

**ZONING RESOLUTION
FOR
ROBERTSON COUNTY, TENNESSEE**

ADOPTED: MARCH 20, 1989

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LAST AMENDED: DECEMBER 20, 2021

ROBERTSON COUNTY REGIONAL PLANNING COMMISSION

**PREPARED BY
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LIST OF AMENDMENTS

<u>DATE</u>	<u>RESOLUTION</u>	<u>SUBJECT</u>
12-17-90	Resolution	Amended <i>Article V, Subsection 5.041</i> , Agricultural District, <i>Subsection F, Parts 1 and 2</i> .
12-17-90	Resolution	Amended <i>Article VII, Section 7.040</i> , Added New <i>Subsection D</i> .
03-18-91	Resolution	Amended <i>Article V, Section 5.060</i> , Deleted in Its Entirety, and <i>Article VI, Section 6.060</i> , Deleted in Its Entirety, and <i>Article VIII, Section 8.070, J, 2</i> , Deleted.
03-18-91	Resolution	Amended <i>Article V</i> , Added New <i>Section 5.060</i> , Industrial Regulations.
08-15-94	Resolution 08159433	Amended Floodplain Regulations - <i>Article V, Zoning Districts, Section 5.070</i> .
05-15-95	Resolution	Amended <i>Article VIII</i> , Administration and Enforcement, <i>Subsection 8.081</i> , Application for Rezoning by Adding <i>Subsections 7 and 8</i> .
06-19-95	Resolution	Repealed <i>Section 5.040, of Article V</i> , in Its Entirety and Replaced It with a New 5.040.
08-21-95	Resolution	Amended <i>Article III, 3.030</i> , Lot Must Abut a Public Road.
08-21-95	Resolution	Amended <i>Article VIII, Section 8.080</i> , Amendments to the Resolution.
04-15-96	Resolution	Amended <i>Article V, Subsection 5.041, D, 5</i> , by Adding a New Use Classification, Small Meeting and Reception Facilities.
04-15-96	Resolution	Amended <i>Article V, Subsection 5.042, D, 5</i> , by Adding a New Use Classification, Small Meeting and Reception Facilities.
04-15-96	Resolution	Amended <i>Article VIII, Section 8.070, I</i> , by Adding a New Subsection 2; a, Through h.
08-19-96	Resolution	Amended <i>Article VIII, Section 8.030</i> , Zoning Compliance Permit (Building Permits), Deleted Old and Replaced with New Text.
02-17-97	Resolution	Amended <i>Article IV, Section 4.040</i> , <u>Customary Incidental Home Occupations</u> , Deleted Old and Replaced with New.

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<u>DATE</u>	<u>RESOLUTION</u>	<u>SUBJECT</u>
02-17-97	Resolution	Amended <i>Article VIII, Section 8.070, J</i> , Added Subsection 2., <u>Special Conditions for Accessory-Agricultural Occupations</u> , a, Through h.
05-19-97	Resolution	Amended <i>Article IV</i> , by Adding New <i>Section 4.120, Minimum Design Standards for Transmission and Communication Towers and Stations</i>
08-16-99	Resolution 081699111	Amended <i>Article V</i> , by Adding New <i>Section 5.080, Airport Zoning Provisions</i>
04-15-02	Resolution 041502048	Amended <i>Article II, Section 2.020</i> , Definition, Added: <u>Adult Oriented Business</u>
04-15-02	Resolution 041502048	Amended <i>Article V, Section 5.062, D</i> , Added: 4, <u>Commercial Activities</u>
04-15-02	Resolution 041502048	Amended <i>Article VIII, Section 8.070, I</i> , Added: 3, <u>Special Conditions for Adult Entertainment Business</u>
05-20-02	Resolution 052002058	Amended <i>Article VII</i> , Deleted and Replaced with New <i>Article VII</i>
06-21-04	Resolution 062104065	Amended <i>Article VIII, Section 8.050, D, 9</i> , that changed the fees required to appear before the Board of Appeals.
12-20-04	Resolution 122004131	Amended <i>Article IV</i> , by Adding New <i>Section 4.130, Alternative Residential Cluster Development and Open Space Provision</i> .
3-21-05	Resolution 032105040	Amended <i>Article V, Section 5.042, D</i> , Added: 8, <u>Uses Permitted as Special Exceptions</u> .
3-21-05	Resolution 032105040	Amended <i>Article VIII, Section 8.070, I</i> , Added: 4, <u>Special Conditions for Small Animal Boarding and Housing</u> .
5-16-05	Resolution 051605061	Amended <i>Article III, Section 3.030</i> , Lot Must Access to a Public Road, Deleted Old Section and Replaced with New Section.
5-16-05	Resolution 051605062	Amended <i>Article VI</i> , Deleted and Replaced with New <i>Article VI</i> .
5-16-05	Resolution 051605063	Amended <i>Article IV, Section 4.060, Swimming Pool Restrictions</i> , Deleted Old Section and Replaced with New Section.

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2-27-06	Resolution 022706011	Amended <i>Article II</i> , Deleted and Replaced with New <i>Article II</i> .
2-27-06	Resolution 022706011	Amended <i>Article V</i> , <i>Section 5.070</i> , <u>Floodplain District Regulations</u> , Deleted Old Section and Replaced with New Section.
8-21-06	Resolution 082106080	Amended <i>Article IV</i> , <i>Section 4-13</i> , <u>Residential Cluster Development and Open Space Conservation Design Overlay Provision</u> , Deleted Old Section and Replaced with new Section.
6-18-07	Resolution 061807077	Amended <i>Article IV</i> , Added <i>Article 6-14</i> Special Conditions for Permitting a Bed and Breakfast Home.
6-21-10	Resolution 062110044	Moved and renumbered <i>Sections 4-1, 4-2 & 4-8</i> , <i>Articles VI and VII</i> . Deleted <i>Article V</i> except for <i>Sections 5.070 and 5.080</i> and added new <i>Articles VI, VIII, XI & Appendix I</i> . Renumberd zoning districts on the Zoning Atlas.
1-23-12	Resolution 012312003	Amended <i>Article III</i> , <i>Section 3-10</i> <u>Accessory Use Regulations</u> in its entirety and replacing with new <i>Section 3-1-Accessory Uses and Buildings</i> . Deleted <i>Article VI</i> , <i>Sections 6-5.1, H, 1 and 2 and 6-5.2, H, 1 and 2</i> <u>Accessory Structures</u> and replacing with new <i>Sections 6-5.1, H, 1 and 2 and 6-5.2, H, 1 and 2</i> .
1-26-15	Resolution 012615003	Ammended <i>Article II</i> , <i>Section 2-2.1</i> General definitions, by deleting certain definitions and replacing them with new definitions and adding certain new definitions.
4-27-15	Resolution 042715027	Ammended <i>Article I</i> Enactment, <i>V</i> Off Street Parking and <i>VI</i> , <i>Section 6-5</i> Agricultural/Residential Districts and <i>Table VI</i> by deleting in their entirety and replacing them with new <i>Articles</i> and <i>tables</i> . <i>Article XI</i> , <i>Section 11-9.2, B, 4</i> was amended by deleting <i>b</i> and <i>f</i> and renumbering the section to reflect the deletion.
12-17-18	Resolution 121718129	<i>Article IV</i> , <i>Section 4-1</i> , <i>Subsection H</i> be deleted in its entirety and replaced with a new <i>Article IV</i> , <i>Section 4-1</i> , and <i>Subsection H</i> to read as follows:
1-25-21	Resolution 0125-21007	ARTICLE II, <i>Section 2-2.3</i> be deleted in its entirety and replaced with a new <i>Section 2-2.3</i> that read as follows:

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12-20-21 Resolution 122021139

ARTICLE II, SECTION 2-2.1 be amended by adding the following definitions to read as follows:

SECTION 8-2. Transportation, Warehousing and Utilities be amended by adding new provisions to read as follows:

SECTION 6, Table VI PERMITTED USE SCHEDULE be deleted in its entirety and replaced with a new TABLE VI TO READ AS FOLLOWS.

Section 11-9.2 be deleted in its entirety and replaced with a new *Section 11-9.2* to read as follows:

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ARTICLE I ENACTMENT

SECTION

1-1 TITLE

1-2 AUTHORITY

1-3 GENERAL PURPOSE AND INTENT

1-4 APPLICABILITY AND JURISDICTION

1-5 CONFORMANCE WITH THE COMPREHENSIVE GROWTH AND DEVELOPMENT PLAN

1-6 RELATIONSHIP WITH OTHER LAWS

1-7 SEVERABILITY

1-8 REPEAL

1-1 TITLE

This Resolution shall be known as The Zoning Resolution of Robertson County, Tennessee, dated ***March 20, 1989 as amended***. The zoning map shall be referred to as the Official Zoning Map (Atlas) of Robertson County, Tennessee, and all explanatory matter thereon is hereby adopted and made a part of this resolution.

1-2 AUTHORITY

A. General Authority

This Resolution establishes the County's zoning regulatory authority as authorized by the Tennessee Code Annotated and is adopted in accordance with:

1. The enabling authority contained in ***Title 13, Chapter 7, Part 1 of the Tennessee Code Annotated*** (as amended); and
2. All other relevant laws of the State of Tennessee.

B. References to the Tennessee Code Annotated

Whenever any provision of this Resolution refers to cites a section of the Tennessee Code Annotated (as amended), and that section is later amended or

superseded, this resolution shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

1-3 GENERAL PURPOSE AND INTENT

The purpose of this resolution is to implement the Robertson County 2040 Comprehensive Growth and Development Plan and to promote the public health, safety, and general welfare of the present and future inhabitants of the county by;

- a. enhancing the character and stability of agricultural, residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
- b. preventing overcrowding of land by coordinating growth with available or planned public services or infrastructure;
- c. protecting and enhancing the value of land and buildings;
- d. minimizing traffic hazards and congestions;
- e. preventing undue concentration of population;
- f. providing for adequate light, air, privacy, and sanitation and a safe environment;
- g. reducing hazards from fire, flooding, steep slopes, karst topography, and storm water run-off and other dangers;
- h. assisting in the economic provision, utilization, and expansion of all services provided by the public, including but not limited to roads, water and sewer service, recreation, schools, and emergency services;
- i. encouraging the most appropriate uses of land;
- j. enhancing the natural, man-made and historical amenities of Robertson County, Tennessee.
- k. preserving and enhancing the County's overall rural character and preserving open space throughout the County.

1-4 APPLICABILITY AND JURISDICTION

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.

The provisions of this Resolution shall apply to the development of all unincorporated land within the boundaries of Robertson County, Tennessee unless exempted by this Resolution, State law or Federal law.

