residential zoning district shall be non-illuminated and limited to sixteen (16) square feet in area and five (5) feet in height.
- b. Minimum Setback. All signs and sign structures must be located at least ten (10) feet from any property line and outside of all visibility triangles.
- c. Zoning Lots with One Establishment. Any establishment located on a zoning lot with one establishment may erect signs as follows:
  - i. Number - Maximum of two (2) signs, but no more than one (1) freestanding sign shall be allowed on the same zoning lot.

ii. Types - Wall, monument, pole, projecting, awning, canopy, or marquee.

iii. Maximum Sizes and Heights:

- Wall or Marquee Sign. One (1) square foot of sign per two (2) linear feet of building frontage on which sign or signs are to be attached, up to a maximum of one hundred (100) square feet in area for all wall or marquee signs. The top of all wall and marquee signs shall be below the roof line and at a height no greater than twenty (20) feet above the ground.
- Pole Sign. One (1) square foot of sign are per five (5) linear feet of lot frontage on which the sign or signs are to be erected, up to a maximum of twenty-four (24) square feet in area. The top of the sign shall not exceed twenty (20) feet in height and the base of the sign shall be at least seven (7) feet above the ground.
- Monument Sign. One (1) square foot of sign area per five linear feet of lot frontage on which the sign or signs are to be erected, up to a maximum of thirty-two (32) square feet in area. The height of a monument sign shall not exceed five (5) feet.
- Projecting Sign. One (1) square foot of sign area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a maximum of twelve (12) square feet in area. The top of all projecting signs shall be located below the roof line and at a height not greater than sixteen (16) feet above the ground. The base of all projecting signs shall be no less than eight (8) feet above the ground. Projecting signs shall not project from the exterior wall of a building more than four (4) feet.
- Awning or Canopy Sign. One (1) square foot per two (2) linear feet of awning or canopy, up to a maximum of sixteen (16) square feet in area. No awning or canopy sign shall extend above the top of the awning or canopy.

d. Multiple Establishments on Single Zoning Lots. Multiple establishments on single zoning lots that do not constitute a shopping center may erect one monument sign with a maximum

size of thirty-two (32) square feet and height of five (5) feet or one pole sign with maximum size of twenty-four (24) square feet and height of twenty (20) feet. In addition, each establishment located on a single zoning lot with two or more establishments may erect one sign as follows:

- i. Type - Wall, projecting, awning canopy or marquee
- ii. Maximum Size and Height:
  - Wall or Marquee Sign. One (1) square foot of sign area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a maximum of one hundred (100) square feet in area for all wall or marquee signs. The top of all wall and marquee signs shall be below the roof line and at a height no greater than twenty (20) feet above the ground.
  - Projecting Sign. One (1) square foot of sign area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a maximum of twelve (12) square feet in area. The top of all projecting signs shall be located below the roof line and at a height not greater than sixteen (16) feet above the ground. The base of all projecting signs shall be no less than eight (8) feet above the ground. Projecting signs shall not project from the exterior of the wall of a building more than four (4) feet.
  - Awning or Canopy Sign. One (1) square foot per two (2) linear feet of awning or canopy, up to a maximum of sixteen (16) square feet in area. No awning or canopy sign shall extend above the top of the awning or canopy.
- e. Shopping Centers. Shopping centers with five (5) or more establishments planned as an integrated development shall be authorized to erect signs based on the following criteria:
  - i. Center Identification Sign - One (1) monument or pole sign per street fronting the center, not to exceed a total of two (2) signs, identifying the name of the center. The name of any major establishment within the center may serve as the name of the entire center. In addition to identifying the name of the center, the sign may identify up to two (2) individual establishments within the center.



- Monument Sign. Each sign shall have a minimum area of twenty (20) square feet and a maximum area of one (1) square foot per three thousand (3,000) square feet of gross building floor area up to a maximum of forty (40) square feet and a maximum height of ten (10) feet.
  - Pole Sign. Each sign shall have a minimum area of fifteen (15) square feet and a maximum area of one (1) square foot per three thousand (3,000) square feet of gross building floor area up to a maximum of thirty-two (32) square feet. The top of the pole sign shall not exceed fifteen (15) feet in height and the base of the pole sign shall be at least seven (7) feet above the ground.
- ii. Individual Establishment Signs - No freestanding sign shall be displayed for individual establishments located within a center. Any establishment may display one (1) sign per street frontage, up to a maximum of two (2) signs, according to the following criteria:
- Wall or Marquee Sign. One (1) square foot of sign area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a maximum of one hundred (100) square feet in area for wall or marquee signs. The top of all wall or marquee signs shall be located below the roof line and at a height no greater than twenty (20) feet above the ground.
  - Projecting Sign. One (1) square foot of sign area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a maximum of twelve (12) square feet in area. The top of all projecting signs shall be located below the roof line and at a height not greater than fifteen (15) feet above the ground. The base of all projecting signs shall be no less than eight (8) feet above the ground. Projecting signs shall not project from the exterior wall of a building more than four (4) feet.
  - Awning or Canopy Sign. One (1) square foot per two (2) linear feet of awning or canopy, up to a maximum of sixteen (16) square feet in area. No awning or canopy sign shall extend above the top of the awning or canopy.

- f. Gasoline Stations. Automobile service and gasoline stations shall comply with all applicable sign regulations within this section, including the regulations for shopping centers if applicable. The following additional regulations shall apply to all automobile service and gasoline stations:
  - i. Changeable Fuel Price Signs - Freestanding signs identifying the name of the business may include changeable copy indicating the current price of fuel dispensed on the premises. The area of the fuel price sign shall be included in determining the sign area for the business.
  - ii. Gas Pump Signs - Each gas pump shall be permitted a total of one (1) square foot of sign area to identify the product dispensed.
- g. Office and/or Industrial Centers. Office and/or industrial centers planned as an integrated development shall be authorized to erect signs based on the following criteria:
  - i. Center Identification Signs - One (1) monument sign per public street frontage, not to exceed a total of two (2) monument signs identifying the name of the center only and not exceeding forty (40) square feet in area and six (6) feet in height.
  - ii. Individual Building Signs - Where an office and/or industrial center is comprised of two (2) or more buildings, each individual building may erect one (1) monument sign, not to exceed twenty (20) square feet in area and four (4) feet in height, identifying the principal establishment within the building.
  - iii. Individual Establishment Signs - Each individual establishment within an office and/or industrial building may erect one (1) wall sign of a size which does not exceed one (1) square foot in area per two (2) linear feet of building frontage on which the sign or signs are to be attached, up to a maximum of thirty-two (32) square feet in area. The top of the wall sign shall be located below the roof line and at a height no greater than fifteen (15) feet above the ground.

- h. Directory Signs. Commercial and industrial properties may erect a directory sign identifying the names and/or addresses of the establishments within individual buildings. A directory sign shall not exceed fifteen (15) square feet in area and six (6) feet in height and precludes the use of any other freestanding sign for the zoning lot on the same street frontage.
- i. Theaters. Theaters are authorized to erect one of the permitted wall or marquee signs with a changeable copy board displaying the name(s) and time(s) of the current motion picture or theatrical productions.

(9) Other Uses

In cases where the regulations within this section do not specifically address a sign requested in conjunction with a permissible use, the building commissioner shall make a written interpretation of the resolution, which shall be kept in the permanent record for the application.

L. Construction and Maintenance

(1) Building Code Compliance

All signs shall be constructed in compliance with the currently adopted building code.

Signs shall not be erected in or over a street or highway right of way, or on public land except as permitted in this resolution.

(2) Condition of Signs

All signs and components shall be maintained in good repair and in a safe, clean, and attractive condition.

M. Prohibited Signs

The following are expressly prohibited unless specifically stated otherwise in this resolution.

**Animated and Moving Signs.** Including, but not limited to, pennants, flags with commercial messages, banners, streamers, propellers, discs, and searchlights.

**Flashing Signs.** Any signs that include lights which flash, blink, or turn on and off intermittently, not including time and temperature signs.

**Glaring Signs.** Signs with light sources or reflectivity of such brightness that constitute a hazard or nuisance as determined by the Building Commissioner.

**Inflatable Signs and Objects.** Including, but not limited to, balloons.

**Off-Premises Signs, Including Billboards.** Any sign which is not located on the premises that it identifies or advertises.

**Portable Signs.** Any sign that is not permanently affixed to a building, structure, or the ground. This shall not apply to authorized temporary signs.

**Posters and Handbills.** Any signs affixed to trees or other natural vegetation, rocks, or utility poles.

**Roof Signs.** Any signs which are erected on a roof or which extend in height above the roof line of the building on which the sign is erected.

**Simulated Traffic Signs and Obstructions.** Any sign which may be confused with or obstruct the view of any authorized traffic sign or signal, obstruct the sight distance triangle at any street intersection or extend into the public right of way.

**Strings of Lights.** Including lights that outline property lines, sales areas, or any portion of a structure, and are intended to advertise or draw attention to a business or commercial activity.

**Vehicular Signs.** Any sign displayed on a parked vehicle, where the primary purpose of the vehicle is to advertise a product or business or to direct people to a business or activity. For the purpose of this resolution, vehicular signs shall not include business logos, identification, or advertising on vehicles primarily used for other business purposes.

N. Nonconforming Signs

(1) Generally

Any sign which does not conform to the provisions herein on the date of the enactment of this resolution or any date on which the resolution is amended, and any sign which is accessory to a

nonconforming use, shall be deemed a nonconforming sign. No nonconforming sign shall be enlarged, extended, structurally reconstructed or altered in any manner, except that a sign face may be changed so long as the new face is equal to or reduced in height, sign area, and/or projection and a sign permit is issued for the sign face change.

(2) Removal

Nonconforming signs may remain, provided they are maintained in good repair, except for the following:

- a. **Damage or Destruction of Sign.** A nonconforming sign which is damaged or destroyed to the extent of fifty (50) percent or more of its sign face shall not be altered, replaced or reinstalled unless it is in conformance with these regulations. If the damage or destruction is less than fifty (50) percent of the sign face, the sign may be restored within one (1) year of the damage or destruction, but shall not be enlarged in any manner.
- b. **Damage or Destruction of Use.** A nonconforming sign shall be removed according to the provisions of these regulations if the structure or use to which it is accessory is damaged or destroyed to the extent of fifty (50) percent or more of the principal structure's appraised value.
- c. **Change of Use.** Whenever a land use changes, any previously nonconforming signs which become nonconforming because of the change in land use must be modified so as to be in full compliance with these regulations.

O. Protection of First Amendment Rights

Notwithstanding anything herein to the contrary, no portion of this Resolution governing signs shall be enforced to the extent it conflicts with the First Amendment of the United States Constitution and, to the extent of such conflict, such portions shall be severed and the remaining provision applied. Noncommercial copy may be substituted for commercial copy on any lawful sign structure.

**5.090 DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS**

1. Mobile Home Park Building Permit

A. Review Procedure

Twelve (12) copies of the required site plan shall be submitted to the Cheatham County Planning Commission at least ten (10) days in advance of the meeting at which it is to be reviewed. the Planning Commission will review the submittal for compliance with the mobile home park site plan standards set forth below. Incomplete information shall result in the site plan being returned without action. Once a building permit has been issued the applicant may begin construction.

B. Site Plan Required

A mobile home park building permit may only be issued for construction or extension of a mobile home park upon submission and approval by the planning commission of a site development plan containing the following information.

- (1) The name and address of the applicant.
- (2) The location, area, and dimensions of the proposed mobile home park site as well as a legal description.
- (3) The location, size, and number of all mobile home spaces.
- (4) The location and size of all buildings, improvements, and facilities (including roads, water, sewer, refuse disposal).
- (5) The proposed use of buildings shown on the site plan.
- (6) The location and size of all points of entry and exit for motor vehicles and the internal circulation plan (roadways and pedestrian walkways).
- (7) The location and number of all off-street parking facilities.
- (8) The location of park and recreation areas.
- (9) A complete drainage plan with contour lines at five (5) feet.
- (10) A location map showing the park site in relation to the existing public street pattern and indication of uses of property adjacent to the site and the location of all buildings within two hundred (200) feet of the site.

- (11) A time schedule for development shall be prepared which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.
- (12) Such other architectural, engineering, and topographical data as may be required to permit the county health department, the Building Department, the Planning Department, and the Planning Commission to determine if the provisions of these regulations are being complied with shall be submitted with the site plan.
- (13) Landscaping as regulated in Article IV, Section 4.120.

## 2. Development Standards

### A. General

- (1) No part of the park shall be used for nonresidential purposes, except such uses as are required for the direct servicing and well-being of park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.
- (2) Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, dust, noise, odors or other adverse influences, and no portion subject to flooding or erosion and shall be used for any purpose which would expose persons of property to hazards.

### B. Minimum Development Size

No mobile home park shall be approved which contains less than five (5) acres in area or has less than ten (10) mobile home spaces.

### C. Dimensional Requirements for Parks

- (1) Along the entire periphery of the mobile home park, yards and setbacks meeting the district regulations shall be provided.

- (2) Within the interior portions of the mobile home park, no yards except as required to meet other provisions set forth in this section are required.
- (3) No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.
- (4) Each mobile home park shall be permitted to display, on each street frontage, one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.
- (5) At no time shall the density for the park exceed the maximum permissible density for the district it is located in.

D. Spacing of Mobile Homes and Site Coverage

- (1) Mobile homes shall be so harbored on each space that there shall be at least a twenty-five (25) foot clearance between mobile homes; for mobile homes parked end-to-end, the end-to-end clearance may be less than twenty-five (25) feet but not less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the park.
- (2) There shall be a minimum distance of ten (10) feet between the nearest edge of any mobile home and an abutting access street.
- (3) Each mobile home stand shall not occupy an area in excess of twenty-five (25) percent of the respective lot area. The total area occupied by the mobile home and its accessory structures shall not exceed fifty (50) percent of the respective lot area.

E. The Mobile Home Space

- (1) General: The limits of each mobile home space shall be marked on the ground by suitable means. Location of space limits on the ground shall be the same as shown on accepted plans. No space shall be smaller than five thousand (5,000) square feet.
- (2) Mobile Home Stands: The mobile home stands shall be improved to provide adequate support for the placement and tie-down of the mobile home. The stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. In



addition, such stand shall comply with the current FHA Mobile Home Park Standards.

- (3) Outdoor Living Area: Each mobile home lot should be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than two hundred (200) square feet and shall be paved.
- (4) Tenant storage shall be provided for each mobile home at the rear of the mobile home space.

F. Utilities and Other Services

- (1) An accessible, adequate, safe and potable supply of water shall be provided in each mobile home development on trunk lines not less than six (6) inches. Where a public supply of water of satisfactory quantity, quality, and pressure is available at the site or at the boundary of the site, connection shall be made thereto and its supply use exclusively.
- (2) Each mobile home site shall be provided with the connection to a sanitary sewer line or to a sewage disposal system approved by the appropriate governmental authority.
- (3) Solid waste collection stands shall be provided for waste containers for each mobile home. Any central waste container shall be screened from view with access appropriately provided.
- (4) Service buildings housing sanitation and laundry facilities shall be permanent structures complying with all applicable ordinances and statutes, regulations, buildings, electrical installations, and plumbing and sanitation systems.
- (5) Each mobile home park shall be equipped with fire hydrants spaced no more than five hundred (500) feet apart. The water system shall be capable of providing a required fire flow of five hundred (500) gallons per minute for a one (1) hour duration.
- (6) Each mobile home park shall be maintained free of litter and accumulation of any kind of debris which may provide rodent harborage or breeding places for flies, mosquitoes, or other pests.

G. Streets

Entrances to mobile home parks shall have direct connections to a public street and shall be designed to allow free movement of traffic on the adjacent public street. Safe and convenient vehicular access shall be provided from abutting public streets to each mobile home lot. Such access shall be provided by streets or driveways. All internal streets shall be private.

(1) Circulation

The internal street systems should provide convenient circulation by means of properly located streets. Dead-end streets shall be limited in length to five hundred (500) feet and their closed end shall be provided with an adequate turn-around with a minimum diameter of eighty (80) feet.

(2) Pavement Widths

Minimum pavement widths shall be as follows:

Two Way Street with no parking 18 ft. with on-street parking 34 ft.

One-Way Street with no parking 12 ft. with on-street parking 28 ft.

(3) Construction

The internal streets and drives shall be paved in accordance with Cheatham County Subdivision Regulations.

H. Walks

All mobile home developments shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain. Sudden changes in alignment and gradient shall be avoided.

A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3 1/2) feet. All mobile home stands shall be connected to common walks, streets, driveways and parking spaces by individual walks. Such individual walks shall have a minimum width of two (2) feet.

I. Recreation Area

Adequate recreation facilities for the residents of the project shall be provided in locations easily accessible to the living units and where they do not impair the view and privacy of living units. Attractive outdoor sitting areas shall be provided, appropriate in size, type and number to the needs of the residents.

Well-equipped playgrounds of adequate size and number shall be provided where it is anticipated that children will occupy the premises.

J. Buffer and Screening

A landscape buffer shall be provided along the perimeter of the site boundaries not less than fifteen (15) feet in width, except that a minimum buffer area from any public street shall be no less than twenty (20) feet.

Within the landscaped buffer, a continuous fence six (6) to eight (8) feet high or landscaped screen shall be provided. Such fence shall be opaque and such screening shall be a year-round evergreen four (4) feet wide and at least four (4) feet high at the time of planting and expected to achieve a height of six (6) feet within three (3) years. No landscaped screen or fence shall be provided within fifteen (15) feet of any vehicular entrance and/or exit to the park.

K. Site Design

The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features. The planting plan shall be submitted with the site development plan.

L. Parking

Off-Street Parking As regulated in Section 5.010

3. Responsibility of Park Management

- A. The permittee shall operate the mobile home park in compliance with this resolution and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

- B. The permittee shall notify park occupants of all applicable provisions of this resolution and inform them of their duties and responsibilities under this resolution.
  - C. The permittee shall supervise the placement of each mobile home on its mobile home stand to the satisfaction of the building department which includes securing its stability to anchor pins and installing all utility connections.
  - D. The permittee shall maintain a register containing the following information:
    - (1) The name and address of each mobile home occupant.
    - (2) The name and address of the owner of each mobile home and motor vehicle by which it was towed.
    - (3) The make, model, year, and license number of each mobile home and motor vehicle.
    - (4) The date of arrival and of departure of each mobile home.
  - E. The mobile home park shall keep the register record available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.
  - F. The register record shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.
  - G. The permittee shall notify the health authority immediately of any suspected communicable or contagious disease within the park.
  - H. The permit to operate shall be conspicuously posted in the mobile home park office at all times.
  - I. The permittee shall be answerable for the violation of any provision of this section.
4. Responsibilities of Park Occupants
- A. The park occupants shall comply with all applicable requirements of this Zoning Resolution and shall maintain his/her mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.

- B. The park occupant shall be responsible for proper placement of the mobile home on its mobile home stand and proper installation of all utility connections and anchoring in accordance with the instruction of the park management.
  - C. Skirtings, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath each mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:
    - (1) The storage area shall be provided with a base of impervious material.
    - (2) Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
    - (3) The storage area shall be enclosed by skirting.
  - D. The park occupant shall store and dispose of all rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof, insect proof, and watertight.
  - E. Fire extinguishers for Class B and C fires shall be kept at the premises and maintained in working condition.
  - F. All park occupants shall be required to register their pets (dogs and cats) with the park management.
  - G. All park occupants shall be required to have their pets (dogs and cats) on a leash and shall not be allowed to roam free and unleashed.
  - I. Park occupants shall not be allowed to construct or place pens for animals on the park premises.
  - J. No inoperative automobiles, junk, or non-contained trash shall be allowed within the park.
5. Inspections
- A. The building official or other designated official is hereby authorized and directed to make annual inspections to determine the conditions of mobile home parks, in order to insure the health and safety of occupants of mobile home parks and of the general public.