1-5 CONFORMANCE WITH THE COMPREHENSIVE GROWTH AND DEVELOPMENT PLAN

The goal of this resolution is to ensure that all development within the County's jurisdiction is consistent with, and conforms to the vision, goals and objectives of the ***Robertson County 2040 Comprehensive Growth and Development Plan***. To the extent this Resolution is or becomes inconsistent with the adopted plan, it should be amended to become consistent with the adopted plan. Additionally, all amendments to this Resolutions text or the Official Zoning Map (Atlas) should maintain and enhance consistency between this Resolution and the adopted plan.

1-6 RELATIONSHIP WITH OTHER LAWS

A. Conflicts with Other County Codes or Laws

If a provision of this Resolution is inconsistent with another provision of this Resolution, or with a provision found in other adopted codes, regulations or resolutions of the County, the more restrictive provision shall govern unless the terms of the more restrictive provision specify otherwise.

B. Conflicts with Private Agreements

The County shall not be responsible for monitoring or enforcing private easements, covenants and restrictions, although the County may inquire as to whether land is subject to easements, covenants and restrictions during the review of applications.

C. Vested Rights

Nothing in this resolution is intended to repeal, supersede, annul, impair or interfere with any existing vested rights previously adopted, established, or issued in accordance with all applicable laws, provided such rights are lawfully established and remain in effect.

1-7 SEVERABILITY

It is the legislative intent of the Board of County Commissioners in adopting this Resolution that all provisions shall regulate development in accordance with the existing and future needs of the county as established in this Resolution and promote the public health, safety and general welfare of the land owners and residents of the County. If any article, section, subsection, sentence, boundary, clause or phrase of this Resolution is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this 'Resolution. The County commission hereby declares that if

would have passed this Resolution and any article, section, subsection, sentence boundaries, clauses and phrase thereof, irrespective of the fact that any one or more articles, sections subsections, sentences boundaries, clauses or phrases be declared invalid.

1-8 REPEAL

The existing Regional Zoning Resolution of Robertson County, Tennessee, **November 15, 1976**, as amended, is hereby repealed. The adoption of this resolution, however, shall not affect or prevent any pending or future prosecution of an action to abate any existing violation of said regulations, as amended, if the violation is also a violation of this resolution.

ARTICLE II

DEFINITIONS AND RULES OF CONSTRUCTION

SECTION

2-1 RULES OF CONSTRUCTION

2-2 DEFINITIONS

2-2.1 General Definitions

2-2.1 General Definitions

2-2.3 Definitions for Floodplain Regulations

2-2.4 Commercial Use Definitions

2-1 RULES OF CONSTRUCTION

For the purposes of these regulations, the following rules of construction apply.

- A. These regulations will be construed to achieve the purposes for which they are adopted. Interpretations shall be guided by statements of intent.
- B. The words "shall", "must", and "will" are mandatory in nature, implying an obligation or duty to comply with the particular provision.
- C. The word "may" is permissive in nature except when used in the negative.
- D. The word "should", whether used in the positive or the negative, is a suggested guideline.
- E. References to "days" will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.
- F. For purposes of interpreting this Resolution, certain words, concepts, and ideas are defined below. Except as defined herein, all other words used in this Resolution shall have their everyday dictionary definition.
- G. Whenever a conflict exists between the text of this Resolution and any graphic representation herein, the text shall prevail.

2-2 DEFINITIONS

Words and terms in the Robertson County Zoning Resolution are defined in the sections that follow. The definitions are divided into four sections. As captioned, Section 2-2.1 provides the general zoning definitions that apply to this resolution. The definitions of

Section 2-2.2 provide special definitions applicable to the sign regulations of Article IV. Section 2-2.2 sets out special definitions applicable to the Floodplain Districts of Article V. Section 2-2.4 provides special definitions applicable to the commercial uses typically found in Article V. For the purposes of these regulations, the following words and terms have the meanings specified in this section.

2-2.1 General Definitions

Abandon To cease the regular use or maintenance of a lot, building, or structure.

Abutting Having common property boundaries or lot lines which are not separated by a street, alley, or other vehicular right-of-way such as a railroad.

Access: A means of vehicular approach, i.e., entry to or exit from a property, street or highway.

Access, Secondary: A means of vehicular or non-vehicular approach, entry to, or exit from property from a source other than a public street or highway.

Accessory Building (Amended by Resolution 061812045 June 18, 2012)

Level 1 Storage building, garages, carports, etc. These buildings will have no permanent partitions or walls constructed as to separate into rooms.

Level 2 Storage buildings, garages, etc. that have permanent walls for restrooms, offices, laundry areas and recreational areas but no cooking areas permitted. These uses are limited to no more than thirty (30) percent of the building may be used for these areas.

*Level 3 Storage buildings garages, etc that have permanent walls for restrooms, offices, laundry areas, recreational areas and limited cooking areas. These uses are limited to no more than forty (40) percent of the building may be used for these areas and shall meet the conditions established in Section 8-2.2 G.

*Level 4 Accessory Apartments that are housed in a separate building located on the site of an existing dwelling and include all provisions for a permanent dwelling.

* These accessory buildings require a "Conditional Use Permit".

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

Addition: Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Adjacent: Either abutting or being directly across a street.

Adjusted Tract Acreage (ATA): The net useable land area of a proposed development site, determined by deducting specific percentages of various categories of constrained land from the gross tract area.

Adult Day Care Center: An individual, agency, or organization providing supervision or care on a regular basis for more than six (6) adults in a place other than their usual place of abode, on less than a twenty-four (24) hour basis.

Adult Day Care Home: (small, accessory use) – Care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for up to six (6) adults who do not reside in the dwelling.

Advertising: Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designed, used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, wallboard, roofboard, frames, supports, fences or other man-made structure, and such advertising is a structure within the meaning of the word "structure" as utilized in this resolution.

Agriculture: (1) Means:

- (A) The land, buildings and machinery used in the commercial production of farm products and nursery stock;
 - (B) The activity carried on in connection with the commercial production of farm products and nursery stock;
 - (C) Recreational and educational activities on land used for the commercial production of farm products and nursery stock;
 - (D) Entertainment activities conducted in conjunction with, but secondary to, commercial production of farm products and nursery stock, when such activities occur on land used for the commercial production of farm products and nursery stock.
- (2) As used in this definition of agriculture, the term "farm products" means forage and sod crops; grains and feed crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing; fruits; vegetables; flowers; seeds; grasses; forestry products; fish and other aquatic animals used for food; bees; equine; and other plants and animals that produce food, feed, fiber or fur.
- (3) As used in this definition of agriculture, the term "nursery stock" means all trees, shrubs, or other plants, or parts of trees, shrubs or other plants, grown or kept for, or capable of, propagation, distribution or sale on a commercial basis. *Source:*

Tenn. Code Ann. 1-3-104.

(Amended by Resolution 012615003 January 26,2015)

Agriculture Accessory Use: Those structures or equipment which are normally required in the operation of agricultural uses.

Alley: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility and public service purposes.

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.

Amendment: Any change by the County Commission to the text of these regulations or the official zoning maps.

Animal Unit: A measure which represents a common denominator for the purposes of defining a farm. The animal unit accounts for the carrying capacity of one acre of land and is related to the amount of feed various species consume, and the amount of waste they produce. The following table indicates the number of common farm species which comprise a single animal unit.

Type of Livestock	Number of Animals per Animal Unit
Horse (2 yrs. or older)	1
Colt (under 2 yrs.)	2
Cattle (2 yrs or older)	1
Cattle (1 to 2 yrs.)	2
Calves (under 1 yr.)	4
Brood Sow or Boar	2.5
Hogs (up to 220 lbs.)	5
Sheep	7
Lambs	14
Chickens	200
Other Poultry	200

Source: The Stockman's Handbook

Antenna: Shall mean any exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of electromagnetic waves.

Apartment House: Two or more dwelling units placed one on top of another and/or side by side and sharing common walls and common floors and ceilings, and which are located on a single lot of record.

Apartment, Accessory: A dwelling unit that has been added onto, or created within, a single-family house.

Appeal: A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Resolution as expressly authorized by the provisions of Section 8.050.

Attached: An enclosure having continuing walls, roof and floor.

Average Ground Elevation: The elevation of the mean finished grade at the front of a structure.

Base Density: The density (in dwelling units per acre) permitted under the property's residential zoning category.

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 Establishments: Bed and Breakfast Establishments include the following:

- (1) **Bed and Breakfast Home Stay.** A home occupation that provides one (1) to three (3) rooms for occasional paying guests on an overnight basis for periods

not to exceed fourteen (14) days with one (1) daily meal being available on the premises. A "Bed and Breakfast Home stay" is allowable only in a building originally constructed as a single-family residential building.

- (2) **Bed And Breakfast Inn** An operator- or owner-occupied home that provides four (4) to twelve (12) rooms for paying guests on an overnight basis for periods not to exceed fourteen (14) days with one (1) daily meal being available on the premises. "Bed and Breakfast Inns" are subject to approval by the Tennessee Department of Environment and Conservation.
- (3) **Country Inn**. A "Bed and Inn" that also has facilities for group and/or special event activities. Such facilities may include a dining area, and/or catering service, and/or conference/meeting/gathering rooms and/or an outdoor activity area. "Country Inns" are subject to approval by the Tennessee Department of Environment and Conservation.

Berm: A raised earth mound, which is planted with ornamental vegetation.

Board of Appeals: The Zoning Board of Appeals of Robertson County.

Board: "The Robertson County Board of County Commissioners".

Boarding House: A dwelling unit with up to six rooms for rent to boarders, or designed and intended to be rented to boarders, but which rooms individually or collectively do not constitute separate dwelling units. No separate cooking facilities will be provided for any boarder.

Buffer Strip: A greenbelt planted strip not less than fifteen (15) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, one on each side of the evergreen trees, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet.

Bufferyard: A unit of land, together with a specified type and amount of planting thereon, and any structures, which may be required between land uses to eliminate or minimize conflicts between them.

Build-to Line: A line extending through a lot which is generally parallel to the front property line and marks the location from which the principle vertical plane of the front building elevation, exclusive of porches, bay windows and similar appurtenances, must be erected; intended to create an even building façade line on a street. The build-to line is established on the record plat (final plat).

Building: A structure built, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind. The term is inclusive of any part thereof. Where independent units with separate entrances are divided by party walls, each unit is a building.

Building, Accessory: A building which:

- a. is subordinate to and serves a principal structure or a principal use;
- b. is subordinate in area, extent, and purpose to the principal structure or use served;
- c. is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Resolution; and

d. is customarily incidental to the principal structure or use.

Any portion of a principal structure devoted or intended to be devoted to an accessory use is not an accessory structure.

Building, Area: The total areas taken on a horizontal plane at the main grade level of the principal building and all accessory 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 front building setback line.

Building Commissioner: The building commissioner for the Robertson County.

Building 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.

Building Envelope: The area on a lot that encompasses all development including but not limited to excavation, fill, grading, storage, demolition, structures, building heights, decks, roof overhangs, porches, patios, terraces, pools and any areas of disturbance, access ways, and parking. Approved walkways and driveways may occur outside the building envelope.

Building Front: That exterior wall of a building which faces the front lot line of the lot.

Building Height: The vertical distance as measured from the average ground elevation to the highest point on such building.

Building Lines: Lines that are tangent to the exterior surface of buildings or structures, or the surfaces of cantilevered projections there from, parallel to front, side, and rear lot lines, and referred to as front, side, and rear building lines, respectively.

Building, 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 Separation: The minimum required horizontal distance between buildings, measured between walls.

Building Setback Line: A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed, except as otherwise provided.

Building Setback Line, Front: A line delineating the minimum allowable distance between the street right-of-way has been established, from that future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way.

Building Setback Line, Rear: A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

Building Setback Line, Side: A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

Building Site: (See also Development.) An area of land, or property where development is undertaken.

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:

- a. The size (including height and floor area) of buildings or other structures.
- b. 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.
- c. The location of exterior walls of buildings or other structures in relation to lot lines, to other walls of the same building, to legally required windows, or to other structures.
- d. All open areas relating to buildings or other structures and their relationship thereto.

Caliper: The size of a tree's trunk diameter as measured six (6) inches above the ground for trees four (4) inches or less, and as measured twelve (12) inches above the ground for trees larger than four (4) inches. This measurement of caliper is used to determine if newly planted trees meet the requirements of this Resolution.

Candlepower: The amount of light that will illuminate a surface one (1) foot distant from a light source to **intensity** of one (1) foot-candle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaries.

Canopy: The uppermost spreading branch layer of a tree.

Canopy Tree: A deciduous tree that would occupy the upper canopy of a forest in a natural ecological situation. These trees are often referred to as shade trees. Examples include beech, hickory, oak, sassafras, maple, tulip tree, etc.

Certificate of Appropriateness: A statement issued by the County which states that the work proposed by the applicant is consistent with the architectural and historic guidelines for the historic district in which the property is located.

Certificate of Compliance: An official document issued by the Zoning Administrator, or his designee, stating that a building or structure complies with the provisions of this Resolution.

Change of Use: The change in the use of a structure or land, for which a certificate of occupancy is required. Change of use shall include a change from one use to another use in the list(s) of permitted uses, and shall also include a change from one use to another use within any broad category of uses, such as from one use listed in the commercial use category to another use listed in the commercial use category, as herein defined.

Child Care: The provision of supplemental parental care and supervision:

- a. For a non-related child or children;
- b. On a regular basis;

- c. For less than twenty-four (24) hours a day; and
- d. Under license issued by the Tennessee Department of Human Services

As used in this Resolution, the term is not intended to include baby-sitting services of a casual, nonrecurring nature or in a child's own home. Likewise, the term is not intended to include cooperative reciprocative child care by a group of parents in their domiciles or the keeping of four (4) or less preteenage children which is an activity regulated as a minor home occupation by this Resolution and requires no licensing by the State of Tennessee.

Clear Cutting: The large-scale indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for non-agricultural development purposes.

Commencement of Construction: The first placement of permanent evidence of a structure on a site pursuant to a duly issued building permit, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. "Commencement of construction" does not include the installation of streets or walkways; nor the excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of temporary buildings, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.

Commercial Use: A category of uses that includes retail establishments, personal services, light manufacturing and assembly, branch banks, medical offices, health care services, indoor motion picture theatres, conference centers, laboratories and associated research facilities whose products or waste products entail no special environmental handling requirements, studios, broadcast facilities (excluding towers), inns, theatres, restaurants without drive-through windows, bars, and day care facility as a principle use.

Common Open Space: The total land area not individually owned or dedicated for public use, which is designed and intended for the use and enjoyment of the residents or occupants of a development. Common open space includes swimming pools, putting greens, and other recreational/leisure facilities; areas of scenic or natural beauty and habitat areas; hiking, riding or off-street bicycle trails; landscaped areas and other complementary structures and improvements as are necessary and appropriate. In no instance shall common open space include required setback areas or contain structures other than those intended for landscape or recreational purposes.

Communication Towers: A communication tower is any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

Community Open Space: The portion of the open space remaining after "Green Space" has been designated. Community Open space may be used for passive or active recreation or stormwater management.

Conditional Use: A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning district 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 districts as conditional uses, only when specific provisions for such use are made in this resolution. For the purposes of administration of this Resolution, conditional uses shall be construed as synonymous with special exceptions, as controlled by Section 13.-7-206, **Tennessee Code Annotated.**

Conditional Zoning District: A zoning district in which the development and the use of the property included in the district is subject to predetermined Resolution standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. Conditional zoning shall not require the issuance of a conditional use or special use permit or permitting process apart from the establishment of the district and its application to particular properties.

Congregate Housing: Dependent or independent living facilities for the elderly; dormitories, orphanages, and similar uses, but not including group homes.

Coverage: The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

Critical Root Zone (CRZ): A circular region measured outward from the tree trunk representing the essential area of the roots that must be maintained in order for the trees survival. The critical root zone is one foot of radial distance for each inch of the tree DBH, with a minimum of eight (8) feet.

Cultural Facility: An indoor or outdoor theater, auditorium, or other building or structure designed, intended, or used primarily for musical, dance, dramatic, or other live performances, or a museum or gallery operated primarily for the display, rather than the sale, of works of art.

Day Care Center: Any place operated by a person, society, agency, corporation or institution, or any other group wherein are received for pay thirteen (13) or more children under seventeen (17) years of age for group care for less than twenty-four (24) and more than five (5) hours per day without transfer of custody.

Deciduous: Shrubs and trees that lose their leaves annually.

Dependent Living Facility: Nursing homes, rest homes, and homes for the aged facilities, which are designed for persons who need a wide range of health and support services, such as medical, nursing, and personal services care, central dining facilities, and transportation services.

Dedication: The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee-simple interest, including an easement.

Density, Gross Residential: The number of residential dwelling units per acre of land, determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed.

Developer: The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development under these regulations, including an optionee or contract purchaser.

Development: The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the subdividing of land into two or more parcels.

- (1) Except as provided in subsection (c) hereof, for the purposes of these regulations, the following activities or uses shall be considered "development":
 - a. The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water;
 - b. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;
 - c. Alteration of the shore or bank or the dredging of a pond, lake, river, or other waterway;
 - d. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land;
 - e. Clearing or excavating of land, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation; or
 - f. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
- (2) Development includes all other activity customarily associated with it. When appropriate to the context "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities is not development. Reference to particular operations is not intended to limit the generality of this definition.
- (3) For the purposes of these regulations the following operations or uses shall not be considered "development"; some may, however, require a building permit:
 - a. Work involving the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the color or decoration of the exterior of the structure or interior alterations that do not change the use for which the structure was constructed;
 - b. Work involving the maintenance or replacement of existing landscaped areas and existing rights-of-way;
 - c. A change in use of land or structure from a use within a specified category of use to another use in the same category;
 - d. A change in the ownership or form of ownership of any parcel or structure;
 - e. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required by law; or
 - f. The clearing of survey cuts or other paths of less than four (4) feet in width.
 - g. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

Diameter at Breast Height: The caliper of an existing semi-mature or mature tree measured at 4½ feet above the existing ground on the uphill side of the tree.

District: Any section or sections of the area lying within Robertson County, Tennessee, for which the regulations governing the use, density, bulk, height, and coverage or buildings and other structures are in force.

Dormitory: A building containing bathroom facilities available for common use by the residents of the building, which is occupied or intended to be occupied as the dwelling for more than six persons who are not related by blood, marriage, or adoption but who are enrolled in, affiliated with, or employed by the same educational, religious, or health institution. "Dormitory" shall not include a boarding house, motel, hotel, group home, or health institution.

Drainage: The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff, to minimize erosion and sedimentation during and after development, and the means necessary for water supply preservation or prevention or alleviation of flooding.

Drainageway: Minor watercourses which are defined either by soil type or by the presence of intermittent or perennial stream or topography which indicates a swale where surface sheet flows join.

Drip Line: An imaginary vertical line extending from the outer most portion of the tree canopy to the ground that defines the exterior limits of the tree canopy.

Dwelling: A building, or portion thereof, containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one or more families. A dwelling is designed or used exclusively, except for permitted home occupations, for residential occupancy, but not including transient occupancy.

Dwelling, Accessory: A dwelling unit that is located on the same lot as a detached or attached single family house, has a first floor area no greater than six hundred fifty (650) square feet or fifty percent (50%) of the first floor area of the principal dwelling (whichever is greater), is owned by the owner of the principal dwelling unit but occupied by another. If the principal dwelling is a group home, use of an accessory dwelling shall not increase the number of residents otherwise permitted in a single group home.

Dwelling, Apartment: A dwelling unit contained in a building comprised for use as occupancy by three (3) or more households each of which has separate living quarters. This includes triplexes and quadruplexes.

Dwelling, Attached: A building containing not more than two dwelling units, attached at the side or sides in a series of three or more principal buildings. At points of attachment, such buildings are separated from each other by fire walls extending from footings through roofs without openings which would permit the spread of fire from one building to another. The term attached dwelling is intended to apply to town houses, patio or atrium houses, or any form however termed which conforms to this definition.

Dwelling, Duplex: dwelling means a building and accessories thereto principally used, designed, or adopted for use by two (2) households; the living quarters of each of which are completely separate.

Dwelling, Condominium: Real estate containing three (3) or more dwelling units separated by a common vertical wall being under or intended for separate ownership, for each household living accommodation and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Dwelling Mobile Home: or trailer means a detached one-family dwelling with all the following characteristics:

- a. Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems.
- b. Constructed as a single self-contained unit and mounted on a single chassis transportable after fabrication on its own wheels or detachable wheel.
- c. Arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location of foundation supports connections to utilities and the like.

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

Dwelling, Multi-Family: A building or portion thereof, used or designated as a residence for three (3) or more families living independently of one another with separate housekeeping and cooking facilities for each, and including apartments, townhouses and condominiums.

Dwelling Prefabricated: means a single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this resolution when they have a minimum gross floor area of six hundred (600) square feet and have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. When such a structure meets the above-stated requirements it shall qualify as a single detached dwelling.

Dwelling, Quadruplex: A dwelling with four (4) units designed for use by four (4) households located on the same tract in one ownership.