B. The building official or other designated official shall have the power to enter upon any private and public property for the purpose of inspecting and investigating conditions relating to the annual inspection as it is related to the enforcement of this section.

C. Penalties

- (1) Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense.
- (2) Each day that a violation is permitted to exist shall constitute a separate offense.
- (3) Any extension of an existing mobile home park is considered a noncomplying use and is hereby prohibited unless said park is brought up to the standards herein stated.

6. Revocation of Permit

The Board may revoke any permit to maintain and operate a park when the permittee has been found guilty by a court of competent jurisdiction of violating any provisions of this section. After such conviction, the permit may be reissued if the circumstances leading to conviction have been remedied and the park is being operated and maintained in full compliance with this section.

7. Prohibited Structures

- A. Cabanas, travel trailers, and other similarly enclosed structures are prohibited.
- B. Trailers with or without toilet facilities that cannot be connected to approved sewer systems shall not be permitted in a mobile home park.
- C. Mobile homes shall not be used for commercial, industrial or other nonresidential uses within a mobile home park, except that one (1) mobile home in the park may be used to house a rental office.

**5.100 DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING, JUNK AND SALVAGE YARDS.**

A site development plan specified in Section 9.030(2), shall be submitted for review on all proposals subject to this provision. The approval of said plan along with any

accompanying conditions associated with a particular development is precedent to any approval under this section. The Cheatham County Regional Planning Commission is the agency responsible for this review.

Because of the nature and character of their operations, automobile wrecking and salvage yards, junkyards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property values by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

1. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
2. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than one thousand (1,000) feet from any established residential zone.
3. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.
4. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
5. Off-Road Parking: As regulated in Article V, Section 5.010.
6. Ingress and Egress: The number of vehicular access driveways permitted on any single street frontage shall be limited to:
  - A. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
  - B. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.
7. No automobile wrecking, junk, or salvage yard shall be permitted within three hundred (300) feet of any public road in Cheatham County.

#### **5.110 DEVELOPMENT STANDARDS FOR CEMETERIES**

The following standards shall be imposed upon the development and construction of cemeteries in Cheatham County:

1. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.
2. All structures including but not limited to mausoleums, permanent monuments, or maintenance buildings shall be setback not less than twenty- five (25) feet from any property line or street right-of-way.
3. All graves or burial lots shall be setback not less than twenty-five (25) feet from any property line or street right-of-way line.
4. All required yards shall be landscaped and maintained in good order in accordance with state and local regulations.

#### **5.120. MINIMUM DESIGN STANDARDS FOR TRANSMISSION AND COMMUNICATION TOWERS**

1. Applicant shall provide written evidence that they have investigated co-location on an existing tower within two miles of the proposed site. New towers shall not be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence to this effect may consist of the following:
  - A. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
  - B. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
  - C. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.



- D. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower.
  - E. Applicant is unable to work out an acceptable agreement to co-locate.
- 2. Applicant shall provide written evidence that any construction or alteration of more than 200 feet in height above the ground level at its site complies with all FAA requirements.
- 3. Applicant shall provide written evidence that any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes meets all applicable FAA requirements:
  - A. 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport in or near Cheatham County, excluding heliports.
  - B. 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport in or near Cheatham County.
- 4. Applicant shall provide room for vehicles doing maintenance to maneuver on the property.
- 5. On-site buildings shall only be used for the storage of necessary on-site equipment. Offices shall be prohibited on the same site as a tower, unless permitted on the same site in that zoning district.
- 6. Provide survey distance to residences on adjoining property.
- 7. Provide visual assessment with photo imagery of what structure will look like from no less than two prominent off-site vantage points on the north, south, east and west. Provide map of these locations for reference as well.
- 8. Provide language confirming tower structures will be removed if no longer in active use for telecommunications purposes or other viable use as accepted by the Board of Zoning Appeals at the tower owner's expense. State law notwithstanding said removal will be required no later than 12 months after active use has ceased.
- 9. In an effort to encompass potential hazards of a tower collapse through such forces as wind shear or tornado, a utility lot equal to the height of the tower plus another 10% of the total height of any proposed tower must be created by

subdivision plat.

10. In case of conflict with the provisions of this section and any other section of the Cheatham County Zoning Resolution, the more restrictive requirement shall in all cases apply.
11. The Cheatham County Board of Zoning Appeals and Cheatham County Planning Commission may consider stealth type installations within church steeples, tops of governmental buildings and other similar co-use installation sites on a case-by-case basis. All zone criteria may be modified in relation to these types of installations, however distance to property line requirements stated in 8 above shall apply.
12. For Any Tower or Antenna requiring Federal Aviation Administration or Federal Communications Commission (FAA/FCC) lighting beacons; generally any tower above two hundred (200) feet in height from the earth's surface and any tower within the flight path of an FAA approved aircraft landing approach zone associated with an FAA permitted and approved aircraft landing strip, FAA permitted and approved Helipad, or FAA permitted and approved Airport runway; the applicant shall be required to apply for a Special Exception Use to be heard and considered by the Cheatham County Board of Zoning Appeals. A Public Hearing will be held at the Board of Zoning Appeals on the request for Special Exception Use. After hearing from any interested parties from the public and the applicants, the Board shall consider and take action upon such request.
13. For any tower NOT requiring FAA/FCC lighting beacons, the Cheatham County Building Commissioner, shall evaluate such requests for compliance with the Telecommunications related requirements outlined above in this section for compliance with Site Plan requirements of the Cheatham County Zoning Resolution. Based upon this evaluation, the Cheatham County Building Commissioner shall have authority to administratively issue zoning approval and subsequent building permits for these facilities when found to be compliant with this section and the requirements of the Cheatham County Zoning Resolution. Any applicant aggrieved by the determination of the Building Commissioner may apply for hearing of their grievance to the Board of Zoning Appeals within (45) forty-five days.
14. Retention of Expert Assistance and Reimbursement by the Applicant:
  - A. The County may hire any consultant and/or expert necessary to assist the County in reviewing and evaluating the application, including any plans for the construction and modification of a site, and any site inspections. The County may refer any application or part thereof to any advisory or other committee for a nonbinding recommendation. The consultant's opinion is

merely a recommendation and as such is not binding in any way on the governmental body tasked with making the final determination.

- B. The applicant will be assessed a fee by Cheatham County before any final decision is reached in an amount sufficient to reimburse the County for all reasonable costs of consultant and expert evaluation and consultation to the County in connection with the review of any application.
  - C. The total amount of the funds needed as set forth in Subsection 2 of this Section may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed to complete the necessary review, analysis, and inspection of any construction or modification.
15. Performance Security – Surety Requirement: In an effort to ensure removal of obsolete structures and non-functioning structures and to ensure continued compliance with the requirements of the Cheatham County Zoning resolution;
- A. The applicant and the owner of record of any proposed wireless telecommunications facilities not in existence at the time of adoption of this Resolution shall, at its cost and expense, be required to execute and file with the County a bond, or other form of security acceptable to the County as to type of security and the form and manner of execution, in an amount of at least \$75,000 for a tower facility to assure the faithful performance of the terms and conditions of this Resolution and conditions of any permit issued by the county pursuant to this Resolution
  - B. The full amount of the bond or security shall remain in full force and effect throughout the term of the permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original permit.

### **5.130 MINIMUM STANDARDS FOR LAND DISTURBING ACTIVITIES**

#### **PURPOSE**

It is the intent of this section to be consistent with current Tennessee Department of Environment and Conservation (TDEC) requirements.

The purpose of this article is to establish procedures and standards to evaluate and regulate the effect a proposed development will have on fill, stormwater runoff, soil erosion, and channel erosion from such developments and surrounding areas, and to require, if necessary, that certain proposed developments be provided with adequate preparation, stormwater retention and detention.

The land disturbing, stormwater retention and detention rules of this article shall apply to any proposed development of land where a building permit is required.

The regulations of this article are supplemental to any other law that pertains to the development of land including buildings, structures, parking lots and other similar improvements. If there is a conflict between this article and any other law, the more stringent requirement shall apply. Nothing herein shall be interpreted to limit the ability of Cheatham County to adopt additional regulations pertaining to land disturbing activities.

## **DEFINITIONS**

**BEST MANAGEMENT PRACTICES:** Practices and control measures intended to minimize pollutants from property or facility stormwater runoff and the provision for long term responsibility for management control and of the same.

**DETENTION:** The holding of stormwater onsite until the existing drainage system can accommodate the runoff.

**DREDGING:** The removal or displacement by any means of soil, sand, gravel, shell or other like material from coastal wetlands, submerged lands, marshlands, or water bottoms.

**EXCAVATE:** Dig out, scoop out, hollow out or otherwise make a hole or cavity by removing soil, sand, gravel or other material from any property so as to change the grade of such property.

**FILL:** 1. (v) The placing upon or the building up of property with earth, sand, gravel, rock, or other material; 2. (n) The earth, sand, gravel, rock, or other material used for such purpose (as the context may indicate).

**RETENTION:** The slowing of stormwater runoff from leaving a site so that flow into the existing drainage system can be maintained at a reasonable level.

**CONSTRUCTION/DEMOLITION WASTES:** Wastes, other than special wastes, resulting from construction, remodeling, repair and demolition of structures. Such wastes include but are not limited to lumber, rebar, steel, drywall, plywood, asphalt shingles, plaster, paint, insulation, plastic, furniture and appliances.

### **5.131 Erosion Prevention and Sedimentation Control**

Installation of improvements must be done in such a manner as to provide for the most effective prevention of erosion and control of sediment. Developers shall follow the standards and best management practices outlined in the current Tennessee

Department of Environment and Conservation (TDEC) Erosion and Sediment Control Handbook. Practical combinations of the following technical principles must be used:

1. The smallest practical area of land must be exposed at any one time during development.
2. All fill material must be compacted to prevent the occurrence of sinkholes, erosion and sediment loss from the developed property, and cannot be comprised of construction or demolition materials regulated by TDEC for disposal in a landfill.
3. When land is exposed during development, the exposure is to be kept to the shortest practical period of time.
4. Temporary vegetation and/or mulching must be used to protect critical areas exposed during development.
5. Sediment basins (debris basins, desilting basins, or silt-traps) must be installed and maintained to remove sediment from waters from land undergoing development.
6. Provisions must be made to effectively accommodate runoff caused by changed soil conditions during and after development.
7. Permanent final vegetation and structures must be installed as soon as practical in the development.
8. The development plan must be fitted to the topography and soils so as to create the least possible level of erosion.
9. Wherever feasible, natural vegetation must be retained and protected.

#### **5.132 Application Review**

The Building Official and/or other designated official shall review every application for a building permit to which this article applies and evaluate the proposed development to determine whether it will increase stormwater runoff. This determination will be based on the following factors:

1. Location and size of the development
2. Slope and soil conditions
3. Use of fill materials

4. Existing drainage systems and facilities
5. Any other considerations which may pertain to the discharge of stormwater from the development site.

#### **5.133 Stormwater Runoff**

1. No owner of any parcel of land, whether with or without a structure thereupon, shall permit the erosion or escape of soil, sand, gravel or similar material from said parcel onto any public street or into any drainage channel that receives stormwater runoff from said parcel as to harm said public street or drainage channel.
2. In the development of any site, including single-family houses and duplexes, the developer shall not construct the development so as to cause the discharge of stormwater runoff into either a newly constructed or existing drainage channel receiving runoff from the site in such a manner as to cause erosion of such channel.

#### **5.134 Inspection of Development**

The Building Official and/or other designated official shall inspect each development once the site plan is approved and a building permit issued. A failure to construct the development in accordance with the approved site plan, or in violation of any of this article, shall result in a revocation of the building permit and the refusal to issue a certificate of occupancy.

#### **5.135 Permit**

1. It shall be unlawful for any person to fill or excavate a parcel of land if the grade or elevation of such parcel will be changed enough to result in an increase or decrease in the volume or rate of surface water flow from or onto the land of another unless such person shall have first obtained a permit issued in accordance with this article.
2. It shall be unlawful for any person to alter or relocate any ditch, canal, drain or watercourse which drains or affects the drainage of land other than that of said person without having first obtained a permit issued under this article.
3. Filling or excavating in the minimum amount required for the preparation of the foundation for a building or structure shall not require a permit under this article; nevertheless, any other permit or permits required by this Resolution or

other laws of Cheatham County shall be obtained before beginning foundation preparation.

4. Fill material shall not include construction/demolition debris as defined in herein or any material customarily disposed in landfills regulated by the Tennessee Department of Environment and Conservation.

#### **5.136 Application Required**

1. A person seeking a permit required by this article shall file a written application thereof with the Building Official and/or other designated official.
2. Required Information: The application shall contain:
  - A. Name and address of the applicant.
  - B. A legal description of the parcel of land to be filled or excavated or upon which the ditch, canal, drain or watercourse to be altered or relocated is situated.
  - C. If required by the Building Official and/or other designated official, a topographical map of the land to be filled or excavated or of the ditch, canal, drain or watercourse to be altered or relocated and the surrounding area for such distance as the Building Official and/or other designated official may direct.
  - D. A description of the work to be done.
  - E. A description of the fill material, if any, to be used.
  - F. The estimated time needed for completion of the work.
  - G. Any other relevant information as may be reasonably required by the Building Official and/or other designated official.
  - H. Construction Site Runoff Controls Checklist (if applicable to permit request).

#### **5.137 Maintenance of Facilities and Grant of Easements**

1. Maintenance of Facilities:
  - A. All improvements, including post-construction best management practices and landscaping, shall be maintained in perpetuity and cannot be developed for any other use which would limit or cause to limit the use of

the improvements. Responsibility and maintenance of these improvements shall follow the ownership of the property.

- B. Each property owner shall be liable, within the contents of his or her deed, for the maintenance of the improvements. A special note to this effect shall appear on any final plat of subdivision.
- C. When problems arise due to inadequate maintenance, the Cheatham County Building Commissioner may inspect the improvements and compel the correction of the problem(s) by written notice. If it is impracticable for the property owner to make the correction, the property owner may contract with Cheatham County for the correction of the problem(s) if such service is available, provided that Cheatham County is adequately reimbursed.

2. Grant of Easement:

As a condition of issuing the permit, if required for the protection of the public or other landowners, the Building Official may require the applicant to:

- A. Grant Cheatham County a drainage easement or easements across the land involved in the permit application and any adjacent land owned by the applicant; and
- B. Construct and maintain such drainage ditch or ditches as may be necessary. A Certificate of Post-Construction Best Management Practice Perpetual Responsibility and Maintenance must be provided in order to obtain a Certificate of Occupancy.

EXHIBIT A

CHEATHAM COUNTY PLANNING DEPARTMENT  
CONSTRUCTION SITE RUNOFF CONTROLS CHECKLIST

- 3. This checklist is to be filled out before construction begins for all developments which anticipate land disturbance during construction. The checklist shall accompany the Building Permit Application. The purpose of the checklist is to monitor compliance with the Cheatham County Zoning Resolution, stormwater regulations of the U.S. Environmental Protection Agency and the stormwater regulations of the Tennessee Department of Environment and Conservation.
  - A. What is the area of land to be disturbed by the construction of this project?  
\_\_\_\_\_ acres



- B. Is such area of land to be disturbed greater than one (1) acre? \_\_ yes \_\_ no
- C. If such area of land to be disturbed is greater than one (1) acre, has compliance with the requirements of the Tennessee Department of Environment and Conservation (TDEC) and/or the United States Environmental Protection Agency been obtained? \_\_\_\_\_ yes \_\_\_\_\_no

#### **5.140 MINIMUM STANDARDS FOR SAWMILL OPERATIONS**

##### **PURPOSE**

The purpose of this amendment is to establish the policy of allowing sawmills in the Commercial and Industrial Zones under specific standards and requirements designed to limit the use of sawmill operations located in each zone and to minimize its impact on neighboring agricultural, residential, and commercial properties.

##### **DEFINITIONS**

**PERMANENT COMMERCIAL AND INDUSTRIAL SAWMILL:** Generally operating on one (1) or more full-time work shifts, five (5) or more days per week, constructed for the processing of timber logs into forestry products such as milled lumber, cants, treated posts, firewood and wood by-products such as slab wood, wood chips, bark chips and sawdust, and including planning and sizing facilities, kilns, storage yards and accessory maintenance facilities incidental to sawmill operations.

**TEMPORARY PORTABLE SAWMILL:** A small, self-contained sawmill that is moved to the site where the timber is to be sawn and then moved on to another location. This use does not include those permitted under other sawmill definitions.

**NOISE BUFFERS:** The installation of absorbing material on walls and ceilings of enclosed or partially enclosed areas aids in reducing reflected noise throughout the mill. Buffers are defined as materials, equipment or other structures designed to reduce noise from sawmills to a level less than eighty five (85) decibels, measured at any point outside the lot line.

#### **5.141 Permanent Sawmill: Commercial and Industrial Zones**

1. Statement of Purpose: The purpose of this Section is to establish a policy of allowing sawmills in the C-1, I – 1, I – 2, and I – 3 Industrial zoning districts under specific standards and requirements designed to limit the use of a sawmill operation located in a commercial or industrial zone and to minimize its impact on neighboring properties.

2. Statement of Use: The Special Permit application shall include a comprehensive statement of use describing the operations as per the following:
  - A. Specifications for the saw and all equipment related to the proposed use (including, but not limited to, trucks, chippers, etc.).
  - B. Identification of outside storage area, and
  - C. Other information as required by these regulations or by the Planning Commission.

Applicants are encouraged to consult with the Building Official and the Planning Department in the preparation of an application. The Planning Department shall refer an application for a sawmill Special Permit and the Site Plan to the Planning Commission for its comments not later than thirty (30) days before the public hearing to be held in relation thereto. Any report submitted to the Planning Commission at or prior to the conclusion of the public hearing shall be made public at the hearing.

3. Minimum Standards - Location and Operation:
  - A. The sawmill facility shall be defined as the saw and related equipment (such as, but not limited to: planer, edger) or the building enclosing the operation. Sawmills shall be classified as an Industrial Activities land use.
  - B. Noise: No use shall be carried on in any manner which produces noise perceptible at any lot line of the lot on which the use is conducted at a level which at any time exceeds 85 decibels, measured at any point at the lot line.
  - C. It shall be the responsibility of the applicant to establish and maintain the sawmill facility in such a way that it will comply with the standards in the Noise Regulation detailed in Part 3, Subpart 2 above. If necessary, noise reduction steps must be taken in order to comply with the standards. Prior to issuance of a Certificate of Occupancy, the Zoning Enforcement Officer shall request the applicant to provide certification of compliance with the Noise Regulation detailed in Part 3, Subpart 2 above. If at any time the sawmill operation exceeds the maximum allowable noise level, the Zoning Enforcement Officer shall issue a cease and desist order.
  - D. The sawmill building shall be set back a minimum of 200 feet from property lines located in Residential zoning districts and 100 feet from property lines located in the Commercial zoning districts.

- E. The use shall be limited to one commercial saw and related equipment. The hours of operation of the sawmill facility shall be limited to those between 7:00 a.m. to 10:00 p.m.
  - F. There shall be no burning of mill waste on the property.
- 4. General Standards for the Location of a Sawmill Building: The proposed sawmill shall be located to minimize noise and visual impact on surrounding neighborhood properties. Wherever possible, the sawmill location shall be selected on the basis of the following general standards:
  - A. Located on a high point on the property in relation to surrounding properties.
  - B. Buffered from surrounding properties by a 20 foot buffer of trees or a solid fence 10 feet in height.
  - C. Set back the maximum distance possible from property lines.
- 5. Outside Storage: Any portion of the lot outside of an enclosed structure to be used for any equipment, material, product or by-product associated with the proposed operation shall be considered an outside storage area.
  - A. The outside storage area shall be clearly delineated on the Site Plan and shall be staked in the field.
  - B. The Planning Commission may require a landscape buffer or other screening of any planned outside storage area.
  - C. Outside storage areas shall be located a minimum of 100 feet from any property line.
- 6. Vehicular Access and Use: Access shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties.
  - A. Because they will be serving a more intense use, existing access ways must be reviewed by the State DOT or the Road and Bridge Committee and the County Highway Department to determine consistency with State or County standards. New access ways shall be governed by current zoning regulations.
  - B. The Planning Commission may limit, as a condition of the permit, the size of vehicles and/or the number of daily, weekly, or monthly vehicular trips associated with sawmill use entering and leaving the property. Such

conditions shall be made in consideration of the location of the site in relation to the State highway system, the width of county or city streets providing access to the site and the nature of the neighborhood along the streets leading to the site. The application shall include a map showing the approach streets to be used by all trucks entering or leaving the property.

#### **5.142 Temporary Portable Sawmill: Agriculture Zone**

##### **Minimum Standards for Portable Sawmills:**

1. An application for operation must be submitted to the Building Official for review and permitting approval before operations commence.
2. The Building Official may establish any additional conditions on the operation of any sawmill, depending upon specific features of the site, the subject of such conditions which may include but are not limited to periods and hours of operation, noise levels, screening, setbacks, access, storage areas, parking and loading, odors, and materials storage.
3. No saw or other noisy equipment shall be operated within 100 feet of any highway or for more than 60 days of any calendar year on an initial permit from the Building Official. Extensions of the permit may be granted as a Special Exception by the Board of Zoning Appeals for 30 additional days if extenuating circumstances exist.
4. No operations within 300 feet of any residence without a special exception permit from the Board of Zoning Appeals.
5. Such temporary sawmill use is limited to 7:00 am to 6:00 pm Monday through Friday in the Agriculture, Residential and Commercial zoning districts.
6. A portable sawmill shall only process timber cut from the parcel on which the portable sawmill is located and cut from parcels that are contiguous to such a parcel.
7. No building or structure shall be erected for the storage, drying or processing of timber.
8. No commercial, wholesale, or retail sales of timber products shall be permitted on the site.

#### **5.150 DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS**

1. An accessory dwelling unit shall be within the principal dwelling or detached from the principal dwelling.
2. The principal use of the lot shall be a detached dwelling unit.
3. No more than one accessory dwelling unit in conjunction with the principal dwelling unit shall be permitted on a single deeded lot.
4. Accessory dwelling units may only be occupied when the owner of the lot resides within the principal dwelling which is situated upon the lot.
5. The accessory dwelling unit shall not be served by a driveway separate from that serving the principal dwelling.
6. Adequate parking must be provided. There must be a minimum of one (1) off-street parking space per accessory dwelling unit.
7. All external modifications and improvements must be compatible with the existing dwelling and surrounding properties.
8. The accessory dwelling unit must have the same street (house number) as the main dwelling.
9. Except for telephone and/or cable service, only one meter per utility may be installed to service both the principal and accessory dwellings.
10. An accessory dwelling unit shall not exceed 50% of the first floor heated and cooled area of the principal dwelling.
11. Accessory dwelling units must comply with the minimum yard requirements; setbacks, maximum lot coverage and height requirements of the zoning district.
12. Mobile homes and manufactured housing units shall not be used as an accessory dwelling unit.
13. An accessory dwelling unit must be constructed in conformance with the currently adopted building codes of Cheatham County.
14. Development Taxes for a new accessory dwelling unit shall be applied in the same manner as for a new principal dwelling unit. Adequate Facilities Taxes for a new accessory dwelling unit shall be applied based upon the square footage area of the new accessory dwelling unit portion of a structure. The building permit fee shall be charged as for an addition to a principal dwelling.

#### **5.160 DEVELOPMENT STANDARDS FOR SELF STORAGE MINI-WAREHOUSES**

Self-Storage/Mini-Warehouse units/buildings, as defined in Article II Section 2.010 of this Zoning Resolution, shall be permitted in accordance with the following standards as determined by the Cheatham County Planning Commission:

1. Access shall be from a collector or arterial street as defined by the Cheatham County Planning Commission.
2. There shall be only one means of ingress-egress to the storage facility location.
3. The minimum aisle width between buildings shall be twenty-five (25) feet.
4. The use of the facility shall be subject to review by the Building Official or other appropriate personnel regarding security and fire protection.
5. Storage of explosive, radioactive, toxic, highly-flammable, ammunition or other hazardous materials shall be prohibited.
6. No business activity other than leasing of storage units shall be conducted on the premises.
7. The storage facilities' complex shall be surrounded by a solid fence at least eight (8) feet in height and/or a landscape buffer of sufficient width and height to screen the facility from residential view.
8. Self-Storage buildings and associated improvements shall not be located within a Floodplain or Floodway as defined in Article VI Section 6.070 of this Zoning Resolution.
9. Approval of a site plan, landscape plan, and construction plan by the Cheatham County Planning Commission.
10. Exterior lightning shall be consistent with section 4.140,
11. Self-Storage buildings and associated improvements shall meet all other Cheatham County Zoning and Code requirements.

#### **5.170 DEVELOPMENT STANDARDS FOR ANIMAL SHELTERS AND KENNELS**

##### **Animal Shelter:**

1. All animals shall be kept inside soundproof air-conditioned buildings.

2. No outdoor kennels or runs are permitted.
3. No part of any building or structure in which animals are housed shall be closer than two-hundred and fifty (250) feet from any property line adjacent to a residential zone district-or district permitting residential uses by right

**Kennel, Boarding:**

2. All animals shall be kept inside soundproof air-conditioned buildings.
3. Outdoor kennels or runs are permitted and shall not be closer than two-hundred and fifty (250) feet from any property line adjacent to a residential zone district or district permitting residential uses by right.
4. No part of any building or structure in which animals are housed shall be closer than two-hundred and fifty (250) feet from any property line adjacent to a residential zone district or district permitting residential uses by right.

**Kennel, Breeding:**

1. All animals shall be kept inside soundproof air-conditioned buildings.
2. No outdoor kennels or runs are permitted.
3. No part of any building or structure in which animals are housed shall be closer than two-hundred and fifty (250) feet from any property line adjacent to a residential zone district-or district permitting residential uses by right

**5.180 DEVELOPMENT STANDARDS FOR BED AND BREAKFAST HOMESTAY**

1. The owner of the property must reside permanently in the home. If there is more than one (1) owner, the owner with the largest share of the ownership shall reside permanently in the home. If two (2) or more owners own equal shares, at least one (1) of the owners shall reside permanently in the home.
2. A maximum of one (1) off-street parking space shall be provided for each guest room. The design of the parking spaces and their number and location shall also take into account the owner's parking spaces. Fencing, screening and landscaping shall be required to buffer and protect adjoining properties. Large expanses of paved areas shall be avoided. No more than two (2) such spaces shall be located in the front yard.

3. A maximum of four (4) guest rooms shall be available for rent, and such rooms shall not occupy more than fifty (50) percent of the total habitable floor area. A guest register shall be maintained and made available to the codes administrator or other enforcing officer.
4. Meal service shall be restricted to overnight guests only. No cooking facilities shall be available in any guest room.
5. No exterior structural or architectural alterations or expansions, other than those necessary to ensure the safety of the building, shall be made to the building for the purpose of providing a bed and breakfast homestay.
6. The maximum length of stay for any guest(s) shall be fourteen (14) consecutive days.
7. The building shall comply with the currently adopted building code and shall be inspected prior to occupancy by the Building Commissioner or other enforcement officials. In the event the home is a historic building the board may consider varying the strict application of the code requirements as long as the safety of the guests is not compromised.
8. One (1) incidental sign may be permitted in compliance with the regulations set forth in Article V, Section 5.080.



## ARTICLE VI

## ZONING DISTRICTS

### SECTION

- 6.010 Establishment of Districts
- 6.020 Zoning Map
- 6.030 Zoning District Boundaries
- 6.040 Agricultural and Residential District Regulations
- 6.050 Commercial District Regulations
- 6.060 Industrial District Regulations

### 6.010 ESTABLISHMENT OF DISTRICTS

#### 6.011 Relationship to Public Chapter 1101

Upon approval of the Urban Growth Plan for Cheatham County, each municipality and the county government are committed to a process that is intended to direct growth and development on a countywide basis for the next twenty (20) years. This plan, as specified in the law, establishes three (3) types of growth areas:

**Urban Growth Boundaries (UGB)** - territory that is contiguous to and outside the corporate limits of a municipality where high density residential, commercial and industrial growth is expected, or where a municipality is better able to provide urban services than any other municipality.

**Planned Growth Areas (PGA)** - territory outside municipalities where high or moderate density commercial, industrial and residential growth is projected.

**Rural Areas (RA)** - territory not in a UGB or a PGA that is to be preserved as agricultural lands, forests, recreational areas, wildlife management areas or for uses other than high density commercial, industrial and residential development.

Over a period of several months the Cheatham County Coordinating Committee (a body comprised of members specified in Public Chapter 1101) developed the countywide Urban Growth Plan. Following necessary public hearings and other legally required processes this plan was adopted and now has the force of law.

One requirement established in Public Chapter 1101, that is particularly pertinent to the establishment and operation of zoning law within the county is the requirement established in Section 6-58-107 Tennessee Code Annotated, that reads as follows:

**"After a growth plan is so approved, all land use decisions made by the legislative body and the municipality's or county's planning commission shall be consistent with the growth plan."**

In order to meet this legal mandate, it has been determined that the various zoning districts created by this Zoning Resolution must be tailored to the general purposes established within the three (3) types of growth areas, i.e. (UGB), (PGA) and (RA). Thus the following districts are established for the three (3) areas designated on the adopted Urban Growth Plan, as noted below.

#### **6.012 Districts Applicable Within Rural Areas (RA)**

In order to implement all purposes and provisions of this resolution, the following districts are, hereby, established for Cheatham County.

1. Rural/Agricultural and Residential Districts

- A        Agricultural District
- E-1     Estates Residential District
- R-1     Low Density Residential District

2. Rural Commercial Districts

- C-3     Rural Convenience Commercial District

#### **6.013 Districts Applicable Within Planned Growth Areas (PGA) and Urban Growth Boundaries (UGB)**

In order to implement all purposes and provisions of this resolution, the following districts are, hereby, established for portions of the county designated as Planned Growth Areas (PGA) and Urban Growth Boundaries (UGB) on the Growth Plan for Cheatham County.

1. Residential Districts Applicable Within PGA and UGB

- A        Agricultural District
- E-1     Estates Residential District
- R-1     Low Density Residential District
- R-2     Medium Density Residential District
- R-3     High Density Residential District
- RPUD   Residential Planned Unit Development District

2. Commercial Districts Applicable Within PGA and UGB

C-1	General Commercial District
C-2	Neighborhood Commercial District
C-3	Rural Convenience Commercial District
C-5	Neighborhood Commercial Mixed Use District
CMUPUD	Commercial Mixed Use Planned Unit Development District

3. Industrial Districts Applicable Within PGA and UGB

I-1	General Industrial District
I-2	Heavy Industrial District
I-3	Special Industrial District

## **6.020 ZONING MAP**

The location and boundaries of the zoning districts established by this resolution are bounded and defined as shown on the map entitled, Zoning Atlas of Cheatham County, Tennessee". The zoning map and any amendment thereto shall be dated with the effective date of the resolution that adopts same. Certified prints of the adopted zoning map and zoning map amendments shall be maintained in the Cheatham County Building Department and shall be available for inspection by the public at all reasonable times, as long as this resolution remains in effect.

## **6.030 ZONING DISTRICT BOUNDARIES**

Unless, otherwise, indicated on the zoning map amendment, the district boundaries are lot lines, center lines of streets or alleys, or the Cheatham County boundary lines as they exist at the time of the enactment of the zoning resolution. Questions concerning the exact locations of district boundaries shall be determined by the Cheatham County Board of Zoning Appeals.

Where a district boundary line divides a lot existing at the time this resolution 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 (20) feet within the more restricted district.

## **6.031 Cross Reference to Permitted Uses and Other Requirements**

Principal permitted uses for each zoning district shall be as set forth in Table I – Land Use Activity Matrix as presented in Appendix A. Minimum lot sizes, yard requirements, maximum lot coverage and other similar requirements shall be as set forth on Table II – Bulk, Yard and Density Regulations – Residential Districts; Table III – Bulk, Lot and Open Space Requirements – Commercial Districts; and Table IV – Bulk, Lot and Open Space

Requirements – Industrial Districts. Off-Street Parking Requirements shall be those set forth in Section 5.010.

## **6.040 AGRICULTURAL AND RESIDENTIAL DISTRICT REGULATIONS**

The following regulations shall apply in the agricultural and residential zoning districts established in Article VI of this resolution.

### **6.041 A, Agriculture District**

#### District Description

Because agricultural and forestry activities comprise an important segment of the economy of Cheatham County, this district was designed to provide suitable areas for the growing of crops, animal husbandry, dairying, forestry, and other similar activities which usually occur in and characterize rural rather than urban areas. This district is designed, furthermore, to provide for low density residential development generally on large tracts of land whereon public sanitary sewer service and, in many cases, public water supply are least practical. This district may also include community facilities, public utilities, and open uses which serve specifically the residents of this district or which are benefitted by an open residential environment without creating objectionable or undesirable influences upon residential developments or influences incompatible with a rural environment.

#### 1. Permitted Accessory Uses and Structures

- A. Private residential garages and parking areas.
- B. Private barns, stables, sheds, and other farm buildings.
- C. Outdoor recreational facilities exclusively for the use of the residents.
- D. Signs in compliance with the regulations set forth in Article V, Section 5.080.
- E. Home occupations as defined by and subject to the provisions of Article V, Section 5.040.
- F. Other accessory structures and uses customarily incidental to the permitted uses.
- G. An Accessory Dwelling Unit

2. Uses Prohibited

Any use or structure not specifically permitted by right or conditional use is prohibited.

3. Accessory Structures

- A. With the exception of signs, accessory structures shall not be erected in any front yard.
- B. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

**6.042 E-1, Estates Residential District**

District Description

This district is designed to provide suitable open space for very low-density residential development. It shall consist primarily of single-family detached dwellings and their accessory uses. This residential district shall be located in those areas of the county that shall retain an optimum of open spaces to maintain a rural setting yet afford residential developments a minimum of urban character. This district is a transition zone between the agricultural district and the more urban zone R-1.

1. Accessory Uses and Structures

- A. Private residential garages and parking areas.
- B. Private barns, stables, sheds, and other farm buildings.
- C. Outdoor recreational facilities exclusively for the use of the residents.
- D. Signs in compliance with the regulations set forth in Article V, Section 5.080.
- E. Home occupations as defined by and subject to the provisions of Article V, Section 5.040.
- F. Other accessory structures and uses customarily incidental to the permitted uses.
- G. An Accessory Dwelling Unit

2. Uses Prohibited

Any use or structure not specifically permitted by right or conditional use is prohibited.

3. Accessory Structures

- A. With the exception of signs, accessory structures shall not be erected in any front yard.
- B. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

**6.043 R-1, Low Density Residential District**

District Description

This district is designed to provide suitable areas for low density residential development characterized by an open appearance. Most generally, the residential development will consist of single-family detached dwellings and accessory structures, but the district may also include community facilities, public utilities and open uses which serve specifically the residents of this district or which are benefited by an open residential environment without creating objectionable or undesirable influences upon such development. It is the express purpose of this resolution to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exceptions and home occupations shall be considered as not having such characteristics if they otherwise conform to the provisions of this resolution.

1. Accessory Uses and Structures

- A. Private residential garages and parking areas.
- B. Outdoor recreational facilities exclusively for the use of the residents.
- C. Signs in compliance with the regulations set forth in Article V, Section 5.080.
- D. Home occupations as defined by and subject to the provisions of Article V, Section 5.040.
- E. Other accessory structures and uses customarily incidental to the permitted uses.

- F. An Accessory Dwelling Unit.
- G. The keeping of domesticated chickens shall be permitted in accordance with the following standards:
  - (1) Structures used for domesticated chickens shall be permitted in accordance with Section 9.030, 1.
  - (2) The maximum number of domesticated chickens shall not exceed twenty-five.
  - (3) No Roosters.
  - (4) All domesticated chickens are to be kept outside of a habitable structure in a predator-proof enclosure, a portion of which must be a covered domesticated chicken house and a portion of which must be a fenced area. Domesticated chicken houses must be enclosed on all sides and have a roof and doors. The enclosed domesticated chicken house shall provide two square feet per domesticated chicken. The fenced enclosure must provide a minimum of six square feet per domesticated chicken.
  - (5) All domesticated chickens must be kept in the rear yards. None may be kept in the front yard.
  - (6) All enclosures must be at least twenty-five feet from any residential structure, other than the chicken owner's residence, and at least twenty-five feet from any property line.
  - (7) All food must be kept either indoors or in a weather-resistant container with a metal lid designed to prevent access by animals.
  - (8) Fenced enclosures and domesticated chicken houses must be properly ventilated, clean, dry and odor-free, kept in a neat and sanitary condition at all times in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
  - (9) Other types of fowl and poultry, such as ducks, geese, quail, pigeons, guinea fowl, pea fowl, or turkeys shall not be considered domesticated chickens.

2. Uses Prohibited

Any use or structure not specifically permitted by right or conditional use is prohibited.

3. Accessory Structures

- A. With the exception of signs, accessory structures shall not be erected in any front yard.
- B. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

**6.044 R-2, Medium Density Residential District**

District Description

This district is designed to provide suitable areas for low to medium density residential development. Most generally, this district will be characterized by single-family detached structures and duplexes and such other structures as are accessory thereto. This district also includes community facilities, public utilities and open uses which serve specifically the residents of this district or which are benefited by and compatible with a residential environment. It is the express purpose of this zoning resolution to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exceptions and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this resolution.

1. Accessory Uses and Structures

- A. Private residential garages.
- B. Outdoor recreational facilities exclusively for the use of the residents.
- C. Signs in compliance with the regulations set forth in Article V, Section 5.080.
- D. Home occupations as defined by and subject to the provisions of Article V, Section 5.040.
- E. Other accessory structures and uses customarily incidental to the permitted uses.
- F. An Accessory Dwelling Unit.



G. The keeping of domesticated chickens shall be permitted in accordance with the following standards:

- (1) Structures used for domesticated chickens shall be permitted in accordance with Section 9.030, 1.
- (2) The maximum number of domesticated chickens shall not exceed twenty-five.
- (3) No Roosters.
- (4) All domesticated chickens are to be kept outside of a habitable structure in a predator-proof enclosure, a portion of which must be a covered domesticated chicken house and a portion of which must be a fenced area. Domesticated chicken houses must be enclosed on all sides and have a roof and doors. The enclosed domesticated chicken house shall provide two square feet per domesticated chicken. The fenced enclosure must provide a minimum of six square feet per domesticated chicken.
- (5) All domesticated chickens must be kept in the rear yards. None may be kept in the front yard.
- (6) All enclosures must be at least twenty-five feet from any residential structure, other than the chicken owner's residence, and at least twenty-five feet from any property line.
- (7) All food must be kept either indoors or in a weather-resistant container with a metal lid designed to prevent access by animals.
- (8) Fenced enclosures and domesticated chicken houses must be properly ventilated, clean, dry and odor-free, kept in a neat and sanitary condition at all times in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
- (9) Other types of fowl and poultry, such as ducks, geese, quail, pigeons, guinea fowl, pea fowl, or turkeys shall not be considered domesticated chickens.