Dwelling, Semi-Detached: A building containing not more than two dwelling units, attached at a side to not more than one other building containing not more than two dwelling units by a party wall without openings with each building having a separate lot with dimensions meeting regulations for the district, or so located on land in the same ownership that individual lots meeting district requirements could be provided, in which case the dimensions of such land shall not be reduced below those required for provisions of separate lots.

Dwelling, Single-Family Detached: A site-built dwelling designed for and occupied by not more than one (1) family and having no roof, wall, or floor in common with any other dwelling unit. For purposes of this regulation, dwellings classified as either a modular home or manufactured home, as defined herein, shall be regulated as a single-family, detached dwelling.

Dwelling, Tenant: A dwelling located on a bona fide farm and occupied by a farm worker employed for agricultural purposes by the owner or operator of the farm.

Dwelling, Townhouse: A building consisting of single family residences attached to one another in which each unit is located on an individually owned parcel, generally within a development containing drives, walks and open space in common area.

Dwelling, Triplex: Dwelling units designed for use by three (3) households located on the same tract in one ownership.

Dwelling, Twin Home: A building consisting of two single-family dwelling units, each unit occupying its own conventional lot and conveyed by deed in fee simple, connected along a common party wall with no interior circulation between the two.

Dwelling, Two-Family (Duplex): A building on one zone lot arranged and designed to be occupied by not more than two families living independently of one another.

Dwelling Unit: One (1) or more rooms that are physically arranged, designed, used or intended to create an independent housekeeping establishment for occupancy by one (1) family, and that include lawful cooking space, sleeping space and lawful sanitary facilities reserved for the occupants thereof.

Easement: Authorization by a property owner of one (1) or more of the property rights for the use by, the public, a corporation, another person or entity, for a specified purpose, on a designated part of his or her property

Easement, Access: An easement which grants the right to cross property.

Easement, Maintained: A recorded right-of-way graded and cleared of brush and served by a driveway made of crushed gravel or pavement, so as to permit access by vehicles.

Elementary and Secondary Schools: Publicly-owned or privately-owned pre-schools, elementary schools, middle schools, junior high schools, and high schools; but not including institutions the primary function of which is child day care.

Environmentally Sensitive Area: Any land area containing one or more of the following characteristics: (1) slopes in excess of fifteen (15) percent; (2) floodplain; (3) soils classified as having a high water table; (4) soils classified as highly erodible; (5) lands incapable of meeting minimum percolation standards; (6) land formerly used for landfill operations or hazardous industrial use; (7) fault areas; (8) stream corridors; (9) aquifer recharge and discharge areas; (10) wetlands; (11) sinkholes; (12) lands which contain habitat or breeding grounds for species of endangered, threatened, or special concern status.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.

Essential Services: Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam or water, the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two-way radio facilities for business or governmental communications shall be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceeds one hundred-eighty (180) feet in height. Essential Services are divided into three classes:

Class 1 Transmission lines (above and below ground) including electrical, natural gas, and water/wastewater distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 square feet);

Class 2 Elevated water storage tanks; package treatment plants; telephone switching facilities (over 200 square feet), substations, or other similar facilities used in connection with telephone, electric, steam, and water facilities; raw water treatment facilities.

Class 3 Generation, production, or treatment facilities such as power plants, sewage treatment plants, and landfills.

Existing Tree Canopy: Tree canopy that has existed for at least two (2) years prior to development.

Exterior Features: The architectural style, general design, and general arrangement of the exterior of a structure, including the kind, texture, and color of building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, and including the landscaping and natural features of the parcel containing the structure.

Family: One of the following:

- a. A person or two (2) or more persons related by genetics, adoption or, marriage, occupying a dwelling unit and living as a single independent, nonprofit housekeeping unit, together with incidental domestic servants and temporary non-paying guests.
- b. A group of not more than five (5) unrelated persons living together as a single nonprofit housekeeping unit.
- c. A group of unrelated handicapped persons (as defined by Title VIII, of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988) occupying a dwelling unit and living as a single, nonprofit housekeeping unit , provided:
- d. Any entity owning or operating any facility permitted under this provision shall be established as a “not for profit” association under appropriate provisions of the Federal Code.
- e. Any facility permitted under this provision shall at the time application is made for any building or occupancy permit and at all times thereafter be appropriately licensed by the State of Tennessee.

Farm: A tract of land of at least fifteen (15) acres engaged in the production of growing crops, plants animals, nursery or floral products, that produces gross agricultural income averaging at least one thousand five hundred dollars (\$1,500) per year over a

three (3) year period. This includes the land, buildings, and machinery used in the commercial production of farm products and nursery stock. *Source: Tenn. Code Ann. 2-2-122 and 43-26-102.* (Amended by Resolution 012615003 January 26, 2015)

Farm Operation: A condition or activity that occurs on a farm in connection with the commercial production of farm products or nursery stock as defined in **TCA 70-8-303**, and includes, but not limited to: marketed produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; the employment and use of labor, marketing of farm products in conjunction with the production of farm products thereof; and any other form of agriculture as defined in **TCA 43-1-113**. For the purposes of this section, buildings used as residences by farmer and farm workers are “incidental to the agriculture enterprises”. *Source: Tenn. Code Ann. 13-7-114 and 43-26-102.* (Amended by Resolution 012615003 January 26, 2015)

Farm Stand: A temporary structure or vehicle used in the sale of farm products such as fruits, vegetables and juices.

Filling: The depositing on land, whether submerged or not, of sand, gravel, earth, or other materials of any composition whatsoever.

Financial Institution: A use or structure where financial, pecuniary, fiscal, or monetary services are made available to the public, including but not limited to depository institutions (i.e. banks, credit unions, savings and loans, etc.), non-depository credit institutions (i.e. credit agencies, loan brokers, etc.), holding companies (but not predominantly operating companies), other investment companies, brokers and dealers in securities and commodities contracts, and security and commodity exchanges.

Flood: (See Section 2-2.3 for all definitions pertaining to flood and flooding conditions.)

Floor: The top surface of an enclosed area in a building (including the basement) such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

Floor Area: The sum of the gross horizontal areas of each floor of the principal building, and any accessory buildings or structures, measured from outside of the exterior walls or from the centerline of party walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking or loading, breezeways, and enclosed and unenclosed porches, elevator or stair bulkheads and accessory structures.

Floor Area Ratio: The total “floor area” of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

Frontage Distance: The width of a housing lot (in feet) that fronts along the street.

Full Cutoff Light Fixture: A luminaire light distribution where no light is emitted above the horizontal, and where the intensity at 80 degrees from nadir is no greater than 100 candela per 1000 lamp lumens.

Garage: A deck or building, or part thereof, used or intended to be used for the parking and storage of motor vehicles.

Glare: The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

Government Building: A building, use, or facility serving as a governmental agency office, police station, fire station, library, post office, or similar facility, but not including a vehicle storage yard, correctional facility, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

Grade: The elevation of the land or land level at a specific point.

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

Grade, Natural: The elevation of the ground surface in its natural state before manmade alterations.

Greenhouse: An enclosed building, permanent or portable, which is used for the growth of small plants.

Green Space: Open space maintained in a natural, undisturbed or revegetated condition.

Gross Density: The quotient of the total number of dwelling units divided by the base site area of a site.

Ground Mount: A solar energy system mounted on a rack or pole resting on or attached to the ground. (Amended by Resolution 1220221139, December 20, 2021)

Group Home: A residential home provided by an agency, organization, or individual for persons who need sheltered living conditions, but not including persons who are dangerous to others. Group homes are permitted in any district that allows residential use in accordance with Tennessee law.

Gross Leasable Area: The total floor area for which the tenant pays rent and which is designed for the tenant's occupancy and exclusive use.

Hard-Surfaced Paving Materials: Includes paving blocks, stone, brick, and either concrete or asphalt that has been scored, colored, or otherwise configured to resemble pavers, stone, or brick.

Health Department: The Tennessee Department of Environment and Conservation, Division of Ground Water Protection, Robertson County Health Department.

Height of Building or Structures: The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest to the highest point of the building or structure.

Historic Structure or Site: Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary 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 a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior, or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Home Day Care: Any place, home or institution which receives between five (5) and twelve (12) young children, conducted for cultivating the normal aptitude for exercise, play observation, initiation and construction.

Home Occupations: An occupation or business activity which results in a product or service and which: is conducted, in whole or in part, in either the dwelling or an accessory building normally associated with permitted uses; is conducted by at least one (1) family member occupying the residence; and is clearly subordinate to the residential use of the dwelling and premises. Home occupations do not include garage sales, yard sales, Christmas bazaars, or home parties held for the purpose of the sale or distribution of goods or services. However, if such sales and/or parties are held more than four (4) times in any calendar year; or operate in excess of twenty-four cumulative days in a calendar year, such sales and/or parties shall be considered a home occupation.

Impervious Surface: Any structure or ground cover consisting of asphalt, concrete, stone, brick, terrazzo, roofing, ceramic tile or any other natural or man-made material that prevents the absorption of surface water into the soil. In the case of lumberyards or similar uses, areas of stored lumber constitute impervious surfaces.

Impervious Surface Ratio: A ratio derived by dividing the impervious surface of a site by the gross area of the lot or parcel.

Incidental Alterations: Modifications to a building or structure that meet the following criteria:

- a. Changes or replacements in the nonstructural parts of a building or other structure, including but not limited to the following: (1) Alteration of interior partitions to improve livability in a nonconforming residential building, provided that no additional dwelling units are created; (2) A minor addition to the exterior of a residential building, such as an open porch; (3) Alterations of

interior nonload-bearing partitions in all other types of buildings or other structures; or (4) Replacement of, or minor changes in, capacity of utility pipes, ducts, or conduits.

- b. 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: (1) Making windows or doors in exterior walls; (2) Replacement of building facades having nonload-bearing capacity; or (3) 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.

Independent Living Facility: Congregate living facilities, such as rest homes and homes for the aged, which are designed for older persons or disabled persons who do not require health and support services, such as medical and nursing care, central dining, and transportation service, located on the site. Each living unit may be self-contained and is physically accessible to older or disabled persons. "Independent Living Facilities" are distinguished from apartment building(s) by the provision of some communal services.

Inert Debris: Solid waste consisting solely of material that is virtually inert, that is likely to retain its physical and chemical structure under expected conditions of disposal, and that will not pose a threat to groundwater standards. Inert debris includes material such as concrete, brick, concrete block, uncontaminated soil, rock and gravel. Inert debris does not include manufactured products, appliances, and the like.

Inoperative Motor Vehicle: Any vehicle, car, truck, van, bus, recreational vehicle and motorcycle, which does not have an engine or drive train in operating condition, inflated tires on all wheels, an operative battery, and valid state license plate and registration issued to a person that owns the property which the vehicle is located, or which, for any reason, is not operative and capable of being legally driven upon the roads and highways of the State of Tennessee and Robertson County under its own power.