2. Uses Prohibited

In the R-2, Medium Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

3. Accessory Structures

- A. With the exception of signs, accessory structures shall not be erected in any front yard.
- B. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

**6.045 R-3, High Density Residential District**

District Description

This district is designed to provide areas which are highly compatible with the residential development found along the fringes of the incorporated areas of Cheatham County. This district is particularly suitable for areas adjacent to urban centers where a full complement of urban services, specifically including water services adequate to provide fire protection and public wastewater service is available. Although this district will be most generally characterized by single family detached dwellings and such other structures as accessory thereto, the district is designed to accommodate a wide variety of housing types along with the public services and facilities required to adequately support such development. It is the express purpose of this resolution to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise, except that special exceptions and home occupations specifically provided for in these regulations for this district shall be considered as not having such characteristics if they otherwise conform to the provisions of this resolution.

1. Accessory Uses and Structures

- A. Private residential garages.
- B. Outdoor recreational facilities exclusively for the use of the residents.
- C. Signs in compliance with the regulations set forth in Article V, Section 5.080.
- D. Home occupations as defined by and subject to the provisions of Article V, Section 5.040.
- E. Other accessory structures and uses customarily incidental to the permitted uses.
- F. An Accessory Dwelling Unit.

G. The keeping of domesticated chickens shall be permitted in accordance with the following standards:

- (1) Structures used for domesticated chickens shall be permitted in accordance with Section 9.030, 1.
- (2) The maximum number of domesticated chickens shall not exceed twenty-five.
- (3) No Roosters.
- (4) All domesticated chickens are to be kept outside of a habitable structure in a predator-proof enclosure, a portion of which must be a covered domesticated chicken house and a portion of which must be a fenced area. Domesticated chicken houses must be enclosed on all sides and have a roof and doors. The enclosed domesticated chicken house shall provide two square feet per domesticated chicken. The fenced enclosure must provide a minimum of six square feet per domesticated chicken.
- (5) All domesticated chickens must be kept in the rear yards. None may be kept in the front yard.
- (6) All enclosures must be at least twenty-five feet from any residential structure, other than the chicken owner's residence, and at least twenty-five feet from any property line.
- (7) All food must be kept either indoors or in a weather-resistant container with a metal lid designed to prevent access by animals.
- (8) Fenced enclosures and domesticated chicken houses must be properly ventilated, clean, dry and odor-free, kept in a neat and sanitary condition at all times in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
- (9) Other types of fowl and poultry, such as ducks, geese, quail, pigeons, guinea fowl, pea fowl, or turkeys shall not be considered domesticated chickens.

2. Uses Prohibited

In the R-3 High Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

3. Accessory Structures

- A. With the exception of signs, accessory structures shall not be erected in any front yard.
- B. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

4. Landscape

For multi-family uses see Article IV, Section 4.120

**6.050 COMMERCIAL DISTRICT REGULATIONS**

The following regulations shall apply in the commercial districts established in Article VI of this resolution.

**6.051 C-1, General Commercial District**

District Description

This district is established to provide areas in which the principal uses of land are devoted to general and highway commercial activities along the principal thoroughfares in Cheatham County. Regulations are designed to preserve the traffic carrying capacity of the streets and roads in Cheatham County and to provide for necessary off-street parking and loading. All lots shall be considered fronting on either arterial or collector roads as indicated on the latest official major thoroughfare plan.

1. Accessory Uses and Structures

- A. Signs in compliance with the regulations set forth in Article V, Section 5.080.
- B. Accessory off-street parking and loading facilities as required in Article V, Section 5.010.
- C. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

2. Uses Prohibited

In the C-1, General Commercial District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

3. Accessory Structures

Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

4. Landscaping

See Article IV, Section 4.120.

**6.052 C-2, Neighborhood Commercial District**

District Description

These districts were designed to provide adequate space in appropriate locations for limited commercial uses which serve the needs of the residents of the area.

1. Accessory Uses and Structures

- A. Signs in compliance with the regulations set forth in Article V, Section 5.080.
- B. Accessory off-street parking and loading facilities as required in Article V, Section 5.010.
- C. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

2. Uses Prohibited

In the C-2, Neighborhood Commercial District, any use not permitted by right, by accessory use, or as a special exception, as defined above is strictly prohibited.

3. Landscaping

See Article V, Section 4.120.

**6.053 C-3, Rural Convenience Commercial District**

District Description

This district is designed to provide for uses to provide shopping and service needs for surrounding rural and suburban households. The permitted establishments are those

which provide for regular local shopping and which, therefore, are visited frequently by customers. This district may occur along or away from arterial streets, characteristically are small and distributed widely for convenient accessibility by local residents. The bulk regulations are established to regulate commercial activity in the district and adjacent residential activity, and to lessen the concentration of vehicular traffic as compared to other commercial districts providing goods and services for a more extensive area.

1. Accessory Uses and Structures

- A. Signs in compliance with the regulations set forth in Section 5.080.
- B. Accessory off-street parking and loading facilities as required in Section 5.010.
- C. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.

2. Uses Prohibited

Any uses or structures not allowable as permitted uses, conditional uses, temporary uses, or accessory uses are prohibited within the C-3, Rural Convenience Commercial District.

3. Accessory Structures

Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

4. Landscaping

Each site developed in this district shall include at least ten (10) percent of the area devoted to a landscaped green treatment that meets the requirements established in Article IV, Section 4.120. No merchandise or other material shall be placed on or above this area.

**6.054 C-5, Neighborhood Commercial, Mixed-Use District**

District Description

The following zoning district provisions represent a commercial zoning classification that permits, rather than mandates, a vertical mix of commercial and residential uses within the same district. The district is intended to accommodate a physical pattern of development often found along village main streets and in neighborhood commercial

areas of older cities. The purposes of the C-5, Neighborhood Commercial, Mixed-Use District are to:

- ◆ Accommodate mixed-use development and buildings with neighborhood serving retail, service, and residential uses;
- ◆ Encourage development that exhibits the physical design characteristics of pedestrian- oriented, storefront-style shopping streets; and
- ◆ Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

1. Indoor/Outdoor Operations

All permitted uses in the C-5 district must be conducted within completely enclosed buildings unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas.

2. Floor-to-Floor Heights and Floor Area of Ground-floor Space

- A. All commercial floor space provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of 11 feet.
- B. All commercial floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:
  - (1) At least 800 square feet or 25 percent of the lot area (whichever is greater) on lots with street frontage of less than 50 feet; or
  - (2) At least 20 percent of the lot area on lots with 50 feet of street frontage or more.

3. Transparency

- A. A minimum of 60 percent of the street-facing building façade between two feet and eight feet in height must be comprised of clear windows that allow views of indoor space or product display areas.
- B. The bottom of any window or product display window used to satisfy the transparency standard of paragraph (1) above may not be more than 3 feet above the adjacent sidewalk.

- C. Product display windows used to satisfy these requirements must have a minimum height of 4 feet and be internally lighted.

4. Doors and Entrances

- A. Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.
- B. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

5. Landscaping

See Article IV, Section 4.120.

**6.060 INDUSTRIAL DISTRICT REGULATIONS**

The following regulations shall apply in the Industrial Districts established in Article VI of this resolution.

**6.061 I-1, General Industrial District**

District Description

This district is intended to provide space for the types of industrial activities which by reason of volume of raw materials or freight, scale of operation, type of structures required, or other similar characteristics, require location relatively well segregated from nonindustrial uses. New residential activities are excluded, and commercial establishments and community facilities which provide needed services for industry and are complimentary thereto are permitted.

1. Accessory Uses and Structures

- A. Signs in compliance with the regulations set forth in Article V, Section 5.080.
- B. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.
- C. Accessory off-street parking and loading facilities as required in Section 5.010.



2. Uses Prohibited

In the I-1, General Industrial District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

3. Accessory Structures

- A. With the exception of signs, accessory structures shall not be erected in any required front yard.
- B. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

4. Landscaping

See Article IV, Section 4.120.

**6.062 I-2, Heavy Industrial District**

District Description

This district is designed to accommodate industrial uses which involve more objectionable influence and hazards, and which, therefore, cannot be reasonably expected to conform to a high level of performance standards, but which are essential for the economic viability of Cheatham County.

1. Accessory Uses and Structures

- A. Signs in compliance with the regulations set forth in Article V, Section 5.080.
- B. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.
- C. Accessory off-street parking and loading facilities as required in Article V, Section 5.010.

2. Uses Prohibited

In the I-2, Heavy Industrial District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

3. Accessory Structures

- A. With the exception of signs, accessory structures shall not be erected in any required front yard.
  - B. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.
- 4. Landscaping

See Article IV, Section 4.120.

### **6.063 I-3, Special Industrial District**

#### District Description

The I-3, Special Industrial District, is intended to provide suitable areas for intense or potentially noxious industrial operations. Secondly, it is intended to protect these industrial lands from encroachment by other uses and to protect other uses from encroachment by these industrial uses.

- 1. Accessory Uses and Structures
  - A. Signs in compliance with the regulations set forth in Article V, Section 5.080.
  - B. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory uses are carried out on the same lot and are not otherwise prohibited.
  - C. Accessory off-street parking and loading facilities as required in Article V, Section 5.010.
- 2. Accessory Structures
  - A. With the exception of signs, accessory structures shall not be erected in any required front yard.
  - B. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line and from any building on the same lot.
- 3. Landscaping

See Article IV, Section 4.120.

## **ARTICLE VII**

## **PLANNED UNIT DEVELOPMENT DISTRICT REGULATIONS**

### **SECTION**

- 7.010 Planned Unit Development District Description and Purpose
- 7.020 General Provisions
- 7.030 Administrative Procedure
- 7.040 RPUD, Residential Planned Unit Development Districts
- 7.050 CMUPUD, Commercial Mixed Use Planned Unit Development Districts

### **7.010 PLANNED UNIT DEVELOPMENT DISTRICT DESCRIPTION AND PURPOSE**

These regulations are designed to promote flexibility in design and permit planned diversification in the location of structures; to promote efficient use of land that will facilitate a more economic arrangement of buildings; circulation systems, land use and utilities; to preserve as much as possible existing landscape features and utilize them in a harmonious fashion; to encourage the total planning of tracts of land; and to provide a mechanism for the ownership of land, utilities, streets, and facilities in common as well as the maintenance and disposition thereof.

In Cheatham County, two (2) types of Planned Unit Development Districts are permitted: Residential (RPUDs) and Commercial Mixed Use (CMUPUDs).

### **7.020 GENERAL PROVISIONS**

#### **1. Master Plan Required**

No application for PUD zoning shall be considered unless a master plan meeting the requirements set forth in Article VII is submitted therewith.

#### **2. Ownership and Division of Land**

No tract of land may be considered for or approved as a planned development unless such tract is under single ownership. The holder(s) of a written option to purchase, any governmental agency, or a redeveloper under contract shall be considered landowners for purposes of this section. Unless otherwise provided as a condition of approval of a PUD, the landowner of an approved PUD may divide and transfer parts of such development. The transferee shall complete each such unit and use and maintain it in strict conformance with the adopted final master plan. Prior to the transfer of any section, a subdivision plat shall be filed with the planning commission.

3. Relationship to Subdivision Regulations

The uniqueness of each proposal for a planned unit development may require that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs, and other standards be subject to modification from the specifications established in the subdivision regulations adopted by the planning commission. Modifications may be incorporated only with the approval of the master plan for a PUD and granted as a variance in the preliminary approval of the subdivision which must be concurrent with the final approval of the master plan by the planning commission.

4. Development Period, Staging Schedule

The expeditious construction of any PUD shall be undertaken to assist in the assurance of the full completion of the development in accordance with the approved master plan.

Within one (1) year after the date of approval, actual construction shall have commenced in such development. In the event that construction has not been started, the planning commission may conduct a hearing on the review of the PUD and may proceed to cancel or extend such final master plan depending on the circumstances of each case.

The planning commission may permit the development to be constructed in stages so that the completion is achieved in a logical manner. The following provisions shall govern the staging schedule:

- A. In a residential planned unit development, the ratio of gross floor area of commercial activity to residential activity in the plan as initially approved or amended shall not be exceeded at any given stage of construction.
- B. Each stage be so planned and so related to existing surroundings and available facilities and services that failure to proceed to the subsequent stages will not have an adverse impact on the planned unit development or its surroundings at any stage of the development.

5. Common Open Space, and Facilities

Any common open space or public or private facilities shall be subject to the following provisions:

- A. The location, shape, size, and character of common open space shall be reviewed in detail, and it must be used for amenity or recreational purposes. The uses authorized for the common open space must be

appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings or structures to be provided.

- B. Common open space must be suitably improved for its intended uses but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.
- C. The planning commission may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and facilities and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to an appropriate public agency and said dedication be approved by the planning commission. However, the conditions of any transfer shall conform to the adopted final master plan.
- D. In the event that the organization established to own and maintain the common open space, or any successor organization, shall at any time after the establishment of the planned unit development fail to maintain the common open space in reasonable order and condition in accordance with the adopted master plan, the Building Commissioner or his/her designee may serve written notice upon such organization and/or the owners or residents of the planned unit development and hold a public hearing. After thirty (30) days when deficiencies of maintenance are not corrected, the Building Commissioner or his/her designee shall call upon any public or private agency to maintain the common open space for a period of one (1) year. When the Building Commissioner or his/her designee determines that the organization is not prepared for the maintenance of the common open space such agency shall continue maintenance for yearly periods.
- E. The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned unit development that have a right of enjoyment of the common open space and shall become a lien on said properties.
- F. If the common open space is deeded to a Homeowners' Association, the Developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for

preliminary approval. The provisions shall include, but not be limited to the following:

- (1) The Homeowners' Association must be set up before the homes are sold.
- (2) Membership must be mandatory for each homebuyer and any successive buyer.
- (3) The open space restrictions must be permanent, not just for a period of years.
- (4) The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
- (5) Homeowners must pay their pro-rata share of the cost and the assessment levied by the association can become a lien on the property.
- (6) The association must be able to adjust the assessment to meet changing needs.
- (7) The Cheatham County Regional Planning Commission and the County Commission may, as a condition of approval in accordance with the master development plan, require that suitable areas for streets, public rights-of-way, schools, parks, or other public areas be set aside, improved, and/or dedicated for public use.

## **7.030 ADMINISTRATIVE PROCEDURE**

The provisions of this section govern the procedure for approval for all PUDs as provided herein.

### **1. Preliminary Approval**

Application for preliminary approval shall be made by the landowner of the affected property or his/her authorized agent to the Building Department in accordance with such written general rules regarding general procedure, form of application, and required information as the planning commission may determine, provided they are not inconsistent herewith. The application for preliminary approval shall be accompanied by:

- A. The preliminary master plan for the proposed planned unit development shall be a general concept which shall include such items as the planning commission by general rule shall specify in order to disclose:
  - (1) The location and size of the area involved,
  - (2) Transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas,
  - (3) Location and approximate dimensions of structures including approximate height and bulk and the utilization of structures including activities and the number of living units,
  - (4) Estimated population and density and extent of activities to be allocated to parts of the project,
  - (5) Reservations for public uses including schools, parks and other open spaces,
  - (6) Other major landscaping features, and
  - (7) The general means of the disposition of sanitary wastes and storm water.
- B. A tabulation of the land area to be devoted to various uses and activities and overall densities.
- C. The nature of the landowner's interest in the land proposed to be developed and a written statement or concurrence from all parties having a beneficial interest in the affected property.
- D. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities.
- E. A stage development schedule, setting forth when the landowner intends to commence construction and a completion period.
- F. When it is proposed that the final master development plan will be submitted in stages, a schedule of submission thereof.

2. Zoning Amendment

After approval of the preliminary master plan, the planning commission shall recommend an amendment to the County Commission reclassifying the proposed PUD to the appropriate planned unit development district. After County Commission approval of the amendment, the landowner may submit a final master plan to the planning commission, and the planning commission is authorized to proceed with all future details of the project.

3. Application for Final Approval

Within one (1) year of the preliminary approval and rezoning of a planned unit development, the landowner may make application to the planning commission for final approval, provided that the proposed master development plan and other elements associated with the planned unit development are in substantial compliance with the substance of the preliminary approval. The application shall include all aspects of the preliminary application, the proposed final master development plan, other required drawings, specifications, covenants, easements, conditions and forms of bond as were set forth by the planning commission resolution of preliminary approval. Copies of all legal documents required for dedication or reservation of group or common open space and/or for the creation of a nonprofit association shall also be submitted. When appropriate, this application shall contain the stated development schedule.

4. Final Approval of Stages

The application for final approval and the final approval by the planning commission may be limited to each stage as appropriate in a large planned unit development, in compliance with Article VII.

5. Final Master Development Plan of a Planned Unit Development

The final master plan of a planned unit development for the entire development, or as submitted in stages if authorized, shall be substantially consistent with the approved preliminary master development plan receiving preliminary approval plus the following:

The location of water, sewerage, and drainage facilities; detailed building and landscaping plans and elevations; character and location of signs; plans for street improvements; and grading and earth moving plans showing existing and proposed topography. The final master development plan shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development.



6. Amendments to the PUD

The terms, conditions, and the final master plan of a PUD may be changed from time to time by official action of the planning commission. Any such amendments must remain in compliance with the appropriate zoning regulations and comply with the following:

The landowner, the residents and/or owners of or in the PUD may apply to the planning commission for an amendment to the master plan. The planning commission may approve such amendment so long as the original intent is not abrogated and the change does not in any way damage any part of the PUD or any adjoining properties. Minor changes in the location, siting, and height of the buildings may be authorized by the planning commission if required by engineering or other circumstances of the location not foreseen at the time of final approval. Other changes in use, rearrangement of lots, blocks, or building tracts, provisions for open space, or any other desired change must be justified by changes in conditions or markets since the final plan was approved.

7. Subdivision Plat Required

A PUD may be subdivided and sold. When this is to be the case at the time of submission of the final master plan, a final subdivision plat shall also be submitted meeting the requirements for a final plat to be recorded in the office of the Cheatham County Registrar.

When the subdivision includes attached dwellings in either a horizontal or vertical relationship, the final plat shall also contain an "as-built" building and boundary survey showing the complete and accurate dimensions and angles of the boundary of the parcel(s) on which the unit is located. In a vertical relationship (for example a second-floor apartment) the plat must contain a datum plane of other suitable location reference. In meeting this requirement, it is necessary that the upper and lower limits of each level of each dwelling unit be identified specifically in relation to the vertical reference.

8. Building Reconstruction

In the event a building is substantially damaged or destroyed by fire or natural disaster, such building may be reconstructed in exact compliance with the approved master plan. No change in any dimension or location shall be permitted without an official amendment approved by the planning commission.

9. Zoning Considerations

When an area is submitted for PUD approval, the planning commission in its deliberations shall consider the character of the proposed development in relationship to the surrounding area. No such development shall be approved where the streets providing access cannot handle the additional traffic load or where the water system is incapable of meeting the fire flow requirements.

The development shall be so planned, designed, and constructed so as to avoid undue traffic congestion in the surrounding area and provide a satisfactory relationship of land use of the planned unit development with the surrounding area, making use of landscaping, screening, open space, and building placement where required and in keeping with accepted land planning principals.

**7.040 RPUD, RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICTS**

1. Permitted Uses

Within an approved RPUD, the following uses and their accessory structures may be permitted by the planning commission as a part of the approval process:

A. Residential Activities

- (1) Single Detached Dwellings
- (2) Duplex Dwellings
- (3) Multi-Family Dwellings

B. Community Facility Activities

- (1) Community Assembly
- (2) Cultural and Recreational Services
- (3) Essential Services

C. Commercial Activities

In RPUDs of one hundred (100) acres or larger, convenience commercial activities may be permitted to serve the regular recurring needs of the residents, provided that such commercial areas shall not exceed five (5) percent of the total acreage of the RPUD.