(Amended by Resolution 012615003 January 26, 2015)

Interconnected: Refers to streets which provide through access to other streets; interconnected street systems may be either rectilinear or curvilinear.

Integrated Multiple Use Development: A development containing three (3) or more stores, service establishments, offices, or other permitted uses planned, organized, and managed to function as a unified whole and featuring all of the following:

- a. Common driveways,
- b. Common parking,
- c. Common signage plan, and
- d. Common landscaping plan.

Examples are shopping centers and office parks having the characteristics listed above. Such integrated developments may include out parcels for lease or for sale. Any such integrated development may be organized as a condominium or in a manner analogous to that of a townhouse development (with ownership parcels beneath the building units and with parking and driveways being in common area owned and maintained by an Owners' Association).

Junkyard or Salvage Yard Large Tracts: Any land containing five (5) acres or more being used for salvaging operation, including but not limited to: the storage and/or sale

of waste paper, rags, scrap metal, machinery and discarded materials; the collection, dismantlement, storage, or salvage of five (5) or more unlicensed, inoperative vehicles, machinery, abandoned mobile homes that are not in serviceable condition and which it would not be economically feasible to make operative. (Amended by Resolution 061812046 June 18, 2012)

Junkyard or Salvage Yard Small Tracts: Any land containing less than five (5) acres or more being used for salvaging operation, including but not limited to: the storage and/or sale of waste paper, rags, scrap metal, machinery and discarded materials; the collection, dismantlement, storage, or salvage of unlicensed, inoperative vehicles, machinery, abandoned mobile homes that are not in serviceable condition and which it would not be economically feasible to make operative provided the number of vehicles does not exceed two (2) vehicles for tracts 2.5 acres or less and four (4) vehicles for tracts up to five (5) acres in size. (Amended by Resolution 061812046 June 18, 2012)

Land Clearing Debris: Waste that is generated solely through land clearing activities; such waste includes stumps, trees, limbs, brush, grass, and other naturally occurring vegetative matter.

Land Disturbing Activity: Any use of land by any person that results in a change in the natural cover or topography or that may contribute to sedimentation or soil compaction that affects the critical root zone.

Land With Incidental Improvements: A tract of land that contains improvements including buildings or other structures having a total assessed valuation of ten thousand dollars (\$10,000) or less.

Landowner: Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed Site Specific Development Plan in the manner allowed by this Resolution.

Land Trust: A private, non-profit conservation organization formed to protect natural resources, such as productive farm and forest land, natural areas, historic structures and recreational areas. Land trust purchase and accept donation of conservation easements. They educate the public about the need to conserve land and some provide land-use and estate planning services to local governments and individual citizens.

Landscape Architect: A registered landscape architect licensed by the State of Tennessee.

Landscape Surface Area: Surface area of land not covered by any impervious surface that is maintained to support plant life.

Landscape Surface Ratio: The ratio derived by dividing the area of landscaped surface by the base site area.

Landscaping: The installation and maintenance, usually of a combination of trees, shrubs, plant materials, or other ground cover, including grass, mulch, decorative stone and similar materials, but excluding bare soil, uncultivated vegetation, impervious pavement materials, and gravel.

Large Maturing Tree: A tree whose height is greater than 35 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen. See also canopy tree.

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.

Light Trespass: Any form of artificial illumination emanating from a light fixture or illuminated sign that penetrates other property and creates a nuisance.

Loading Space: An area twelve (12) feet by fifty (50) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle.

Lot: A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such access ways, parking area, yards, and open spaces required in these regulations.

Lot, Area: The total surface land area included within lot lines.

Lot, Corner: A lot of which at least two (2) adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two (2) such sides is less than one hundred thirty-five (135) degrees.

Lot, Depth: The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

Lot, Frontage: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimensions of a corner lot.

Lot Lines: The boundary dividing a given lot from a street, an alley or adjacent lots.

Lot of Record: A lot which is part of a subdivision recorded in the office of the County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the Office of the County Register of Deeds prior to the effective date of this Zoning Resolution.

Lot Types:

Corner Lot A lot located at the intersection of two or more streets, or abutting a curved street or streets in such a way that the front building line meets either side lot line at an interior angle of less than 135 degrees.

Interior Lot A lot other than a corner lot with frontage on only one street.

Through Lot A lot other than a corner lot with frontage on more than one street.

Reverse Frontage Lot Any lot oriented to an abutting street in such a way that the intersection of the front building line, extended, and the street right of way line form an interior angle of less than 45 degrees is defined as having reverse frontage relative to said street.

Lot Width: Lot width shall be determined based on the applicable definition below:

- a. The distance between the side lot lines measured along a minimum setback line established under the standards of prior legally controlling regulations;
- b. The distance between the side lot lines measured along a build-to line established under the standards of this Resolution;
- c. Along the turnaround portion of a cul-de-sac, the distance between the side lot lines measured along a building frontage line established by legal subdivision plat or by actual building placement; or
- d. If no setback is required for a lot according to this Resolution, and neither setback nor build-to line has been established on a previously recorded plat, lot width is the distance measured between the side lot lines along the street right of way.

Lot, Zone (Buildable Lot): One or more lots of record in one undivided ownership with sufficient total area, area exclusive of easements and flood hazards, total dimensions, street access, and frontage to permit construction thereon of a principal building together with its required parking and planting yards.

Manufactured Home: Any structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) or more body-feet in width or forty or more body-feet in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. The term includes any structure that meets all of the requirements of this subsection (a) except the size requirements and with respect to which the manufacture voluntarily files, a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established by title 42 of the United States Code. As defined in this ordinance, (a) manufactured home also has the same meaning as “mobile home”. *Source: Tenn. Code Ann. 55-1-105.*

(Amended by Resolution 012615003 January 26, 2015)

Minimum Floor Elevation: The lowest elevation permissible for the construction, erection, or other placement of any floor, including a basement floor.

Mixed Use: A use which contains two or more platted parcels of dissimilar types of development including single-family or multi-family residential development, institutional uses commercial and/or industrial uses.

Mobile Home: See Manufactured Home. *(Amended by Resolution 012615003 January 26, 2015)*

Mobile Home Park: Any area, tract, site or plot of land whereupon three (3) or more mobile homes as herein defined are placed, located or maintained in single ownership for rental purposes, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

Mobile Home Space: A designated area within a mobile home park for the exclusive use of the occupants of a single home.

Modular Home: A factory-manufactured dwelling designed for and occupied by not more than one (1) family certified as meeting the specifications Sections 68-36-301 through 68-36-320 of the Tennessee Code, and mounted on a permanent foundation.

Motor Vehicle, Junked: A motor vehicle that does not display a current license plate and is one or more of the following:

- a. Partially dismantled or wrecked;
- b. Cannot be self propelled or moved in a manner in which it was originally intended to move; or
- c. More than ten (10) years old and appears to be worth less than two hundred fifty dollars (\$250.00); provided that any motor vehicle used on a regular basis for business or personal use shall not be causes to be removed or disposed.

Multiple Building Site: A group of two or more buildings established on a single development tract, having unified design of buildings and coordinated organization of open space, parking, and service areas.

Natural Condition: The topography and vegetation of an area that is unaltered by clearing and grading during construction and protected in perpetuity.

Neighborhood Recreation: Public or private neighborhood, tennis, or other courts, swimming pools or similar indoor and/or outdoor uses that are operated on a fee or membership basis primarily for the use of persons who reside in the neighborhood that the facility is located. "Neighborhood Recreation" structures shall include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Noncomplying Building: Any building located on a lot of record which does not meet the minimum area or width requirements established for yards or building setbacks established in these regulations or any amendment thereto, whichever may be applicable

Noncomplying Lot: Any lot of record which does not meet the minimum area or width requirements established in these regulations or any amendment thereto, whichever may be applicable.

Nonconforming Structure: Any structure, lawfully existing on the effective date of these regulations or on the effective date of any subsequent amendments to these regulations or the zoning maps which render such structure nonconforming, which does not comply with all of the standards and regulations of this Resolution or any amendments thereto, whichever may be applicable.

Nonconforming Use: A lawful 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 **March 20, 1989**, or as a result of any subsequent amendment to the zoning resolution.

Noxious Matter: Material in gaseous, liquid or solid form which is capable of causing injury to living organisms, chemical reactions, or detrimental effects upon the social, economic or psychological well-being of individuals.

Occupancy: The principal use of land for the performance of a function or operation by a person, firm, corporation, or association as a single legal entity. For the purpose of this Zoning Resolution there shall be only one principal use of land by any one person, firm, corporation, association or legal entity.

Off-Street Parking: Parking which occurs on a lot and not on a street or other public right of way.

Office: A use or structure in which business or professional services are conducted or rendered.

Open Space: The portion of a site consisting of reserved common areas in vegetation, agricultural, forested or grasslands which in its present state would:

- a. Conserve and enhance natural or scenic resources;
- b. Protect streams and water supply,
- c. Promote conservation of soils, wetlands, steep slopes or floodplains;
- d. Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or
- e. Enhance recreational opportunity.

Open Space Development: A development pattern that arranges the layout of buildings in a compact area of the site so as to reserve a portion of the site for community open space or green space that is protected in perpetuity.

Open Space, Usable: Usable Common Open Space is comprised of areas readily accessible, practical and generally acceptable for active and passive recreational uses.

Outdoor Lighting: Any light source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public or private streets.

Outdoor Recreation: Public or private golf courses, country clubs, swimming pools, tennis courts, ball fields and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Outdoor recreation" shall include any accessory uses, such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the principal recreational use.

Outparcel: A regularly shaped subdivided or leased parcel within but along a portion of the public street frontage of an integrated multiple use development (refer to "Integrated Multiple Use Development" in this Section) containing a principal use that is ancillary to the development.

Owner: Any full or part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal title to the whole or to part of a structure or parcel of land. Any person, agent, firm, corporation or partnership that alone, jointly, or severally with others: (1) has legal or equitable title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof; or (2) has charge, care, or control of any premises, dwelling or dwelling unit, as agent of the owner or as executor, administrator, trustee, or guardian of the estate of the estate of the beneficial owner. The person shown on the records of the Recorder of Deeds of the county to be the owner of a particular property shall be presumed to be in control of that property.

Owners Association: The non-profit corporation or association created to own, lease, or provide management, maintenance, preservation, and control of the contiguous or noncontiguous lots, parcels, areas, or improvements owned in common or the lots, parcels, areas or improvements separately owned or, in which there is a right to exclusive occupancy, or both types of ownership, common and separate, or any portion of or interest in them.