All such commercial areas shall meet the following additional requirements:

- (1) The building design shall be compatible with the remainder of the RPUD.
- (2) No outside storage shall be permitted, and trash disposal facilities shall be completely enclosed by walls or materials that compliment all other buildings.
- (3) Off-street parking areas shall be paved and landscaped. A permanently landscaped front yard shall be maintained a minimum of fifteen (15) feet wide which shall not be used for parking and with only driveways crossing said yard. Permanently landscaped side and rear yards at least ten (10) feet wide shall also be maintained.
- (4) All signs advertising the nature or names of the businesses shall be constructed flat against the walls of the building and shall not extend above or beyond any wall of the building. One such sign shall be permitted for each business located therein provided further that such sign shall not exceed thirty (30) square feet in size. All signs shall be either non illuminated or any lighting must be indirect. Portable signs of any kind are prohibited.
- (5) Any loading service area shall be in the rear of the building.
- (6) The planning commission may attach other landscaping or design requirements as needed in order to protect any adjoining or neighboring uses.

2. Dimensional Requirements

All RPUDs shall comply with the following area regulations:

A. Minimum Size

Five (5) acres.

B. Front Yard

- (1) There shall be a thirty (30) foot front yard setback for all buildings.
- (2) Where the RPUD fronts on a street with other houses on adjacent properties also fronting on such street which have front yards greater

than thirty (30) feet, then no building shall be closer to the street line than the minimum setback established by the existing buildings.

C. Peripheral Boundary

All buildings shall maintain a minimum setback from the peripheral boundary of the RPUD of not less than thirty (30) feet.

D. Other Yard Requirements

Within the boundary of the RPUD, other than the required yards above, no yard requirements are established. The planning commission shall specify internal yards as part of the approval of the final master plan based upon the type of buildings and nature of the PUD. At a minimum, Fire Code and Building Code separation requirements shall be met.

E. Lot Area and Frontage

In the case of detached dwellings no lot shall be approved with an area of less than eight thousand (8,000) square feet and a street frontage of less than seventy-five (75) feet at the building setback line.

F. Maximum Height of Buildings

No building shall exceed three (3) stories or thirty-five (35) feet in height.

G. Density of Development

The maximum overall residential density shall be specified in terms of the number of dwelling units per gross acre of the acreage of the entire development. The maximum density shall be as follows:

- (1) For a RPUD containing only single-family detached dwellings - 4.35 dwelling units per acre.
- (2) For a RPUD containing multi-family dwellings or a combination of building types - 12 dwelling units per acre.

3. Required Improvements

All RPUDs shall comply with the schedule of improvements required in this section.

A. Internal Streets

Within any RPUD, streets may be public or private. If the developer requests that the streets be dedicated to the public, specifications and procedures of the subdivision regulations for a paved street shall apply. Streets to be privately constructed and maintained, either by the landowner/developer or deeded to a Homeowners' Association shall be constructed to the specifications for public streets in the Cheatham County Subdivision Regulations.

(1) Minimum pavement widths shall be as follows:

Two-Way Street	22 ft.
One-Way Street	12 ft.

(2) Dead-end streets shall be provided with adequate turn-around with a minimum diameter of eighty (80) feet.

B. Off-Street Parking

All automobile storage areas shall be off-street with a minimum of two (2) spaces per dwelling unit. All off-street parking areas shall be paved, marked, and landscaped. Large expanses of pavement shall not be permitted to dominate a site, and the planning commission may require a variety of design and landscaping techniques to achieve this. Parking for other buildings shall be as defined in Section 5.010, of this resolution.

C. Utilities

The development shall be serviced with a public sanitary sewer system or an alternative sewage disposal system approved by the Cheatham County Health Department. The water systems shall be capable of providing needed fire flows for the development as well as a domestic water supply. Fire hydrants shall be installed at a maximum of five hundred (500) feet apart except for areas of detached dwellings where the fire hydrants shall be spaced so that no dwelling is farther than five hundred (500) feet away from such hydrant.

D. Waste Disposal

If any central waste disposal containers are provided, they shall be completely enclosed and screened from view with materials to match the development.

E. Recreation and Open Space

Recreation uses provided as a part of a RPUD may include community buildings, swimming pools, golf courses, tennis courts, playgrounds, and similar activities. Where a RPUD includes multi-family buildings, recreation and open space is required. The amount of land established for permanent usable open space and recreational use shall be a minimum of fifteen (15) percent of the gross acreage.

**7.050 CMUPUD, COMMERCIAL MIXED USE PLANNED UNIT DEVELOPMENT DISTRICTS**

1. Permitted Uses

Within an approved CMUPUD, the following uses and their accessory structures may be permitted by the planning commission as part of the approval process.

A. Residential Activities

Single Detached Dwellings  
Duplex Dwellings  
Multi-Family Dwellings

C. Commercial Activities

Commercial Campgrounds and RV (Recreational Vehicle) Parks  
Convenience Commercial  
Entertainment and Amusement  
Financial, Consultative, and Administrative Services  
Food and Beverage Services  
Food Service Drive-In  
General Business and Communication Services  
General Personal Services  
General Retail Trade  
Group Assembly  
Medical and Professional Services  
Transient Habitation

C. Community Facility Activities

Essential Services

D. Non-Agricultural Resource Processing

Bottling or otherwise packaging spring water including any required health or safety treatment.

2. Dimensional Requirements

All CMUPUD's shall comply with the following area regulations:

A. Minimum Size

Two (2) acres.

B. Front Yard

The front setback for buildings shall be forty (40) feet with a permanently landscaped front yard of ten (10) feet exclusive of driveways.

C. Peripheral Boundary

All buildings shall maintain a minimum setback from the peripheral boundary of the CMUPUD of not less than forty (40) feet. A minimum side and rear yard of ten (10) feet shall be maintained in a permanently landscaped manner.

D. Other Yard Requirements

Within the boundary of the CMUPUD other than the required yards above, no yard requirements are established. The planning commission shall specify internal yards as part of the approval of the final master plan based upon the type of buildings and nature of the CMUPUD. At a minimum, Fire Code and Building Code separation requirements shall be met.

E. Maximum Height of Buildings

No building shall exceed three (3) stories or thirty-five (35) feet in height.

F. Density of Development

The maximum overall residential density shall be specified in terms of the number of dwelling units per gross acre of the acreage of the entire development. The maximum density shall be as follows:

- (1) For a CMUPUD containing only single-family detached dwellings - 4.35 dwelling units per acre.

- (2) For a CMUPUD containing multi-family dwellings or a combination of building types - 12 dwelling units per acre.

G. Maximum Lot Coverage

The area occupied by all structures shall not exceed forty (40) percent of the total area of the CMUPUD.

3. Required Improvements

All CMUPUDs shall comply with the schedule of improvements regulated in this section.

A. Internal Streets

Within any CMUPUD, streets may be public or private. If the developer requests that the streets be dedicated to the public, specifications and procedures of the subdivision regulations for a paved street shall apply. Streets to be privately constructed and maintained either by the landowner/developer or an Owner's Association shall be constructed to the specifications for public streets in the Cheatham County Subdivision Regulations.

- (1) Minimum pavement widths shall be as follows:

Two-Way Street	22 ft.
One-Way Street	12 ft.

- (2) Dead-end streets shall be provided with adequate turn-around with a minimum diameter of eighty (80) feet.

B. Off-Street Parking and Loading

The off-street parking and loading requirements contained in Sections 5.010 and 5.020, shall apply. All off-street parking areas shall be paved, marked, and landscaped. Large expanses of pavement shall not be permitted to dominate a site, and the planning commission may require a variety of design and landscaping techniques to achieve this.

C. Utilities

Any construction in the CMUPUD district must have an available water supply such that a fire hydrant shall be placed within five hundred (500) feet of any point of any building in the development (as the hose lays)



except for areas of detached dwellings where the fire hydrants shall be spaced so that no dwelling is farther than five hundred (500) feet away from such hydrant and said fire hydrant can supply 500 gallons per minute with 20 pounds per square inch residual pressure but at minimum, Fire Code and Building Code requirements shall be met.

D. Waste Disposal

Any central waste disposal containers shall be completely enclosed and screened from view with materials to match the developments.

E. Signs

Signs in CMUPUD's shall comply with the provisions contained in Section 5.080, of this resolution.

F. Landscaping

At least ten (10) percent of the total area of the CMUPUD shall be landscaped to enhance site appearance. Included in the ten (10) percent shall be the front, rear, and side yards of ten (10) feet around the periphery of the CMUPUD. Yards which directly abut agricultural or residential districts shall be buffered as provided in Section 4.120. The extent and type of buffering may be varied by the planning commission as part of the approval of the final master plan, based on the type of buildings and the nature of the CMUPUD.

**Exceptions for Certain CMUPUDs**

Notwithstanding the foregoing, upon determination by the Planning Commission that the proposed use within the CMUPUD will not result in direct retail activities or require access by the general public, the Planning Commission may:

- (1) Consider surrounding land uses and the visibility of the area to be developed within the CMUPUD from public streets and surrounding properties and on that basis modify or waive the yard, peripheral boundary, landscaping or buffering requirements otherwise applicable to the CMUPUD.
- (2) Waive or modify the required improvements set forth in Section 7.050.3 provided the Planning Commission shall require such health and safety provision as are determined to be appropriate and shall require adequate provision for access considering the nature of the

proposed use. The Planning Commission may place limits on the extent of the proposed use to assure that the health, safety and access provisions remain adequate.

## ARTICLE VIII

## NONCONFORMING USES AND NONCOMPLYING BUILDINGS OR OTHER STRUCTURES

### SECTION

8.010 Nonconforming Uses.

8.020 Noncomplying Buildings or Other Structures.

8.030 Noncomplying Lots of Record.

#### **8.010 NONCONFORMING USES**

The provisions of this section are applicable to all uses which are not permitted within the districts in which they are located.

##### 1. Continuation of Nonconforming Use

Any nonconforming use which existed at the time of enactment of this resolution and which remains nonconforming, or any use which shall become nonconforming upon enactment of this resolution, or any subsequent amendments thereto may be continued subject to the provisions contained in this section. Provided however, that nothing herein shall be construed to authorize the continuation of any illegal or nonconforming use which was illegal prior to the adoption of this resolution.

##### 2. Repairs & Alterations

Nothing in this section shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

###### A. Incidental Alterations

Incidental alterations as defined by this resolution may be made to a building or other structure occupied by a nonconforming use, or in connection with a permitted change of a nonconforming use.

###### B. Alterations Other Than Incidental Alterations

No alterations other than incidental alterations shall be made to a building or other structure occupied by a nonconforming use, except as provided below or when made:

- (1) In order to comply with requirements of law regarding fire protection, safety of the structure, etc., or
- (2) In order to conform to the applicable district regulations or performance standards.

C. Alteration of Commercial and Industrial Uses

Any commercial or industrial use subject to the provisions of this section shall be allowed to continue in operation and to make such alterations as may prove necessary for the continuation of said use. However, no alteration may be made which would result in a change from one nonconforming use to another and further provided that any such alteration permitted hereunder shall take place only upon the zone lot(s) on which said use was operating as of the effective date of this resolution.

3. Expansion

The nonconforming use of part of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be extended throughout the building or structure in which said use is presently located, but no changes or structural alterations which increase the bulk of the building or structure shall be made unless such changes or structural alterations and the use thereof conform to all the regulations of the district in which the building or structure is located.

**Expansion of Commercial and Industrial Uses**

Any commercial or industrial use subject to the provisions of this section shall be allowed to continue in operation and to expand provided that no expansion permitted under this section:

- A. shall result in a change of one nonconforming use to another nonconforming use;
- B. shall infringe, or increase the extent of any infringement existing at the time of adoption of this resolution, upon any open space required by this resolution;
- C. shall take place beyond the zone lot(s) on which said use was operating as of the effective date of this resolution.

4. Change of Use

For the purpose of this section, a change in use is a change to another use either under the same activity type or any other activity type that constitutes a reduction in the degree of nonconformity; however, a change in ownership shall not, by itself, constitute a change of 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.

5. Damage or Destruction

Any commercial, industrial, or single-family residential use subject to the provisions of this section shall be allowed to reconstruct new facilities necessary to the conduct of such operation, provided that no destruction or rebuilding:

- A. shall result in a change of one nonconforming use to another nonconforming use which increases the degree of nonconformity;
- B. shall infringe upon or increase the extent of any infringement existing at the time of this resolution, upon any open space, bulk and lot requirements established by this resolution.
- C. shall take place only upon the zone lot (s) on which said use was operating as of the effective date of this resolution and shall be reconstructed within one (1) year.

6. Discontinuance

When a nonconforming use in any building or other structure or tract of land is discontinued for a period of thirty (30) continuous months, then the land or building or other structure shall thereafter be used only for a conforming use. Intent to resume a nonconforming use shall not affect the foregoing provisions.

7. Special Provisions Governing Nonconforming Buildings Within Floodplain Districts

A. Enlargements of Buildings Within the Floodplain

A building or other structure which is nonconforming by reason of location within the floodplain shall not be enlarged or expanded but may be altered, or repaired as set forth in Section B above, or as may be expressly

authorized by the Board of Appeals in order to incorporate flood proofing measures provided that such alteration will not increase the level of the 100-year flood or extend the normal life of such nonconforming building or structure.

**B. Special Provisions Governing Reconstruction of Buildings or Structures Located Within the Floodway Portion of Floodplain Districts**

Within any designated floodway, any building or structure in existence prior to the effective date of this resolution that is hereafter destroyed or substantially damaged by any means may be reconstructed and used as before only if the following requirements are met.

- (1) The reconstruction does not exceed the volume and external dimensions of the original structure or does not offer any greater obstruction to the flow of floodwaters than did the original structure.
- (2) Nonresidential structures may be reconstructed only if the lowest floor (including basement) elevation meets requirements established in this zoning resolution at Section 6.070 Floodplain Regulations.
- (3) Residential structures may be reconstructed only if the lowest floor (including basement) elevation meets requirements established in this zoning resolution at Section 6.070 Floodplain Regulations.
- (4) The level of the 100-year flood shall not be increased above that shown.

**8.020 NONCOMPLYING BUILDINGS OR OTHER STRUCTURES.**

The provisions of this section shall control buildings and other structures, including signs, which do not meet the bulk or any other provisions applicable in the districts in which they are located except those provisions which pertain to activity or use.

**1. Continuation of Use**

The use of a noncomplying building or other structure or parcel may be continued, except as otherwise provided by this section.

**2. Repairs and Alterations**

Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions contained herein.

3. Enlargements or Conversions

A noncomplying building or other structure may be enlarged or converted, provided that no enlargement or conversion may be made which would either create a new noncompliance or increase the degree of noncompliance of a building or other structure or parcel or any portion thereof.

4. Damage or Destruction

In all districts, when a noncomplying building or other structure is damaged by any involuntary means to the extent of fifty (50) percent or more of its fair market value, such building or other structure may be reconstructed only in accordance with the applicable bulk regulations and other provisions of this resolution. Provided however, that any residential development which was approved and completed with valid certificates of occupancy having been issued prior to the adoption of the Cheatham County Zoning Resolution then in effect may be permitted to reconstruct the same number of buildings and dwelling units that existed prior to the damage or destruction.

**8.030 NONCOMPLYING LOTS OF RECORD.**

A noncomplying lot of record may be used for building purposes provided that a variance for the noncompliance may be granted by the board of appeals. Such variance shall be the minimum variance required to provide for use of the lot.

## **ARTICLE IX**

## **ADMINISTRATION AND ENFORCEMENT**

### **SECTION**

- 9.010 Administration
- 9.020 The Enforcement Officer
- 9.030 Zoning Compliance Permit (Building Permits)
- 9.040 Temporary Use Permits
- 9.050 Board of Zoning Appeals - General
- 9.060 Appeals to the Board
- 9.070 Variances
- 9.080 Procedure for Authorizing Conditional Uses
- 9.090 Amendments to the Resolution
- 9.100 Violations and Penalties
- 9.110 Remedies
- 9.120 Validity
- 9.130 Interpretation
- 9.140 Severable Nature of Resolution
- 9.150 Effective Date

### **9.010 ADMINISTRATION**

Except as otherwise provided, no structure or land shall, after the effective date of this resolution, be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the provisions herein specified for the district in which it is located. The provisions of this resolution shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where the conditions imposed by any provisions of this resolution upon the use of land or buildings or other structures or upon the height or bulk of buildings or other structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this resolution or any other law, or ordinance, of any kind, the provisions which are the most restrictive shall in all cases apply.

### **9.020 THE ENFORCEMENT OFFICER**

The provisions of this resolution shall be enforced by the Building Commissioner or his/her designee. He/she shall also:

1. Issue all Building Permits and make and maintain records thereof.
2. Issue all Certificates of Occupancy and make and maintain records thereof.



3. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof.
4. Maintain and keep current zoning maps and records of amendments thereto.
5. Receive, file and forward to the Board of Zoning Appeals all applications for variances, special exceptions or other matters on which the Board is required to act under the provisions of this resolution.
6. Receive, file and forward to the planning commission all matters on which the planning commission is required to act under this resolution.
7. Conduct inspections as required in this resolution and such other inspections as are necessary to ensure compliance with the various other general provisions of this resolution. The Building Commissioner or his/her designee shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his/her authorized duties.

#### **9.030 ZONING COMPLIANCE PERMIT (BUILDING PERMITS)**

No Building Permit shall be issued by the Building Department except in conformity with the provisions of this resolution, unless there is received a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by this resolution.

It shall be unlawful to commence the excavation for, or the construction of, any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, including expansion, including accessory structures, to use a building or structure, or to commence the filling of land without a permit therefore, issued by the Building Department.

##### **1. Requirements and Application for a Building Permit**

A Building Permit shall be required for the construction or placement of any structure. The first Accessory Structure on a parcel of property is excluded from this requirement if the Accessory Structure does not exceed two hundred (200) square feet. All swimming pools require a Building Permit. The construction or alteration of any structure that affects any framing, plumbing, HVAC, or electrical system requires a Building Permit. Nothing in this section shall waive any other law(s) or code(s) requiring a Building Permit.

Application for a Building Permit shall be made in writing to the Building Department on forms provided for that purpose. Applications for Building Permits will be accepted only from persons having legal authority to take action

in accordance with the permit. In general, this means that the application should be made by the owners or lessees of the property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this resolution, or the agents of such persons. The Building Department may require an applicant to submit evidence of his authority to submit the application for a building permit whenever there appears to be a reasonable basis for questioning this authority.

All applications shall be complete before the Building Department is required to consider the application. All applications must contain construction drawings in a scale adequate to determine compliance with all the requirements of this resolution, and the applicant must provide a detailed list of construction materials and other information deemed necessary by the Building Department in order to provide sufficient information to allow the Building Department to evaluate the application in light of the requirements set forth in this resolution.

## 2. Site Plan Requirements

Site plans shall be required for multi-family residential developments, commercial and industrial developments and all special exceptions. Mobile home parks shall submit a site plan as required in Section 5.090. The Planning Commission shall be the reviewing agency for all permitted uses and the Board of Zoning Appeals shall be the reviewing agency for all conditional uses. Provisions for conditional uses are found in Section 9.080. The following requirements are intended to promote good site development and ensure that multifamily residential, commercial, industrial, and conditional uses comply with the provisions of this resolution. Any approval of a site plan shall cease to be effective one (1) year after the date of the approval if a building permit has not been issued or unless the site is reapproved. The planning commission shall permit the Building Commissioner or his/her designee to waive site plan requirements under the following conditions:

- A. The proposed development is an addition or an accessory structure on a site previously approved by the Planning Commission provided that the structure does not exceed five hundred (500) square feet.
- B. The proposed development is an addition or an accessory structure on a site in existence prior to the adoption of the zoning resolution provided the structure does not exceed five hundred (500) square feet.

## 3. Review Procedure

Twelve (12) copies of the required site plan shall be submitted to the Cheatham County Building Commissioner or his/her designee and Planning Commission or

for conditional uses seven copies of the required site plan shall be submitted to the Board of Zoning Appeals at least ten (10) days in advance of the meeting at which it is to be reviewed. Three (3) copies of construction plan blueprints shall be submitted to the Building Commissioner for review. The Planning Commission or the Board of Zoning Appeals shall review the site plan for compliance with the site plan requirements set forth in this resolution and all other requirements. Incomplete information shall result in the site plan being returned to the applicant without action. The following information shall be required:

- A. General location sketch map at a scale not smaller than 1"=2,000', showing:
  - (1) The approximate boundaries of the site.
  - (2) External public access streets or roads in relation to the site.
  - (3) Surrounding Development (i.e., general residential, commercial, and industrial areas) within the general vicinity of the site.
  - (4) Any public water and sewer systems in relation to site.
- B. Site plan drawn at a scale no smaller than 1" = 100' showing:
  - (1) The actual shape, location, and dimensions of the lot.
  - (2) The shape, size, and location of all buildings or other structures already on the lot.
  - (3) The existing and intended use of the lot and of such structures upon it, including, for residential activities, the number of dwelling units the buildings are intended to accommodate.
  - (4) Topographic features, both existing and proposed, with contours at a vertical, interval no greater than five (5) feet.
  - (5) Location of all driveways and entrances.
  - (6) Location of all accessory off-street parking areas to include a plan showing design and layout of such parking facilities where five (5) or more accessory off-street parking spaces are to be provided. (Dimensions shall be shown.)
  - (7) Location of all accessory off-street loading berths.

- (8) Location of open space.
- (9) Proposed ground coverage, floor area, and building heights.
- (10) Position of fences and walls to be utilized for screening (materials specified).
- (11) Position of screen planting (type of planting specified).
- (12) Proposed means of surface drainage, including all drainage ways and facilities.
- (13) Location of all easements and rights-of-way.
- (14) Location of areas subject to flooding.
- (15) Location and size of all utilities including all fire hydrants.
- (16) Location, type, and size of proposed signs.
- (17) Vegetation:
  - a. Appropriate location of tree masses and natural hedgerows.
  - b. General description of the principal species of trees and range of sizes with tree masses.
  - c. Location and identification of trees fifteen (15) inches in caliper or larger.
- (18) Identification of slopes twelve (12) to twenty (20) percent and twenty (20) percent or greater and identification of soils on slopes.
- (19) Detailed lighting plans consistent with section 4.140

C. The planning commission as the reviewing body may:

- (1) Approve the plan submitted to the Building Commissioner or his/her designee.
- (2) Disapprove the plan.
- (3) Approve the plan with conditions or recommendations for alterations.

- (4) If no "actual construction" has begun in the development within two (2) years from the date of approval of the site plan, said approval of the site plan shall lapse and be of no further effect.

4. Fee

The Cheatham County Commission shall establish a schedule of fees and a collection procedure for Building Permits. The schedule of fees shall be posted in the Building Department. Only the County Commission may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application.

5. Issuance of Permit

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

6. Construction Progress

Any Building Permit issued becomes invalid if work authorized is not commenced within six (6) months of the date of issuance or if the work authorized by the permit is suspended or discontinued for a period of one (1) year.

7. Issuance of Certificate of Occupancy

- A. No such land or building or part thereof hereafter erected or altered in its use or structure shall be used or occupied until the building official shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this resolution.
- B. Within three (3) business days after notification that a building or premise or part thereof is ready for occupancy or use, it shall be the duty of the building official to make a final inspection thereof and to issue a certificate of occupancy if the land, building, or part thereof are found to conform with the provisions of this resolution; or, if such certificate is refused, the Building Commissioner or his/her designee shall state refusal in writing with the cause.

#### **9.040 TEMPORARY USE PERMITS**

It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the County Building Department as provided for in Article V, Section 5.030, of this resolution. Application for a Temporary Use Permit shall be made in writing to the Building Department on the form provided for that purpose.

#### **9.050 BOARD OF ZONING APPEALS – GENERAL**

The Cheatham County Board of Zoning Appeals (hereafter referred to as the Board) is hereby established in accordance with 13-7-106 through 13-7-109 of the Tennessee Code Annotated. The Board shall consist of five (5) members. The County Commission shall appoint members and may fix their compensation and their terms, which shall be so arranged that the term of one (1) member will expire each year. The County Commission may remove any member upon cause. Vacancies shall be filled for an unexpired term in the same manner as the case of original appointment.

##### **1. Powers of the Board**

###### **A. The Board has the power to:**

- (1) Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by the Building Commissioner or any other administrative official in the carrying out or enforcement of this resolution;**
- (2) Hear and decide, in accordance with the provisions of any this resolution, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which the Board is authorized this resolution to pass; and**
- (3) Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under such sections would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship; provided, that such relief may be granted without substantial detriment to the public good and without substantially**

impairing the intent and purpose of the zone plan and zoning resolution.

- B. It is the intent of this resolution that the Board have the powers set forth in Tennessee Code Annotated § 13-7-109, as may be amended from time to time.

## 2. Procedure

- A. Meetings of the Board shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action taken thereon. The records and minutes shall be filed in the office of the Building Department and shall be a public record.
- B. The presence of three (3) members of the Board shall constitute a quorum and the concurring vote of at least three (3) members of the Board shall be necessary to deny or grant any application before the Board.
- C. No action shall be taken by the Board on any case until the notices set forth herein have been provided and a public hearing has been conducted. The notices to be provided are as follows:
  - (1) A notice of public hearing shall be published in a newspaper of general circulation in Cheatham County at least ten (10) days prior to the date of the hearing.
  - (2) A notification sign or signs shall be placed on the property at least fifteen (15) days prior to the date of the hearing. Any property line of the subject property which fronts upon any public street or road shall be clearly flagged or marked at the time the public notification sign is posted. The public notification signs shall be those furnished by or approved by the Building Commissioner and the applicant shall be responsible for obtaining the sign(s) or approval from the Building Commissioner and placing it on the property. The sign(s) shall:
    - a. be no smaller than three feet by two feet (3' x 2')) and shall be clearly visible and legible to passing motorists.
    - b. specify the time, date and location of the scheduled public hearing

- c. contain the telephone number of the Building Commission Office where additional information can be obtained
  - d. be posted along each three hundred (300) feet of each Public Street or road right-of- way adjoining property.
  - e. be posted within ten feet (10') of the public street on road right-of-way and be positioned in a manner to best inform the motoring public without creating a safety hazard
  - f. be posted at the location where each access easement attaches to a public street or road right-of-way if the property is accessed by easement.
- (3) A notice of public hearing shall be sent by certified mail, return receipt requested, to the property owners of record whose property is adjacent to, or immediately across the street from, the property that is the subject of the public hearing. Compliance with this notice requirement will be deemed sufficient if the Building Commissioner sends such certified mail to the owner's address of record as reflected in the records of the Cheatham County Tax Assessor.
- D. Applicants shall pay the then current fees as established by the Cheatham County Commission. Such fees include an application fee to assist in covering the cost of review and processing the case, a fee for each notification sign obtained from the Building Commissioner, and a fee for providing notice by certified mail to the extent required by this resolution. It is the intent of this resolution that the applicant pay Cheatham County for all costs associated with an application to the Board with the exception of the cost of advertisements posted in local newspapers regarding said matters.
- E. The Board shall schedule and decide matters within a reasonable time. A delay is not unreasonable if caused by the failure of an applicant to provide complete information or documents to the Board.
- F. Any person may appear in person, by agent, or by attorney at the hearing of a matter before the Board.
- G. The Board may adopt such additional rules of procedure as it deems fit and may delay or deny applications based on the failure to comply with such rules.



- H. The Board may call upon any other office or agency of the county government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the Board as may be reasonably required.
- I. The Regional Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board and such opinion shall be made part of the record of such public hearing.

3. Stay of Proceedings

An appeal, application for a variance, or request for special exception shall stay all proceedings furthering enforcement of any sections of this resolution from which the applicant is requesting relief, unless the Building Commissioner certifies to the Board that by reason of facts, a stay would, in the Building Commissioner's opinion, cause imminent peril to life or property. In such cases, enforcement shall not be stayed otherwise than by an order by a court of competent jurisdiction. Notwithstanding any provision in this resolution to the contrary, no judicial appeal of a decision by the Board shall act as a stay of the enforcement of the Board's decision as to any use commenced in violation of the terms herein unless such stay is ordered by a court of competent jurisdiction.

4. Liability of Board Members, Director, Building Department, and Employees

Any board member, building official or other employee charged with the enforcement of this resolution, acting for Cheatham County within the scope of the responsibilities assigned him/her under this resolution shall not thereby render himself/herself liable personally, and he/she is hereby relieved from all personal liability and shall be held harmless by the county of any damage that may occur 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, building official, or employee charged with the enforcement of any provision of this resolution shall be defended by legal representatives furnished by the county until the final termination of such proceedings.

5. Reconsideration or Rehearing

- A. The Board may reconsider or rehear a matter under the following conditions:
  - (1) Not more than sixty (60) days have passed since the matter was originally decided;

- (2) A motion to reconsider or rehear the matter is made by a board member voting with the majority in the original decision; and
- (3) A writ of certiorari or other litigation has not been commenced regarding the matter.

- B. If the Board determines reconsideration or rehearing is appropriate, it shall set a date for the rehearing or reconsideration. A reconsideration shall be held upon only the evidence submitted at the original hearing and a rehearing will be held upon the original evidence and any new evidence submitted by the parties.
- C. Both a reconsideration and a rehearing require the same public notice as the original hearing. The persons requesting the rehearing or reconsideration shall be notified to appear before the Board on the date set by the Board. In addition to the general public notice requirements, the Building Commissioner shall make reasonable efforts to notify other known interested parties of the date and time of the reconsideration or rehearing. The cost of providing public notice for re-hearings or reconsiderations at the applicant's request shall be at the applicant's expense.
- D. A decision to reconsider or rehear a prior matter vacates the original decision and the Board's administrative decision will not be considered final until the conclusion of the reconsideration or rehearing. A decision not to reconsider or rehear a prior matter leaves the original decision as the final decision of the Board effective as of the original decision date.
- E. No rehearing for a variance shall be granted an applicant found by a court of competent jurisdiction to be in willful violation of the express provisions of a prior variance granted under the authority of this article.

#### 6. Court Review

Any person or persons, jointly or severally, aggrieved by any decision of the Board may appeal the same to the Chancery Court of Cheatham County.

#### 7. Repeated Applications

If an application is denied or disapproved by the Board, thereafter the Board shall not be required to consider another application for substantially the same proposal, on the same premises, until one year after the date of disapproval.

#### **9.060 APPEALS TO THE BOARD**

1. An appeal to the Cheatham County Board may be taken by any person aggrieved, or by any officer, department or board of the county affected, by any grant or withholding of a building permit or by any other decision of the Building Commissioner or other administrative official, based in whole or in part upon the provisions of this resolution.
2. The Building Commissioner shall provide written notice of his decisions and such notice shall contain language adequately describing the right and deadline to appeal the action or decision to the Board.
3. An appeal must be made within sixty (60) days of the decision being appealed and initiated by paying the applicable fee and filing an application for appeal with the Building Commissioner. The Building Commission shall provide a form for this purpose. The failure to file a notice of a timely appeal shall result in the appeal not being heard. The Building Commissioner or his/her designee shall accept any timely appeal and transmit to the Board all papers constituting the record of the action or decision upon which the appeal is taken.
4. The Board may adopt rules concerning documents that must be provided in connection with appeals and the deadlines for submission of such documents. Failure to provide documents in accordance with such rules may result in the delay or denial of an appeal.
5. The Board shall fix a time for the hearing of appeals, give notice of such time to known parties in interest, and provide public or other notice as required by applicable law or this resolution.

#### **9.070 VARIANCES**

The purpose of this procedure is to modify the strict application of the specific requirements of this resolution in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this resolution at the time of adoption of the zoning resolution.

1. Application

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

2. Hearing

Upon receipt of an application the Board shall hold a hearing to decide whether a variance to the resolution provisions is, in fact, necessary to relieve unnecessary hardship.

3. Standards for Variances

The Board shall not grant a variance except where special circumstances or conditions, fully described in the findings of the Board, do not apply generally in the district. The burden of showing that the variance should be granted shall be upon the person applying for the variance. In granting a variance, the Board shall ascertain that all the following criteria are met:

- A. The particular physical surroundings, shape, topographic conditions of the specific property involved that would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this resolution were carried out must be stated.
- B. The conditions upon which the petition for a variance is based would not be applicable, generally, to other property within the same district.
- C. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this resolution to other land, structures, or buildings in the same district.
- D. Financial returns only shall not be considered as a basis for granting a variance.
- E. The variance is the minimum variance that will relieve such difficulties or hardship and thereby make possible the reasonable use of the land, building, or structure.
- F. The variance will not authorize activities otherwise excluded from the particular district in which requested.
- G. That the granting of the variance will not be detrimental to the public welfare, injurious to other property or improvements in the area in which the subject property is located, or a substantial impairment to the intent

and purpose of the zoning district wherein such property is located or of the general provisions of this resolution.

- H. That the proposed variance will not impair an adequate supply of light and air to the adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety.
- I. That the alleged difficulty or hardship has not been knowingly and intentionally created by any person having an interest in the property after the effective date of this resolution.

4. Restrictions and Variances

- A. 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.
- B. Under no circumstances shall the Board of Appeals grant a variance to allow a "**USE**" not permissible under the terms of this resolution in the district involved, or any use expressly or by implication prohibited by the terms of this resolution in said district.
- C. The Board 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 9.070(3) above, to reduce or minimize the injurious effect of such variance upon surrounding property and better carry out the general intent of this resolution

**9.080 PROCEDURE FOR AUTHORIZING CONDITIONAL USES**

The following procedure is established to provide for review of a proposed use as a conditional use by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this resolution or whether a review is requested by the Building Department.

1. Appeal of Board of Zoning Appeals Decision

A decision of the Board of Zoning Appeals may be appealed to a court of competent jurisdiction in accordance with state law.

2. Application

An application including a site plan shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board may require. Said site plan shall comply with the regulations set forth in Section 9.030.2, and Section 9.030.3.

3. Restrictions

In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this resolution.

4. Validity of Plans

All approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times.

5. General Requirements

A conditional use may be granted provided the Board finds that the activity:

- A. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
- B. Will not adversely affect other property in the area in which it is located.
- C. Is within the provision of "Conditional Use" as set forth in this resolution.
- D. Conforms to all applicable provisions of this resolution for the district in which it is to be located and is necessary for public convenience at that location.

6. Specific Standards for Community Facility Activities

In addition to the requirements of the applicable district and the general requirements set forth above, a conditional use may be granted for the community facility activities specified below only when the standards established are met as part of the condition for issuing the permit in the applicable zoning district.

A. Special Conditions for Administrative Services

- (1) There must be a demonstrated need for such activities to serve the neighborhood or the total community.
- (2) All lot, yard, and bulk regulations of the zone district shall apply.
- (3) Appropriate off-street parking requirements shall apply.
- (4) Fencing, screening, and landscaping shall be provided as appropriate to protect surrounding properties and reduce any potential adverse impact.

B. Special Conditions for Day Care Facilities

For purposes of this resolution day care facilities are classified into two types as defined below:

- (1) Day Care Home - includes day care in an occupied residence of not more than eight (8) children including children living in the home.
- (2) Day Care Center - includes day care for more than eight (8) children in any kind of building not occupied as a residence.
  - a. The required lot size, yard, and bulk regulations of the district shall apply. No variances shall be permitted for lots on which such use is to be located.
  - b. All public utilities and sanitary sewage systems shall be approved by the appropriate authorities, available and connected to the site. The fire department shall approve the facility for safety.
  - c. All requirements of the State of Tennessee that pertain to the use shall be met.
  - d. An outdoor play area of at least two hundred (200) square feet per child shall be available and shall be fenced.
  - e. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using the facility.
  - f. Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area.

C. Special Conditions for All Other Personal and Group Care Activities

- (1) No such facility shall be permitted on a zone lot unless it contains a minimum of one (1) acre.
- (2) All bulk regulations of the district shall be met.
- (3) The requirements of the accessory off-street parking regulations of this resolution shall apply.
- (4) All regulations of the State of Tennessee shall be met.
- (5) All public utilities and sewage disposal shall be available and connected to the site.

D. Special Conditions for Community Assembly Facilities

- (1) No such facilities shall be permitted on a lot unless it contains one (1) acre provided, however, that if such community assembly includes outdoor activities, the minimum lot area shall be four (4) acres.
- (2) All bulk regulations of the zone district shall apply.
- (3) Off-Street Parking
  - a. For nonprofit clubs, lodges, meeting halls and recreation centers, one (1) space for each four (4) seats in an assembly area within the facility, or one (1) space for each seventy-five (75) square feet of gross floor area, whichever is greater, shall be provided.
  - b. For temporary nonprofit festivals, the required number of off-street parking spaces shall be determined by the Board, taking into account the traffic generation of such facility, the hours of other such factors as affect the need for off-street parking.
- (4) Except for temporary nonprofit festivals fencing, screening and landscaping shall be provided as appropriate for such facility, except that no landscaped screen shall be located closer than fifteen (15) feet of any vehicular entrance or exit to the property.
- (5) The location and operation of such community assembly facility shall be in keeping with the character of the surrounding area and shall not adversely affect the properties within the surrounding area.



- (6) All public utilities and sewage disposal shall be available and connected to the site.

E. Special Conditions for Cultural and Recreational Services

- (1) No such activity shall be permitted on a zone lot unless it contains twice the lot area requirements of the district.
- (2) All bulk regulations of the district shall apply.
- (3) The off-street parking requirements of this resolution shall apply.
- (4) Fencing, screening, and landscaping shall be provided as appropriate to protect the surrounding area and shall not have an adverse effect on properties within the surrounding area.
- (5) The location and operation of such facility shall be in keeping with the character of the surrounding area and shall not have an adverse effect on properties within the surrounding area.

F. Special Conditions for Community Education Facilities

- (1) No such facilities shall be permitted on a zone lot unless such lot contain the acreage recommended for such facilities by the appropriate state agency.
- (2) The traffic generated by such facility shall be safely accommodated along the streets which will provide access to the site.
- (3) The location and design of such facilities shall not have an adverse effect upon surrounding properties.
- (4) The off-street parking requirements of this resolution shall apply.

G. Special Conditions for Intermediate Impact Facilities

- (1) The location, size, and design of such facilities shall be such that the proposed development shall be compatible with the development within the surrounding area, thus reducing the impact upon the surrounding area.
- (2) The traffic generated by such facility shall be safely accommodated along major arterials or collectors without traversing local minor streets.

- (3) The proposed facility shall provide a basic community function or essential service necessary for a convenient and functional living environment in order to be located on the proposed site.
- (4) The off-street parking requirements shall be determined by the Board taking into account characteristics of the use.

H. Special Conditions for Religious Facilities

- (1) The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.
- (2) All bulk regulations of the district shall be met.
- (3) The off-street parking requirements of this resolution shall apply.

I. Specific Standards for Commercial Activities

A special exception shall not be granted for the commercial activities specified below unless the standards established therein are met as a part of the conditions for issuing such permit in the applicable districts.

- (1) Special Conditions for Group Assembly Activities
  - a. The location, size, and design of such facilities shall be situated so that the proposed development shall be compatible with the development within the surrounding area thus reducing the impact upon the surrounding area.
  - b. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
  - c. The off-street parking requirements shall be based on the type of use and the needs of the use to adequately accommodate the expected groups of people.
  - d. When an application for a group assembly permit includes amusement parks, sports arenas, fairgrounds, racetracks, and similar recreational pursuits, the following requirements shall be observed.