Ownership, Common: Ownership by one or more individuals or entities in any form of ownership of two or more contiguous lots. Additionally, ownership by any association (such ownership may include a municipality) of one or more lots under specific development techniques.

Parallel Conditional Zoning District: A conditional zoning district in which the potential permitted use or uses are, except as limited by the conditions imposed on the district, of the same character or type as the use or uses permitted in a general use district having a parallel designation or name.

Parcel: Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries. It may be established as distinct from other parcels which are designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

Park: Any land owned by the public and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

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 sixty-two (162) 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, used or adopted for joint service between two (2) buildings; such walls shall extend from the foundation to the underside of roof sheathing without openings which would permit the spread of fire from one building to another and shall fully comply with fire and all other provisions and standards established for such walls.

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 be:

- a. Designed as to assure continuing adequate ingress and egress for emergency vehicles; and
- b. 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, the design standard shall be as approved in the development plans required therefore.

Performance Guarantee: A financial guarantee to ensure that all improvements, facilities, or work required by this Resolution will be completed in compliance with the Resolution, regulations, and the approved plans and specifications of a development.

Person: An individual, corporation, governmental agency, business trust, estate trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

Planned Unit Development: An interrelated development adhering to a master development plan and located on a single planned area of land which: 1) has both individual building sites and common property such as parks, and 2) is designed and organized to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sites or other common property; the ownership of the common property may be either public or private. Cluster developments and mixed use developments may be classified as planned unit developments. Also, a parcel of land as a single unit, rather than as an aggregate of individual lots, with design flexibility from traditional zoning regulations (such as side yards, setbacks, and height limitations) or land use restrictions (such as prohibitions against mixing land uses within a development).

Planning Commission: The Robertson County Regional Planning Commission.

Plat: A map, plan, or layout indicating the location and boundaries of individual properties.

Porch: A roofed open area, usually attached to or part of and with direct access to or from a building. This area cannot be heated or air conditioned. Side and rear porches may be screened, but front porches may not be screened or enclosed in any manner.

Prefabricated Dwelling: A single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer. As used in this Resolution the term “prefabricated dwelling” does not include “manufactured homes” constructed as a single self-contained unit and mounted on a single chassis and as further defined in *Section 68-126-202, (4), (6) and (7), of the Tennessee Code Annotated*.

Principal Building or Structure: A building or structure in which is conducted the principal use(s) of the zone lot on which it is located or, in a group development, of the building site on which it located.

Principal Use: The primary purpose or function that a lot serves or is proposed to serve.

Private Courtyard: An area enclosed on at least three sides by the vertical rise of building walls providing a pedestrian open space constructed of hard-surfaced paving materials and/or landscaping.

Private Waste Water Treatment: Individual subsurface sewage disposal systems (i.e., septic tanks), package treatment plants or individual aeration system employed for the collection and treatment and/or disposal of waste water, as approved by the Robertson County Health Department.

Project area: Any area of land and/or water, regardless of the number of individual parcels contained therein, on which development is proposed under these regulations.

Proposed Right-Of-Way Line: The margin of a thoroughfare's right-of-way at its ultimate intended width, determined by the thoroughfare's classification and dimensional requirements or locational criteria as established in the Subdivision Regulations.

Pruning: The cutting off or removal of dead or living parts of a tree or shrub for the intentions of improving growth.

Public Improvement: Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: streets, roads, alleys or pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Public Sewer: Includes any local government sewer system and other forms of sewer systems approved by the State Health Department and maintained by a public or private agency authorized to operate such systems.

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.

Public Utilities: Above ground or underground publicly licensed utilities including water, sanitary sewer collection and distribution line, natural gas, cable television, storm water drainage, transit or transportation, or electrical services and any associated structures such as pumping stations, treatment plants, and transformer stations for providing to the public a utility service deemed necessary for the public health, safety, and welfare. Utility service to the public has been defined broadly to mean all consumers-industrial, commercial, or residential.

Public Utility Structure: An electricity or gas substation, water or wastewater pumping station, telephone repeater station or similar structure used as an intermediary switching, boosting, distribution, or transfer station for electricity, water, wastewater, cable television, or telephone services between the point of generation and the end user, or a public or private wastewater treatment plant or water treatment plant, but not including satellite dish antennae, facilities for the handling of solid waste, or radio, television, or microwave transmission or relay towers.

Public Waste Water or Sewer System: A municipal, community, or utility district sewerage treatment and disposal system of a type approved by the State of Tennessee Department of Health and Environment and the Public Service Commission.

Recreational Vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities classified as "Recreational Vehicles" are: travel trailers, camping trailers, truck campers and motor homes. A recreational vehicle is not to be used as a permanent residence.

(Amended by Resolution 012615003 January 26, 2015)

Recycling Collection Point: An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items shall be allowed. This facility is generally located in a shopping center parking lot or

in other public/quasi-public areas, such as at churches and schools and is not intended for use by commercial or industrial establishments. A Recycling Collection Point may also include a facility for the temporary collection of used clothing and household goods.

Redevelopment: The demolition and reconstruction of a building or a portion of a building.

Religious Institution: A church, synagogue, temple, mosque, or other place of religious worship, including any accessory use or structure, such as a school, day care center, cemetery or dwelling, located on the same lot.

Residential Use: Any detached, duplex, triplex, quadraplex, attached, or multifamily dwelling, manufactured home, group home, limited residence boarding house, or dormitory.

Retirement Communities: Single family and attached housing under single ownership on a parcel of land designed for active adults and independent persons over age fifty-five (55) not requiring health support services such as medical and nursing care on site. Each living unit is self-contained and is physically accessible to older and disabled persons. Retirement Communities are distinguished from apartments by the provision of some communal services.

Riding Academy: A facility the principal use of which is the provision of lessons in horseback riding on a non-profit or for profit basis.

Right-of-Way: The minimum right-of-way on all streets shall be fifty (50) feet which measures twenty-five (25) feet from the center line. On all collector streets, the right-of-way shall be thirty (30) feet from the street center line. On all arterial streets, the right-of-way shall be a minimum of forty (40) feet on each side of the street center line. Collector and arterial streets are shown on the official Major Thoroughfare Plan of Robertson County. The outer boundary of the right-of-way is contiguous with any property line abutting the street.

Roadway: The actual road surface, including necessary road shoulders and drainage facilities, including ditches and curbs and gutters, which is used for motor vehicles transport.

Roof Mount: a solar energy system that is mounted on a rack that is fastened onto a building roof. (Amended by Resolution 1220221139, December 20, 2021)

Rooming House: A dwelling with one (1) kitchen in which lodging is provided by the owner or operator to more than three (3) residents.

Rooming Unit: A room designed, occupied, or intended for occupancy as separate living quarters with sleeping, but not necessarily cooking and sanitary, facilities provided therein.

Screening: A fence, wall, hedge, landscaping, buffer area or any combination of these provided to create a visual separation between certain land uses. A screen may

be located on the property line or elsewhere on the site, as determined by the use to be screened.

Sedimentation: The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion.

Semi-Trailer: A vehicle without motive power, factory or reconstructive designed, to be drawn on highways by a motor vehicle (primarily, a truck tractor) and so built that some part of its weight and that of its load rests upon the towing vehicle when attached; the semi-trailer can be unhitched and stored or parked separately when attached to motive power, and may or may not be loaded while parked.

Septic Tank System: A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

Setback, Established: The distance between a street line and the front building line of a principal building or structure, as constructed, projected to the side lot lines. (See also Yards).

Setback, Required: The minimum distance required by this resolution or established by recorded plat between the street right-of-way line and the front building line of a principal building or structure, projected to the side lines of the lot. For flag lots, the minimum setback shall be measured between the front property line of the buildable portion of the lot and the front building line of the principal structure, projected to the sidelines of the lot.

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 exhibits uncovered human genitals or pubic region in a lewd or lascivious manner or which exhibits male genitals in a discernibly turgid state even if completely covered.

Shelter, Fall Out: A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall-out, air raids storms, or other emergencies.

Shelter, Temporary: A facility which provides temporary lodging during times of life-threatening weather conditions for indigent individuals and/or families with no regular home or residential address.

Shielded Light Fixture: A light fixture with cutoff optics that allows no direct light emissions above a vertical cutoff angle of 90 degrees above nadir, through the light fixture's lowest light emitting part. Any structural part of the light fixture providing this cutoff angle must be permanently affixed.

Shrub: Vegetation that is planted for ornamental or screening purposes.

Significant Tree: Any tree other than a pine tree with a caliper of eighteen (18) inches or more.

Silviculture: Science and art of cultivating forest crops based on the study of life history and general characteristics of forest trees.

Sinkhole: A topographic feature defining a depression in the ground's surface, typically formed by the collapse of underlying strata, which surface water drains into, but drains out of primarily via infiltration. For the purpose of this Resolution, a sinkhole shall be considered as encompassing the entire area lying within the depression, plus an additional area fifty (50) feet wide around the edge of the depression.

Site Development Plan: A plan of land development submitted by the landowner to the County for the purpose of obtaining a zoning vested right and for the purpose of obtaining one of the following zoning or land use approvals:

- a. Residential Plot Plan pursuant to Section 8.030 (Plot Plan Required):
- b. Site Plan pursuant to Section 8.030 (Site Plan Required):
- c. Conditional Zoning Site Plan pursuant to Section 8.030 (Submission of Site Plans):
- d. Site Plan pursuant to Section 8.030 (Submission of Site Plans):
- e. Final Master Plan pursuant to Section 8.030, (Final Master Plan Approval).

Notwithstanding the foregoing, neither a variance, a sketch plan, nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a Site Specific Development Plan.

Small Maturing Trees: A tree whose height is less than thirty-five (35) feet at maturity and meets the specifications of "American Standards for Nursery Stock "published by the American Association of Nurserymen.

Solar Energy System (accessory): A solar panel or array mounted on a building, pole or rack which is directly connected to or designed so serve the energy needs of the primary use. (Amended by Resolution 1220221139, December 20, 2021)

Solar Energy System (major): A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical or chemical means. The system includes but is not limited to all on site-site equipment and facilities necessary for the proper operation and security of the system, including electrical connections, transmission lines, inverters, transformers, substations, operations, maintenance and security facilities. (Amended by Resolution 1220221139, December 20, 2021)

Solar Farm: A solar array composed of multiple solar panels on ground -mounted racks or poles which is not directly connected to or designed to serve the energy needs of a primary use, but rather for the primary purposed of wholesale sales of generated electricity. See Solar Energy System (major). (Amended by Resolution 1220221139, December 20, 2021)

Solid Waste: Garbage, trash, refuse, abandoned material, spent material, byproducts, scrap, ash, sludge, and all discarded material including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, and agricultural operations, and from community activities. Solid includes, without limitation, recyclable material when it is discarded or when it is used in a manner constituting disposal. Solid waste does not include solid or dissolved material in domestic sewage, or solid of dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1251 et seq.).

Solid Waste Disposal: The process of permanently or indefinitely placing, confining, compacting or covering solid waste.

Solid Waste Processing: An operation for the purpose of modifying the characteristics or properties of solid waste to facilitate transportation or disposal of solid wastes including but not limited to, incineration, composting, separation, grinding, shredding, and volume reduction. *(From Rule 1200-1-7-.01 (2) Tennessee Rules Governing Solid Waste Management in Tennessee)*

Special Exception: A use which is specifically permitted if the owner can demonstrate to the satisfaction of the Board that it will meet certain standards, enumerated safeguards, or qualifying conditions.

Specified Anatomical Areas: Any of the following:

- a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activity: Means activities, services or performances that include the following sexual activities and/or exhibition of the following areas:

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse or sodomy;
- c. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
- d. Flagellation or torture in the context of a sexual relationship;
- e. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
- f. Erotic touching, fondling or other such contact with an animal by a human being;
- g. Human excretion, urination, menstruation, vaginal or an irrigation as part of or in connection with any of the activities set forth in 1) through 6) above.

Specimen Tree: A tree (or group of trees) that may be considered important community assets due to their unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological significance and may also meet the following criteria:

- a. Large hardwoods (e.g. oaks, poplars, maples, etc.) and softwoods (e.g. pines sp.) in good or better condition with a DBH of twenty-four (24) inches or greater
- b. Smaller understory trees (e.g. dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of twelve (12) or greater
- c. Lesser-sized trees of rare species or special intrinsic value as approved by staff.

Stable, Private: Any building, incidental to an existing residential principal use that shelters horses for the exclusive use of the occupants of the premises.

Stadium: A structure or facility designed, intended, or used primarily for athletic events or other performances and containing seating for spectators of those events, but not including a raceway or drag strip.

Start of Construction: The date the building permit is issued, provided the actual start of activity was within one hundred eighty (180) days of the permit date. The actual start of activity means either the first placement of permanent construction of a structure on the site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading or filling; nor does it include the installation of streets and/or sidewalks; 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.

Storage Trailer: A structure originally constructed with wheels in order to be transported over the highways but now no longer transported and now converted to use as a storage structure. An uncoupled truck trailer, an inoperable travel trailer, and an uninhabitable manufactured dwelling all meet this definition if used for storage of materials of any kind. An uncoupled truck trailer placed at a church, school, government building, or business for the acceptance of goods donated to charity or dropped off for recycling and towed away on a regular schedule or whenever full does not meet this definition. A construction trailer at a construction site does not meet this definition.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more head clearance equals fifty (50) percent or more of the floor area of the next story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below shall be a "half-story". A basement shall be considered as a story if more than half of its height is above the average ground level from which the "height of a building" is measured or if it is used for commercial purposes.

Street: A public road, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one (1) lot and which has been legally dedicated and accepted for public use.

Street Line: The outer boundary of a street right-of-way.

Street Orientation: The direction of the architectural front façade of a building in relation to the street.

Street, Private: An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to parking and service areas; it is not maintained nor intended to be maintained by the public.

Street, Public: A right-of-way or fee simple tract of land which has been set aside for public travel, dedicated to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by a County, Robertson County or State of Tennessee.

Street Right-Of-Way: Street right-of-way shall mean any public right-of-way set aside for public travel which is accepted or eligible to be accepted for maintenance by the County, if so authorized; or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the County; or has otherwise been established as a public street prior to the adoption of this Resolution.

Street Tree: A tree planted along a street right-of-way or public access easement, excluding alleys. The tree must be a large maturing deciduous canopy tree on the approved tree list.

Street Yard: The area of land along the front property line parallel to a right-of-way reserved for tree planting and landscaping. Also called street tree planting easement.

Structural Alteration: Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls.

Structure: Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, accessory buildings, billboards, fences, swimming pools, tennis courts, signs, sewage treatment plants, sheds, signs, docks, mooring areas, and similar accessory construction.

Substantial Improvement: Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds fifty (50) percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to the repair or reconstruction. "Substantial improvement" shall not include, however, any repair or improvement required to bring the structure into compliance with existing State or Town health, sanitary, safety, or building code specifications necessary to ensure safe habitation of the structure.

Subdivision: Any subdivision or resubdivision of a parcel of land as defined under 13-3-401 Tennessee Code.

Swale: A linear depression in land running downhill or having a marked change in contour direction in which sheet runoff would collect and form a temporary watercourse.

Temporary Event: An activity sponsored by a governmental, charitable, civic, educational, religious, business, or trade organization which is infrequent in occurrence and limited in duration. Examples include arts and crafts shows, athletic events, community festivals, carnivals, fairs, circuses, concerts, conventions, exhibitions, trade shows, outdoor religious events, and other similar activities.

Temporary Structure A building that is placed on a lot for a specific purpose and is to be removed within a specified time period. Examples of temporary structures are monitoring stations, mobile classrooms, construction trailers, guard houses, and produce stands.

Thoroughfare: Any street so designated on the adopted thoroughfare plan.

Thoroughfare Plan: The most recent map adopted by the Robertson County Planning Commission which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation. The words thoroughfare plan and arterial street plan are used synonymously.

Topping: Any pruning of trees that results in removal of the foliage and limbs that leads to disfigurement or abnormal shape of a tree. Also known as rounding-over, heading-back, dehorning, capping, and hat racking.

Toxic Materials: Materials (gaseous, liquid, solid, particulate) which is capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

Tractor Trailer Rig: A motor powered truck tractor vehicle, factory or reconstructive designed, to be attached to a semi-trailer and when so attached is utilized as a mobile rig to transport, convey, or move freight, goods, products, and merchandise of all types on highways from one location to another generally for commercial and industrial purposes; the truck tractor vehicle is used primarily for drawing other nonmotorized vehicles and not so constructed to carry a load other than a part of the weight of the vehicle and the load so drawn.

Traditional Neighborhood: A traditional neighborhood incorporates design principles that produce compact, mixed use, pedestrian scaled communities. The following conventions are generally employed in the design of traditional neighborhoods.

- a. The neighborhood is limited in area to that which can be traversed in a 10 to 15 minute walk.
- b. Residences, shops, workplaces, and civic buildings are located in close proximity.
- c. A well defined and detailed system of interconnected streets serves the needs of the pedestrian and the car equally, providing multiple routes to all parts of the neighborhood.
- d. Physically defined open spaces in the form of plazas, squares, and parks, in addition to finely detailed public streets, provide places for formal and informal social activity and recreation.
- e. Private buildings form a clear edge, delineating the private from the public realm.
- f. Civic buildings reinforce the identity of the neighborhood, providing places of assembly for social, cultural, and religious activities.

Traditional neighborhoods pursue certain objectives through their design.

- a. Independence of movement for the elderly and young by bringing many activities of daily living within walking distance.
- b. Reduced traffic congestion and road construction costs by reducing number and length of car trips.
- c. Use or preparation for future use of alternative forms of transportation by organizing appropriate building densities.
- d. Improved security of public spaces organized to stimulate informal surveillance by residents and business operators.
- e. Enhanced sense of community and improved security through provision of a range of housing types and workplaces in proximity to one another.

- f. Accessible places for public assembly and civic engagement by identification of suitable sites for civic buildings.

Transitional Setback or Yard: That area, if any, along a thoroughfare, which lies between (a) the minimum setback or yard line for the zoning district measured from the existing street right-of-way line and (b) the minimum setback or yard line measured from the Proposed Right-of-Way Line. There will be no transitional setback or yard when the existing street right-of-way and the proposed right-of-way line are the same.

Transitional Use: A permitted use or structure that, by nature, level of activity, or physical scale, acts as a transition or intermediate use between two or more incompatible uses.

Travel Trailer: A vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use and of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty (220) square feet excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units of fixtures) and bath and toilet rooms. A travel trailer is not to be used as a permanent residence.

(Amended by Resolution 012615003 January 26, 2015)

Tree Survey: A description, for the purposes of identification, of the existing trees, under story vegetation, and topographical features on a site prior to development and site design.

Unbuildable Land: The area of a site that includes the following

- a. All land located within any “floodway” as regulated by Section 5.070, (Floodplain Overlay District).
- b. All land located on “Prohibitive Steep Slopes”.
- c. All land composed of “water hazard soils”.

Uniformity Ratio: The variation of luminance on a development site expressed as a ratio from the minimum to the maximum luminance. For example, a uniformity ratio of four to one (4:1) simply means that the maximum luminance on a site does not exceed four times the minimum luminance. So, if a site has an area with a minimum luminance of five (5) foot-candles and a uniformity ratio requirement of four to one (4:1), the maximum luminance permitted anywhere else on the site cannot exceed twenty (20) foot-candles.

Use: The purpose for which land or a building or other structure is designed, arranged or intended, or for which it is or may be occupied or maintained.

Use, Accessory: A use which:

- a. is subordinate to and serves a principal structure or a principal use,
- b. is subordinate in area, extent, and purpose to the principal structure or use served,
- c. is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Resolution, and
- d. is customarily incidental to the principal structure or use.

Use, Principal: The specific primary purpose for which land is used.

Use, Temporary: A temporary use is one established for a fixed period of time with the intent of discontinuing such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

Variance: Permission to depart from the literal requirements of this Resolution granted pursuant to Section 8.060.

Vehicular Use Area: Vehicular use area as used in this Resolution shall mean any group surface area, except public right-of-way, used by any type vehicle whether moving or at rest for the purpose of driving, parking, loading, storage or display (automotive sale lots). Also included are activities of a drive-in nature in connection with banks, restaurants, filling stations and grocery stores.

Vested Right: The right to undertake and/or complete a development and use of property under the terms and conditions of a local government-approved development plan.

Violation: Means the failure of a structure or other development to be fully compliant with the provisions of these regulations.

Vocational School: A use, whether privately-owned or publicly-owned, that trains persons in specific trades or occupations such as mechanics, stenography, or similar skills.

Wastewater Treatment Facility: A facility operated by a licensed utility, in compliance with all applicable state, county, and town regulations, and intended or used for the treatment and surface or subsurface disposal of wastewater and which serves more than one non-residential activity or more than four dwelling units.