- i. The minimum size site shall be twenty-five (25) acres
  - ii. The minimum setback of all structures from all public roads shall be one hundred (100) feet.
  - iii. Such facility shall be situated so that no residential use is located closer than five hundred (500) feet from building entrance of the principal use at the time of approval.
  - iv. Access to such facility shall be by a paved road and such road shall be either a major arterial or major collector. Traffic shall not be directed through residential subdivisions or on minor residential streets.
  - v. Off-street parking shall be provided at a minimum of one (1) space for each four (4) patrons or seats. For those facilities which are not utilized on a regular and frequent basis, parking may be provided on adjacent parcels of land provided further that any parcel so used is located no more than five hundred (500) feet from the lot boundary.
  - vi. Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property.
  - vii. Accessory uses may be permitted in conjunction with the principal use of the property provided that such uses are physically designed as a part of or within the principal structure.
  - viii. Accessory structures may be permitted which are incidental and subordinate to the principal structure. Such structure may not be located within any required setback or buffer area.
- (2) Special Conditions for location of First Amendment Protected Adult Oriented Entertainment Businesses.
- a. The First Amendment and other provisions of the United States Constitution, as interpreted by the United States Supreme Court and other courts, require that Adult Oriented Entertainment Businesses, as defined by this resolution, are entitled to certain protections. Therefore, an Adult-Oriented Establishment shall be a conditional use in the I-2 Heavy Industrial District and shall be a prohibited use in any other zoning district. The Adult Oriented

Establishment may locate in the specified district only if all the requirements of this section and the applicable zoning district regulations are met.

- b. Adult Oriented Entertainment Businesses shall be located:
  - i. at least one thousand (1,000) feet from any residential district line where a single-family residence is a principal use, playground lot line, public park lot line, or publicly owned recreation area;
  - ii. at least one thousand (1,000) feet from any structure used as a residence, place of religious worship, public or private school, or “Youth-Facility” as defined in this resolution;
  - iii. at least one thousand (1,000) feet from any other structure housing an Adult-Oriented Establishment;
  - iv. at least one thousand (1,000) feet from any structure housing an establishment which holds an alcohol beverage license.
- c. Distance requirements are to be measured in a straight line in any direction regardless of intervening structures, from the structure housing the Adult Oriented Establishment to the residential district boundary lines, to the lot line of any lot used for park, playground, or any structure listed in 2.1-4 above.
- d. The measurements from a structure shall be taken from the farthest point a structure extends in the direction of the measurement, including overhanging roofs or similar projections.
- e. For Adult Oriented Entertainment Businesses located in conjunction with other buildings such as in a shopping center, and clearly separate from other establishments, measurements shall be taken from the boundaries of the space occupied by the Adult Oriented Establishment.
- f. For any Adult Oriented Establishment located above ground level in a multi-story structure and clearly separate from other establishments within the structure, the distance measurements shall be taken from the ground floor public entrance/exit nearest the Adult Oriented Establishment (excluding emergency exits).

- g. Subsequent location of any establishments described in 2(1)(4) within the applicable distance requirement of an existing Adult Oriented Establishment does not constitute a violation of this resolution by the Adult Oriented Establishment.

(3) Commercial Campgrounds and Recreational Vehicle Parks

a. Application

- i. These provisions apply to any campground or recreational vehicle park constructed or established after the adoption of these regulations and to any additional construction on an existing campground or recreational vehicle park and to any alteration to the layout of an existing campground or recreational vehicle park.
- ii. Where the construction or layout of an existing campground or recreational vehicle park does not conform to the provisions of these regulations, no person shall carry out additional construction or make an alteration to the layout of the campground or recreational vehicle park which would extend the nonconformity.

b. Campground and Recreational Vehicle Park Approval Permit

i. Permit Required

No person shall establish, construct, or alter a campground or recreational vehicle park unless plans and specifications have been approved by the Cheatham County Board of Zoning Appeals.

ii. Application

All applications for final approval of plans and specifications for a campground or recreational vehicle park shall be made in writing to the Building Commissioner and shall contain the information required by this Section.

The following additional information shall be shown on all site plans for Campground and Recreational Vehicle Parks:

- The number, location, dimensions, and designation of all recreational vehicle spaces or camping space s, and

location and dimensions of all roadways, parking areas, accessory residential use, and common amenity areas;

- The dimensions and locations of all accessory buildings and other structures;
- Plan and profile drawings for sanitary sewers, showing details of the on-site sanitary sewer system and connection to the publicly-owned system;
- The location and details of all on-site garbage and refuse disposal areas;
- All watercourses adjacent to the proposed campground or recreational vehicle park;
- The location of all proposed fire pits;
- The Building Official may require the applicant to provide additional information deemed necessary as follows:
  - (i) A professional engineer's report on (1) the effect on soil stability of disturbing natural grade or natural vegetation by developing, using or occupying the land; (2) ground water levels and conditions for as much of the year as is considered necessary; (3) the depth and extent of flooding and the likely frequency of it occurring;
  - (ii) Profiles of every new roadway shown on the plan and such topographical details as may indicate any engineering problems to be dealt with in the construction of roadways shown on the plan.
  - (iii) Sanitary sewer design calculations and a plan outlining all areas included in the calculations.
  - (iv) Storm Sewer calculations and a plan outlining all areas included in the drainage calculations.

c. Campground and Recreational Vehicle Park Design and Layout Standards

i. Access and Roadways

- The internal road system located within the boundaries of a campground or recreational vehicle park shall provide access to a public street. In the case of a recreational vehicle park having in excess of one hundred (100) recreational vehicle spaces, the internal road system should provide access to a public street at not less than two (2) points, unless, in the opinion of the Board of Zoning Appeals, two (2) access roads are not needed.
- Where access to a highway is gated, egress from a campground or recreational vehicle park by its occupants at any time shall be ensured by the owner.
- All campground and recreational vehicle spaces, storage areas, amenity areas, principal buildings, accessory buildings and all other facilities shall have access by an internal roadway only.
- Roadways in a recreational vehicle park shall be constructed to County Standards and have the following dimensions:
  - (i) All two-lane roadways shall have a minimum paved width of twenty (20) feet
  - (ii) All other roadways shall have a minimum paved width of twelve (12) feet.
  - (iii) Dead end roadways shall have a cul-de-sac with a turning circle minimum radius of forty (40) feet (paved surface) and shall not exceed three hundred (300) feet in length.
  - (iv) Roadways shall be adapted to the topography and shall have a maximum gradient of twelve (12) percent on access roadways and fifteen (15) percent on all other roadways.
  - (v) All roadways shall be well drained and maintained.

- (vi) Internal roadway intersections shall be at right angles. Offsets at intersections and intersections of more than two (2) roadways at one (1) point shall not be permitted.

ii. Water Supply

- The owner of a campground or recreational vehicle park shall provide potable water distribution system connected to the public water system.
- Notwithstanding the above standard, the owner of a campground or recreational vehicle park containing twenty-five (25) or less camping or recreational vehicle spaces may provide potable water by means of a private water distribution system subject to approval by the Health Department.
- The water distribution system shall be designed by a professional engineer and constructed in accordance with the county's current Engineering Standards and Specifications.
- Where a campground or recreational vehicle park is connected to the public water system, potable water shall be distributed to: Service Buildings, Accessory Use Buildings, Standpipes and Hydrants.
- No camping or recreational vehicle space without an individual water connection shall be located more than two hundred (200) feet from a water standpipe.
- All water outlets shall be provided with a suitable receptacle for adequate drainage and shall be provided with an adequate backflow preventer or anti-siphoning device.

iii. Fire Protection

Where a campground or recreational vehicle park is connected to the public water system, fire hydrants meeting the requirements of the County shall be installed and connected to the internal water supply such that no



recreational vehicle or camping space is beyond five hundred (500) feet from a fire hydrant, as measured along the internal and/or external roadway system.

iv. Sewage Disposal

- The owner of a campground or recreational vehicle park shall provide for the disposal of all wastewater and all human waste generated within the campground or recreational vehicle park by causing all sewage and wastewater to be discharged into a public sewer system.
- Notwithstanding the above standard, the owner of a campground or recreational vehicle park containing twenty-five (25) or less camping or recreational vehicle spaces may provide for the disposal of all wastewater generated within the campground or recreational vehicle park by causing all sewage and wastewater to be discharged into a private sewage disposal system subject to approval by the Health Department.
- The on-site sewage collection system shall be designed by a professional engineer in accordance with current Engineering Standards and Specifications.
- A recreational vehicle space in a recreational vehicle park may be serviced by an individual sewer connection. The sewer connection shall be provided with a suitable fitting so that a watertight connection can be made between the trailer drain and the sewer connection. The connection shall be so constructed that it can be closed when not linked to a recreational vehicle to prevent escape of odors.
- A camping space in a campground shall not be serviced by an individual sewer connection.

v. Sewage-Disposal Station

- The owner of a campground or recreational vehicle park shall provide a sewage-disposal station conveniently located off a roadway and with adequate access and egress for recreational vehicles up to thirty-six (36) feet in length where a campground or recreational vehicle park

contains camping or recreational vehicle spaces intended for recreational vehicle use without direct connection to a private sewage disposal or public sewer system.

- The owner of a campground or recreational vehicle park shall prohibit the discharge of sewage or liquid wastes onto the ground by any user of the campground or recreational vehicle park.

vi. Storm Sewer

- The owner of a recreational vehicle park shall provide for the disposal of all storm water by a storm sewer system designed by a professional engineer. The storm sewer shall allow for drainage of:
  - (i) Each recreational vehicle space;
  - (ii) Accessory use buildings; and
  - (iii) Amenity areas.
- The owner of a campground shall provide for the disposal of storm water in accordance with current engineering practice.

vii. Service Buildings

- Where a campground or recreational vehicle park is connected to the public water system and the public sewer system, the campground or recreational vehicle park shall contain at least one (1) service building equipped with facilities as required in this section.
- Services buildings shall:
  - (i) Be located not less than fifteen (15) feet and not more than five hundred (500) feet from any recreational vehicle space or camping space not serviced with a sewer and water connection.
  - (ii) Be of permanent construction and adequately illuminated for the use at night.

- (iii) Have walls, floors and partitions that can be easily cleaned.
- (iv) Have all rooms well ventilated, with all openings effectively screened.
- Service facilities shall include:
  - (i) Laundry facilities in the ratio of one (1) laundry unit for every thirty (30) camping or recreational vehicle spaces and shall be in a separate room of a service building or in a separate building.
  - (ii) The minimum number of required toilets, urinals, washbasins and showers shall be provided as set out in the following table:

Number of camping spaces/RV spaces without direct sewer and water connections.	Toilets		Urinals	Lavatories		Showers	
	Male	Female	Male	Male	Female	Male	Female
1-15	1	1	0	1	1	1	1
16-30	1	2	1	2	2	1	1
31-45	2	2	1	3	3	1	1
46-60	2	3	2	3	3	2	2
61-80	3	4	2	4	4	2	2
81-100	4	5	2	4	4	3	3

**\* In the absence of urinals, the ratio of toilets for men and women shall be the same.**

- (iii) For recreational vehicle parks having more than one hundred (100) recreational vehicle spaces without having direct sewer and water connections, or a campground having more than one hundred (100) camping spaces, there shall be provided one (1) additional toilet and washbasin per sex for each additional twenty-five (25) camping or recreational vehicle spaces; one (1) additional shower per sex for each additional forty (40) camping or recreational vehicle spaces.

- (iv) Toilet tissue and covered, fire-resistant waste containers shall be provided.
- (v) Service facilities with toilet, bathing, and lavatory facilities shall be provided for motor homes, travel trailers, truck campers, and tent campers which do not have sewage holding tanks.
- (vi) Primitive camps and camps offering services to recreational or similar vehicles (e.g., motor homes and travel trailers) with sewage holding tanks only are exempt from the restroom and/or bathing facility requirements.

viii. Street Lighting

- Within a recreational vehicle park, street lighting shall be provided and designed by a professional engineer in accordance with good engineering practice to ensure the safety of vehicular and pedestrian traffic and so arranged as to direct light away from recreational vehicle spaces.
- Street lighting shall be installed and maintained to adequately illuminate the traveled portion of the roadway at the intersection of access roadways and highways.

ix. Garbage

The owner of a campground or recreational vehicle park shall:

- Provide within one hundred (100) feet of each camping or recreational vehicle space a container that is durable, fly-tight, watertight and animal-proof for the disposal of all garbage.
- Maintain the containers so that they shall not become foul smelling, unsightly, unsafe or breeding places for insects and rodents.
- Provide for the collection and disposal of all garbage and refuse at least one (1) time per week. All such material shall be collected and transported to an approved disposal site.

x. Design Standards

- Each camping or recreational vehicle space shall be clearly identified by a numbered sign or similar designation.
- Each camping or recreational vehicle space shall have a minimum setback of twenty-five (25) feet from any public road.
- Each camping or recreational vehicle space shall contain at a minimum one (1) enclosed fire pit and one (1) parking space.
- Each camping or recreational vehicle space shall contain a minimum of thirty-two hundred (3,200) square feet. (A space shall consist of vehicle or tent space, parking space and fire pit.)
- Each campground or recreational vehicle park shall provide a vegetation screen or ornamental fence which will substantially screen the campsites from view of public rights- of-ways and neighboring properties.
- Each campground or recreational vehicle park shall reserve at least twenty-five (25) percent of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas.

xi Supervision

- The owner of a campground or recreational vehicle park shall maintain the campground or recreational vehicle park in a clean, safe and sanitary condition.
- The owner of a campground or recreational vehicle park shall maintain a register for a period of one (1) year at the facility. Such register shall contain each camper's name, address, telephone number, and camping dates.

J. Development Standards for Outdoor Shooting Ranges

The purpose of these facilities is to safely train individuals in the proper handling and use of firearms in a rural setting with minimal impact to adjacent properties.

For purposes of defining outdoor shooting ranges, a shooting range shall be defined as a firing range with targets for firearms practice. A firing range shall be defined as a practice range for target practice.

Outdoor Shooting Ranges and related activities shall meet the following conditions:

- (1) The location of such an activity shall be subject to the following conditions:
  - a. The parcel must be ten (10) acres or greater in size.
  - b. A berm shall be present at least twenty (20) feet in height at the rear of the berm, at least eight (8) feet in height at the sides of the berm, four (4) feet wide at the top of the berm. Any man-made berm must be designed and certified by an engineer licensed by the State of Tennessee, as adequate. Such berm shall incorporate, or act as, a bullet deflector.
  - c. The point of discharge of any firearm shall meet the following minimum distances from all occupied structures, public or private roads:
    - i. "Rear" of the shooting range (direction of the line of fire) – One Thousand (1,000) feet.
    - ii. Two Hundred Fifty (250) feet in all other directions.
  - d. All projectile and shot shall fall within the property of the shooting range
  - e. There shall be an evergreen buffer a minimum of fifty (50) feet wide on three sides of the firing range provided by the owner/developer if a natural buffer does not exist.
  - f. The development, operation, and maintenance of firearms training facilities shall be in conformance with "The Range Manual" as published by the National Rifle Association (NRA).

(2) The operation of the firearms training facility and related activity shall be subject to the following conditions:

- a. The hours of operation shall be limited to daylight hours only (daylight hours of operation to be determined by the Board of Zoning Appeals).
- b. Decibel levels measured at the property lines shall not exceed (70) dB.
- c. The owner/developer shall provide two (2) parking spaces per firing point or firing lane, plus one (1) additional space for each employee.
- d. The owner of the facility shall provide on-premises documentation that all Federal and State regulations have been met.
- e. A site plan shall be required pursuant to the plot plan requirements listed in Article IX, Section 9.030. In addition, to the site plan, the owner/developer shall submit a sound abatement plan and a safety plan. The Board of Zoning Appeals may require additional fencing, buffering, baffles, or may deny the request if the site plan does not or cannot meet the above-mentioned purposes, standards, and requirements, or if other significant health and safety issues are present.
- f. Before initial business startup, the soil shall be tested for lead content. Further tests shall be done every two (2) years to keep lead concentration in the soil below 250 ppm, as recommended by the State Division of Solid Waste Management. All testing shall be performed by the developer and at his own expense. This information shall be kept on file with the Cheatham County Building Inspector.
- g. Accessory uses, such as snack bars, offices, maintenance facilities, refreshment stands or retail sales excluding gun sales (designed and intended primarily for the use of patrons) shall be allowed.
- h. Sanitary bathroom facilities adequate to serve the anticipated patron load shall be provided on site.

K. Specific Standards for Manufacturing and Nonmanufacturing Activities in Industrial Districts

A special exception permit shall not be granted unless the standards below are met:

- (1) The manufacturing activity takes place in completely enclosed buildings. Outdoor storage of materials and finished products shall be screened and buffered.
- (2) Access for heavy trucks and employees is from a major thoroughfare or industrial access road from a major thoroughfare. No access to minor residential streets shall be permitted.
- (3) No such facility shall be located on a lot unless such lot contains at least one (1) acre.
- (4) State permits for air pollution standards and emissions must be obtained and kept up to date.

#### **9.090 AMENDMENTS TO THE RESOLUTION**

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

No amendment to this resolution shall become effective unless it is first submitted to the Cheatham County Regional Planning Commission for review and recommendation. The planning commission shall have thirty (30) days within which to submit its recommendation to the county commission. If the planning commission disapproves the amendment, it shall require the favorable vote of a majority of the county commission to become effective. If the planning commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

No change or departure from the text or maps as certified by the planning commission shall be made, unless such change or departure be first submitted to the planning commission and approved by it, or, if disapproved, received the favorable vote of a majority of the entire membership of the county commission.

Before finally adopting any such amendment, the county commission shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the county; and any such amendment shall be published at least once in the official newspaper of the county or in a newspaper of general circulation in the county.



A fee, as set by the Cheatham County Commission shall be due and payable at the time of filing of petition shall be posted with requests to amend a provision or provisions of this zoning resolution. The fee is to be used by Cheatham County to defray costs resulting from such petition and any subsequent amendment of the zoning resolution.

#### **9.091 Application for Rezoning**

A proposed change of zoning district boundaries shall be initiated by filing an application with the Cheatham County Planning Commission. Said application shall contain:

1. The name and address of the owner and/or owners of the subject property, and the written certification of the authorized agent.
2. A written legal description of the subject property including the Cheatham County tax map and parcel number and acreage.
3. A description of the proposed zone change, modification or repeal together with written justifications for the requested zone change.
4. The names and addresses of the adjacent property owners including those property owners across streets, roads, highways, and/or railways, and waterways which border the applicant's property.
5. Two (2) copies of a map depicting the property requested for rezoning. These maps shall be at a scale of no less than 1"=100' and no larger than 1"=30' and show the following information.
  - A. Title, north arrow, graphic scale, date, civil district, and the acreage of the property to be rezoned.
  - B. Dimensions in feet of property to be rezoned.
  - C. All roads and easements within or adjoining property to be rezoned.
  - D. Location, size, type and current use of any building on the property requested for rezoning.
  - E. Location of the adjoining property owners in relation to the property to be rezoned.
6. Payment of a fee to defray the administrative cost of amending the rezoning resolution established in Table V as presented in Appendix A.

7. Any applicant for a change in a zoning district boundary shall be required to place and maintain a notification sign in accordance with the following provisions:
  - A. Public notification signs shall be posted and maintained on the property which is the subject of the proposed zoning district change for at least fifteen (15) days prior to the public hearing on the zoning boundary change and shall remain until final action of the County Commission or the application is withdrawn.
  - B. The public notification signs shall be those furnished by or approved by the Cheatham County Building Commissioner. The Building Commissioner shall collect a fee as established in Table V as presented in Appendix A for each sign furnished. The signs shall be of adequate size and design (no smaller than three feet by two feet [3' x 2'] ) and shall be clearly visible and legible to passing motorists. The signs shall specify the time, date and location of the scheduled public hearing for the proposed zoning change. The signs shall also contain the telephone number of the County Office where additional information can be obtained. Any and all cost associated with the proposed zoning change shall be paid for by the applicant requesting the zoning change with the exception of the advertisements posted in the local newspapers.
  - C. One (1) public notification sign shall be posted along each three hundred (300) feet of each public street or road right-of-way adjoining property. If the property is accessed by easement, then one (1) sign shall be posted at the location where each easement attaches to a public street or road right-of-way. The signs shall be posted within ten (10) feet of the public street on road right-of-way and be positioned in a manner to best inform the motoring public without creating a safety hazard.
  - D. Any property line of the subject property which fronts upon any public street or road shall be clearly flagged or marked at the time the public notification sign is posted.
8. If the zoning change is one which was initiated by the Cheatham County Planning Commission and the change affects more than two contiguous separately owned tracts of property, then the notification signage requirements contained in Section 9.091.7, shall not apply.
9. In addition to the other requirements set forth in this Resolution, whenever a request to change the zoning classification of specific parcels of properties is to be considered by the Planning Commission, notice shall first be sent to all adjoining property owners of record by certified United States mail not less than

fifteen (15) days prior to the date upon which the Planning Commission is scheduled to consider such changes. For purposes of this subsection, adjoining property owners shall mean all property owners that share a boundary with the property proposed to be rezoned as well as property directly across any street or road from such property. The notices sent shall be deemed sufficient if sent to the owner's address of record regardless of whether the notice is actually received by the property owner. No zoning change shall be subject to challenge on the basis of the failure to provide notice by certified letter if such certified letter was mailed to the property owners in accordance with this subsection.

## **9.100 VIOLATIONS AND PENALTIES**

It is unlawful to erect, construct, reconstruct, alter, maintain, or use any building or structure or to use any land in violation of any regulation in any provision of this resolution. In the event of such violation, the following penalties are applicable:

### **1. Criminal**

Any person, firm or corporation convicted of violating the provisions of this resolution shall, upon conviction, be guilty of a misdemeanor and shall be fined an amount as specified in the Tennessee Code Annotated. Each and every day during which such illegal erection, construction, reconstruction, alteration, maintenance or use continues is deemed a separate offense.

### **2. Civil Penalty**

Any violation of this resolution may be assessed as a civil penalty at the rate not to exceed five hundred (\$500) dollars per day.

## **9.110 REMEDIES**

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used or any land is or is proposed to be used in violation of this resolution, the county legislative body, the attorney general and reporter, the district attorney general for the judicial district in which such violation occurs or is threatened, the Building Commissioner or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin or abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

### 9.120 VALIDITY

Should any section, clause, or provision of this resolution be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgment shall not affect the validity of this resolution as a whole or any other part of this resolution be judged invalid or unconstitutional.

### 9.130 INTERPRETATION

Whenever the conditions of this resolution are less restrictive than comparable conditions imposed by any other provision of this resolution or any other resolution, the provisions which are more restrictive shall govern.

### 9.140 SEVERABLE NATURE OF RESOLUTION

The various sections, subsections, paragraphs, and clauses of this resolution are severable and in the event that any section, subsection, paragraph, or clause is adjudged invalid, the remainder of the resolution shall remain in full force and effect.

### 9.150 EFFECTIVE DATE

This resolution shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

Certified by the Cheatham County Regional Planning Commission.

12/3/20

Date



Chairman, Cheatham County  
Regional Planning Commission

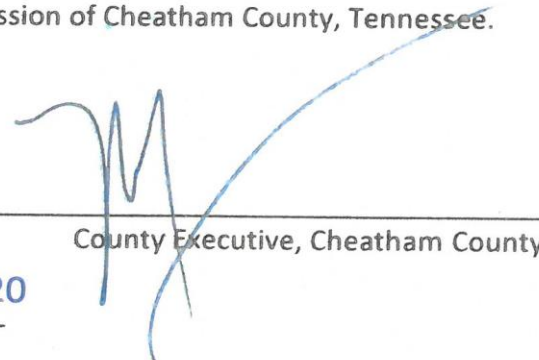
Approved and adopted by the County Commission of Cheatham County, Tennessee.

July 20, 2020

Date Adopted

July 20, 2020

Effective Date

  
County Executive, Cheatham County

Public Hearing Date:

July 20, 2020

ATTESTED BY:



Cheatham County Clerk

Date

10-19-2020







TABLE II  
BULK, YARD AND DENSITY REGULATIONS

RESIDENTIAL DISTRICTS					
	A	E1	R1	R2	R3
Minimum Lot Size					
With Public Water	4 Acres	3 Acres	1 Acre	30,000 sf	15,000 sf
With Public Water and Sewer				20,000 sf	
Without Public Water	5 Acres	5 Acres	5 Acres	5 Acres	5 Acres
Multi-Family					40,000 sf
Minimum Lot Area Per Dwelling Unit*					
With Public Water	4 Acres	3 Acres	1 Acre	20,000 sf	15,000 sf
With Public Water and Sewer				15,000 sf	15,000 sf
Without Public Water	5 Acres	5 Acres	5 Acres	5 Acres	5 Acres
Multi-Family					5,445 sf
Minimum Lot Width** (in feet)					
With Public Water	125	125	125	75	75
Without Public Water	150	150	125	100	75
Maximum Lot Coverage					
Principal and Accessory Bldgs	20%	20%	20%	20%	40%
Maximum Height (in stories)	3	3	3	3	3
Minimum Yard Requirements (in feet)					
Front	50	50	50	35	30
Side	20	20	20	15	10
Rear	35	35	20	20	20
Accessory Structures***	5	5	5	5	5

\* May also be used as "density" for calculating dwelling units per acre.

\*\* Lot width shall be measured at the minimum front setback line as specified above.

\*\*\* Accessory Structures shall be setback from any side lot line, rear lot line or any other building

Planned Unit Development Requirements are contained in Article VII.



TABLE III

## BULK, LOT AND OPEN SPACE REQUIREMENTS

## COMMERCIAL DISTRICTS

	C-1	C-2	C-3	C-5
Minimum Lot Size (in square feet)				
With Public Water	20,000	20,000	40,000	20,000
Without Public Water	5 Acres	5 Acres	5 Acres	5 Acres
Minimum Lot Width* (in feet)				
With Public Water	100	100	150	100
Without Public Water			250	
Minimum area of commercial development	-	-	-	25%
Floor Area Ratio for Mixed Use Buildings				2
for All Other Buildings				1.25
Maximum Lot Coverage (all buildings)	40%	40%	40%	40%
Maximum Height (in stories)	3	3	3	3
Maximum Building Setback** (in feet)				
Front				10
Minimum Setback Requirements (in feet)				
Front	50	50	50	***
Side	10	20	20	10
When adjacent to a residential district	40	40	50	****
Rear	20	20	30	20
When adjacent to a residential district	40	40	50	****
Accessory Structures*****	5	5	5	5

\* Lot width shall be measured at the minimum front setback line as specified above.

\*\* The entire building façade must abut front and street side property lines or be located within 10' of such property lines

\*\*\* Residential uses shall have a minimum front setback of 25' from the property line.

\*\*\*\* Side or rear setbacks required in the C-5 district when C-5 -zoned property abuts R-zoned property shall be the same as required for a residential use on the abutting R-zoned lot.

\*\*\*\*\* Accessory Structures shall be setback from any side lot line, rear lot line or any other building

Planned Unit Development Requirements are contained in Article VII.

TABLE IV  
BULK, LOT AND OPEN SPACE REQUIREMENTS  
INDUSTRIAL DISTRICTS

	I-1	I-2	I-3
Minimum Lot Size	1 Acre	1 Acre	1 Acre
Minimum Lot Width (in feet at building setback)	125	150	150
Maximum Lot Coverage (all buildings)	50%	50%	50%
Maximum Height (in feet)	50	50	50
Minimum Setback Requirements* (in feet)			
Front	50	50	75
Side	20	20	25
When adjacent to a residential district	40	50	50
Rear	20	20	30
When adjacent to a residential district	40	50	50
Accessory Structures**	5	5	5

\* No yard shall be required for that portion of the tract that fronts on or abuts a railroad right-of-way.

\*\* Accessory Structures shall be setback from any side lot line, rear lot line or any other building

TABLE V

<b>Fee Schedule</b>				
<b>Planning Commission</b>	<b>Application Fee</b>	<b>Public Notice Signage</b>	<b>Certified Letters</b>	<b>Archive Fee</b>
Rezone Application	\$100.00	\$30.00	Determined by USPS	\$5.00
Site Plan Application	\$120.00			
Plat Amendment Application	\$150.00			\$5.00
Minor Subdivision Application	\$150.00			\$5.00
Major Subdivision Application	\$250.00			\$5.00
<b>Board of Zoning Appeals</b>				
All Applications to the BZA	\$100.00	\$30.00	Determined by USPS	\$5.00
<b>Construction Board of Appeals</b>	\$150.00			\$5.00



## APPENDIX B

### CHEATHAM COUNTY FLOOD DAMAGE PREVENTION REGULATIONS

**A RESOLUTION ADOPTED FOR THE PURPOSE OF AMENDING THE CHEATHAM COUNTY, TENNESSEE ZONING RESOLUTION REGULATING DEVELOPMENT WITHIN THE JURISDICTION OF CHEATHAM COUNTY, TENNESSEE, TO MINIMIZE DANGER TO LIFE AND PROPERTY DUE TO FLOODING, AND TO MAINTAIN ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM.**

#### **1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

##### **A. Statutory Authorization**

The Legislature of the State of Tennessee has in Sections 13-7-101 through 13-7-119, Tennessee Code Annotated delegated the responsibility to the county legislative body to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Cheatham County, Tennessee, Mayor and County Commission, do resolve as follows:

##### **B. Findings of Fact**

- (1) The Cheatham County, Tennessee, Mayor and its Legislative Body wish to maintain 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.
- (2) Areas of Cheatham County, 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.
- (3) 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.

##### **C. Statement of Purpose**

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

- (1) Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
- (2) Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;

- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- (4) Control filling, grading, dredging and other development which may increase flood damage or erosion;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

#### **D. Objectives**

The objectives of this Resolution are:

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

## **2. DEFINITIONS**

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

**"Accessory Structure"** means a subordinate structure to the principal structure on the same lot and, for the purpose of this Resolution, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.
2. Accessory structures shall be designed to have low flood damage potential.
3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.

5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

**"Addition (to an existing building)"** means any walled and roofed expansion to the perimeter or height of a building.

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

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

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

**"Area of Special Flood Hazard"** see **"Special Flood Hazard Area"**.

**"Base Flood"** means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

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

**"Building"** see **"Structure"**.

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

**"Elevated Building"** means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

**"Emergency Flood Insurance Program"** or **"Emergency Program"** means the program as implemented on an emergency basis in accordance with 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.

**"Erosion"** means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the Program.

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

**"Existing Construction"** means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or resolution adopted by the community as a basis for that community's participation in the NFIP.

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

**"Existing Structures"** see **"Existing Construction"**.

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

**"Flood" or "Flooding"**

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or 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 flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

**"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 or greater chance of occurrence in any given year.

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

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



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

**"Flood Insurance Study"** is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

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

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

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

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

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

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

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

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

**"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.

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

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

**"Historic Structure"** means any structure that is:

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

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

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

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

**"Manufactured Home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

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

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

**"Mean Sea Level"** means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Resolution, the term is synonymous with 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.

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

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

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

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

**"100-year Flood"** see **"Base Flood"**.

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

**"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.

**"Recreational Vehicle"** means a vehicle which is:

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

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

**"Regulatory Flood Protection Elevation"** means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 1 foot. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade

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

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

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

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

**"State Coordinating Agency"** the Tennessee Emergency Management Agency, State NFIP 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.

**"Structure"** for purposes of this Resolution, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**"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.

**"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 (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

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

**"Variance"** is a grant of relief from the requirements of this Resolution.

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

**"Water Surface Elevation"** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, 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.

### **3. GENERAL PROVISIONS**

#### **A. Application**

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

#### **B. Basis for Establishing the Areas of Special Flood Hazard**

The Areas of Special Flood Hazard identified on the Cheatham County, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) dated February 26, 2021, and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47021C0139E, 47021C0143E, 47021C0144E, 47021C0202E, 47021C0204E, 47021C0206E, 47021C0208E, 47021C0209E, 47021C0216E, 47021C0217E, 47021C0218E, 47021C0219E, 47021C0236E, 47021C0238E, 47021C0239E, 47021C0282E, 47021C0285E, 47021C0301E, 47021C0302E, 47021C0303E, 47021C0304E, 47021C0306E, 47021C0308E, 47021C0315E, 47021C0316E, dated December 22, 2016, and 47021C0050E, 47021C0075E, 47021C0100E, 47021C0110E, 47021C0130E, 47021C0135E, 47021C0141F, 47021C0142F, 47021C0155E, 47021C0160E, 47021C0165E, 47021C0170E, 47021C0180E, 47021C0200E, 47021C0230E, 47021C0233E, 47021C0234E, 47021C0235E,

47021C0237F, 47021C0241E, 47021C0242E, 47021C0245E, 47021C0251E, 47021C0253E, 47021C0261E and 47021C0263E dated February 26, 2021, along with all supporting technical data, are adopted by reference and declared to be a part of this Resolution.

**C. Requirement for Development Permit**

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

**D. Compliance**

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

**E. Abrogation and Greater Restrictions**

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

**F. Interpretation**

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

**G. Warning and Disclaimer of Liability**

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

**H. Penalties for Violation**

Violation of the provisions of this Resolution or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this Resolution 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 Cheatham County, Tennessee from taking such other lawful actions to prevent or remedy any violation.

**4. ADMINISTRATION**

#### **A. Designation of Resolution Administrator**

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

#### **B. Permit Procedures**

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

##### **(1) Application stage**

- a. Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Resolution.
- b. Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Resolution.
- c. 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 Section 5. A. and B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- e. In order to determine if improvements or damage meet the Substantial Improvement or Substantial Damage criteria, the applicant shall provide to the Floodplain Administrator a detailed cost to repair all damages and/or cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:
  - An itemized costs of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators
  - Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services.

- A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.
- A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and electrical suppliers, etc). In addition, the estimate must include the value of labor, including the value of the owner's labor.

(2) 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) Finished Construction Stage

For all new construction and substantial improvements, the permit holder shall provide to the Administrator a final Finished Construction Elevation Certificate (FEMA Form 086-0-33). A final Finished Construction Elevation Certificate is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Administrator will keep the certificate on file in perpetuity.



### **C. Duties and Responsibilities of the Administrator**

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

- (1) Review all development permits to assure that the permit requirements of this Resolution have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- (2) 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 U.S.C. 1334.
- (3) Notify adjacent communities and the Tennessee Emergency Management Agency, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
- (4) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
- (5) Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
- (6) 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 Section 4.B.
- (7) 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 Section 4.B.
- (8) When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Section 4.B.
- (9) 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 Resolution.
- (10) 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 Cheatham County, Tennessee FIRM meet the requirements of this Resolution.
- (11) Maintain all records pertaining to the provisions of this Resolution in the office of the Administrator and shall be open for public inspection. Permits issued

under the provisions of this Resolution shall be maintained in a separate file or marked for expedited retrieval within combined files.

- (12) A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.

## **5. PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **A. General Standards**

In all areas of special flood hazard, the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- (2) 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.
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water

from entering or accumulating within the components during conditions of flooding;

- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (9) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Resolution, shall meet the requirements of "new construction" as contained in this Resolution;
- (10) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Resolution, shall be undertaken only if said non-conformity is not further extended or replaced;
- (11) 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 U.S.C. 1334;
- (12) All subdivision proposals and other proposed new development proposals shall meet the standards of Section 5.B.
- (13) 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;
- (14) 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.

## **B. Specific Standards**

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Section 5.A., are required:

### **(1) 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 (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls 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 (3) foot above the highest adjacent grade (as defined in Section 2). 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"

(2) 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 (1) foot 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 (3) feet above the highest adjacent grade (as defined in Section 2). 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 Section 4. B.

(3) 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.

a. 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.

i Provide a minimum of two openings having a total net area of not

less than one (1) square inch for every square foot of enclosed area subject to flooding;

- ii The bottom of all openings shall be no higher than one (1) foot above the finished grade;
- iii Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

- b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. 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 Section 5.B.

(4) Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
  - i 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 (1) foot above the level of the Base Flood Elevation or
  - ii 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 (3) foot in height above the highest adjacent grade (as defined in Section 2.).
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Section 5.A. and B.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed in an identified Special Flood Hazard Area must comply with the requirements of the applicable zoning district and must either:

- i Be on the site for fewer than 180 consecutive days;
- ii 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;
- iii The recreational vehicle must meet all the requirements for new construction.

(5) **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.

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. 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.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. 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 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Section 5. E.

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

Located within the Special Flood Hazard Areas established in Section 3.B., are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

- (1) Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the adopted 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 encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof;

- (2) A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;
- (3) ONLY if Section 5. C., provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Section 5. A. and B.

**D. 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 Section 3. B., where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

- (1) Require until a regulatory floodway is designated, that no new construction, substantial , or other development, including fill shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
- (2) A community may permit encroachments within Zones AE on the community's FIRM, that would result in an increase in the water surface elevation of the base flood, provided that the applicant first applies for a conditional letter of map revision (CLOMR) and floodway revision, fulfills the requirements for such revisions as established under the provisions of § 65.12, and receives the approval of FEMA;
- (3) ONLY if Section 5. D, provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Section 5. A. and B.

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

Located within the Special Flood Hazard Areas established in Section 3. B., where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

- (1) 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 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Section 5. A. and B.
- (2) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater

than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.

- (3) 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 (3) feet above the highest adjacent grade (as defined in Section 2)., All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Section 4. B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Section 5. B.
- (4) 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 (1) foot at any point within Cheatham County, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (5) New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Section 5. A. and B. Within approximate A Zones, require that those subsections of Section 5.B., dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

#### **F. Standards For Areas of Shallow Flooding (Zone AO)**

Located within the Special Flood Hazard Areas established in Section 3. B., are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet 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 Section 5. A and B., all new construction and substantial improvements shall meet the following requirements:

- (1) The lowest floor (including basement) shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of one (1) foot above the highest adjacent grade; or at least three (3) feet above the highest adjacent grade, if no depth number is specified.
- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Section 5. F. (1), so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads



and effects of buoyancy. Certification is required in accordance with Section 4.B. (1) c. and 5.B. (2)

- (3) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

#### **G. Standards For Areas of Shallow Flooding (Zone AH)**

Located within the Special Flood Hazard Areas established in Section 3. B., are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to meeting the requirements of 5. A. and 5. B, all new construction and substantial improvements shall meet the following requirements:

- (1) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

#### **H. Standards For Areas Protected by Flood Protection System (A-99 Zones)**

Located within the Areas of Special Flood Hazard established in Section 3. B., 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 Section 4. and Section 5., shall apply.

#### **I. Standards for Unmapped Streams**

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

- (2) 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 (1) foot at any point within the locality.
- (3) 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 Section 4. and Section 5.
- (4) ONLY if Section 5.I. (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Section 5. A and B.

## 6. VARIANCE PROCEDURES

### A. Cheatham County Board of Zoning Appeals

#### (1) Authority

The Cheatham County, Tennessee Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.

#### (2) Procedure

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

#### (3) Appeals: How Taken

An appeal to the Cheatham County Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Resolution. Such appeal shall be made according to the provisions found in Section 9.050 and 9.060 of this Resolution.

#### (4) Powers

The Board of Zoning Appeals shall have the following powers:

##### a. Administrative Review

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

##### b. Variance Procedures

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

- i. The Cheatham County, Tennessee Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.
- ii. 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

Resolution to preserve the historic character and design of the structure.

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

## **B. Conditions for Variances**

- (1) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Section 6. A.
- (2) Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; 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 Resolutions.
- (3) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
- (4) The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

## **7. LEGAL STATUS PROVISIONS**

### **A. Conflict with Other Resolutions**

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

### **B. Severability**

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