Wind Power: The conversion of wind energy into another form of energy.
(Amended by Resolution 1220221139, December 20, 2021)

Wind Energy System, Large: A wind energy conversion system consisting of one or more wind turbine(s), tower(s), and associated control or conversion electronics, which has a rated capacity of more than 20kW. (Amended by Resolution 1220221139, December 20, 2021)

Wind Energy System, Small: An accessory wind energy conversion system consisting of a single turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 20kW. (Amended by Resolution 1220221139, December 20, 2021)

Wind Turbine: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and may include a nacelle, rotor, tower, guy wires and pad transformer. (Amended by Resolution 1220221139, December 20, 2021)

Windmill: See Wind Turbine. (Amended by Resolution 1220221139, December 20, 2021)

Working Day: Any day on which the offices of Robertson County are officially open, not including Saturdays, Sundays, and other holidays designated by the County Commission

Yard: An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky, except as otherwise provided in this resolution, provided that accessory buildings may be located in a rear yard.

Yard, Front: The yard extending across the entire width of the lot between the right-of-way and the nearest part of the principal building, including covered porches or the front building setback line. For lots not having frontage on a public road this setback shall be the lot line closes to the public road that provides access to the lot.

Yard, Rear: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches or the rear building setback line and the rear lot line or the lot line farthest from the street fronting the lot. For lots not having frontage on a public road this setback shall be the lot line furthest from the road that provides access to the lot.

Yard, Side: The required space unoccupied, except as herein provided, measured between the side lot line and the nearest point of the principal building or side building setback line and between the required front yard and the required rear yard. For lots not having frontage on a public road this setback shall be the lot lines parallel to the road that provides access to the lot.

Yard Trash: Solid waste consisting of vegetative material resulting from landscaping and yard maintenance, such as brush, grass, leaves, tree limbs and similar material.

Zero lot line: The location of a building on a lot in such a manner that one of the building's sides rests directly on a lot line; also referred to as a side yard house.

Zoning Administrator: The employee(s) or agent(s) designated by the Robertson County to oversee the administration and enforcement of these regulations.

Zoning Certificate: A written certificate that a structure, use or parcel of land is, or will be, in compliance with the requirements of this Resolution.

Zoning Map: The map and/or detailed maps showing the location and boundaries of the zoning districts established by this Resolution. These maps are entitled, "Official Zoning Maps, Robertson County, Tennessee."

2-2.2 Sign Definitions

For the regulation of signs according to this Resolution, the following words and phrases shall be defined as specified below.

Advertising: Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designed, uses or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, wallboard, roofboard, frames, supports, fences or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this Resolution.

Advertising Sign: A sign which directs attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises if at all. (off premises sign)

Animated Sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Attention-attracting Device: Any device or object visible from any public street which is primarily designed to attract the attention of the public to a business(s), institution, sign, or activity through such means, including but not limited to illumination, color, size or location. Attention-attracting devices or objects oftentimes incorporate illumination, which may be stationary, moving, turning, blinking (including animation) or flashing. Attention-attracting devices may or may not convey a message and can include, but are not limited to, search lights, beacons, strobe lights, strings of lights, streamers, pennants, propellers and inflatable objects (including strings of balloons) or other device/objects designed to attract attention. Approved traffic-control devices are not considered to be attention-attracting devices for purposes of this Resolution.

Auxiliary Sign: A sign which provides special information such as direction, price, sales information, hours of operation, or warning, and which does not include names, brand names, or information regarding product lines or services. Examples of such signs include directories of tenants in buildings; "no trespassing" signs, and signs which list prices of gasoline.

Awning: A fabric, plastic or other non-rigid protective covering that extends from the exterior wall of a building and is supported by or attached to a frame.

Awning Sign: A sign attached to or incorporated into an awning.

Banner: Any sign of lightweight fabric or similar material that is mounted to a building. National flags, state or municipal flags, or the official flag of any institution shall not be considered a banner.

Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

Billboards: A type of advertising sign having more than one hundred (100) square feet of display surface which is either erected on the ground or attached to or supported by a building or structure.

Building Marker: Any sign which is an integral part of a building facade indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface, carved in, or otherwise permanently embedded in the facade or made of bronze or other permanent material as a plaque.

Building, Principal: A building in which is conducted the principal use of the lot on which it is situated. A multi-occupant property may have more than one principal building, but only structures regularly used for human occupancy may be considered principal buildings. Any structure designated as accessory building on an approved site plan or not meeting required principal building setbacks cannot be considered as a principal building.

Building Sign: Any sign attached to any part of a building, as contrasted to a "Freestanding Sign."

Building Wall: An exterior load-bearing or non-load-bearing vertical structure, which encompasses the area between the final grade elevation and eaves of the building, and is used to enclose functional space within the building.

Business Sign: A sign which directs attention to the business or profession conducted on the premises.

Campaign Sign: A sign expressing support for a candidate for public office or another position regarding a public figure or a public issue but bearing no commercial message whatsoever.

Canopy: A rigid roof, generally supported at all corners or extremities by poles, posts or direct attachment to a building; a canopy typically has little vertical or wall space on it and is only as thick as necessary to create a functional roof.

Changeable Copy Sign: A sign that is capable of changing the position or format of word messages or other displays on the sign face and that can also change the visible display of words, numbers, symbols and graphics by the use of a matrix of electric lamps, movable discs, movable panels, light apertures, or other methods, and such changes are actuated by a control mechanism, rather than being made manually on the face of the sign. A sign on which the message changes more than eight times per calendar day shall be considered an animated sign and not a changing sign for purposes of this Resolution.

Commercial Message: Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Directional Signs: Off-site directional signs are permitted to give sufficient notice of the location of governmental facilities, hospitals, colleges, schools and unincorporated communities.

Directory Sign: A ground or building sign that lists tenants or occupants of a building or project, with unit numbers, arrows or other directional information.

Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision or other entity.

Flashing Sign: Any illuminated sign, whether stationary, revolving, or rotating, which exhibits changing light or color effects, provided that revolving or rotating signs which exhibit no changing light or color effects other than those produced by revolution or rotation, shall be deemed flashing signs only if they exhibit sudden or marked changes in such light or color effects.

Freestanding Sign: A sign not attached to a building or other structure than its own support, supported by one or more columns, uprights or braces in or upon the ground.

Ground Sign: A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground. All freestanding signs are considered ground signs, except for off-site signs.

Illuminated Sign: A sign designed to give forth any artificial light or reflect such light from an artificial source.

Incidental Sign: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and similar information and directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Institutional Use: A school, religious institution, or other use operated by a public agency or non-profit organization and permitted as a use in one or more residential zoning districts in the County. A day-care facility shall be considered an institution regardless of ownership or operation.

Institutional Sign: A sign identifying or advertising an institutional or business use permitted in a residential district, where such sign is located on the same premises as such use.

Marquee Sign: A projecting sign attached to or hung from a marquee and said marquee shall be known to mean a canopy or covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line, or property line.

Messenger Sign: A sign displaying the time, date, temperature, or other information not pertinent to a specific product, activity or land use.

Monument Sign: A type of sign affixed directly to the ground or affixed directly to a solid base without visibility between the sign and the base or between the base and the ground or a sign above ground level supported by a post or posts which are concealed from visibility by a curtain wall of brick or similar material constructed around the base of the sign.

Nonconforming Sign: Any sign that does not conform to the requirements of this Resolution.

Off-Site Sign: A sign relating to a product, service, or establishment that is not on the premises on which the sign is located.

On-Premises Sign: A sign relating to a product, service, or establishment that is on the premises on which the sign is located.

On-Site: Located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole. Open space. Undeveloped land used primarily for resource protection or recreational purposes.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Pole Sign or Banjo Sign: A type of ground sign at least ten (10) feet above the ground supported on a single post or pole most commonly associated with gasoline service stations.

Portable Sign: Any sign not permanently attached to the ground designed to be transported by means of wheels.

Projecting Sign: Any sign attached to a building wall and extending laterally more than 18 inches from the face of such wall.

Real Estate Sign: A sign advertising property or a building for sale, lease or rent.

Residential Sign: A sign, typically located in a district zoned for residential use, meeting the standards of this Resolution for a residential sign, and containing no commercial message.

Roof Sign: A sign that is placed above or supported on the top of a building.

Roof Sign, Integral: Any sign erected and constructed as an integral or essential integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

Setback: The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

Sign: Any object, device, display, structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, religious group, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include: the flag or emblem of any nation, organization of nations, state, county, religious, fraternal, or civic organization; merchandise and pictures or models of products or services incorporated in a window display; works of art which in no way identify a product; or scoreboards located on athletic fields. Products or equipment displayed or stored in a manner in which they are normally used and consistent with approved site plan do not constitute a sign. All signs that can be read or understood from the property line will count as part of the sign square footage allowed for that parcel. Any sign authorized in this Resolution is allowed to contain non-commercial copy in-lieu-of other copy.

Suspended Sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary Sign: Any sign that is used only temporarily and is not permanently mounted. A temporary sign is constructed of cloth, canvas, fabric, paper, plywood, or other light material. Included in this category are retailers' signs temporarily displayed for the purpose of informing the public of a sale or "special" offer that is intended to be displayed for a short period of time only. (*A maximum of six (6) months.*)

Wall Sign: Any sign attached parallel to, but within six inches of a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window Sign: Any sign that is placed inside a window or upon the window panes or glass and is legible from the exterior of the window.

2-2.3 Definitions for Floodplain Regulations

(Amended by RESOLUTION NO. 012521007
January 25, 2021)

Unless specifically defined below, words or phrases used in this Section shall be interpreted as to give them the meaning they have in common usage and to give **Section 7-2 (Floodplain Overlay District Regulations)** its most reasonable application given its stated purpose and objectives. These definitions are not intended to permit uses that may be prohibited by the base zoning District.

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:

- a. Accessory structures shall only be used for parking of vehicles and storage.
- b. Accessory structures shall be designed to have low flood damage potential.
- c. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- d. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
- e. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

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 Robertson 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:

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

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.

2-2.4 Commercial Use Definitions

Adult Entertainment: Any exhibition of any adult-oriented motion picture, live performance, display or dance of any type, which has as a significant or substantial portion of such performance, any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers. **(For additional related definitions see Sections 7-51-1101 through 7-51-1122 Tennessee Code.)**

Adult-Oriented Establishment: Includes, but is not limited to, an adult bookstore, adult motion picture theater, adult motion picture establishment, adult cabaret, escort agency, sexual encounter center, massage parlor, rap parlor, sauna, and further “adult-oriented establishment” means any premises to which public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. “Adult- oriented establishment” further includes, without being limited to, any adult studio or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, model studio, escort service, escort or any other term of like import. Adult-Oriented Establishments include:

- (1) **Adult Bookstores** A business which offers, as its principal or predominate stock or trade, sexually oriented material, devices, paraphernalia or specified sexual activities, or any combination or form thereof, whether printed, filmed, recorded or live and which restricts, or purports to restrict admission to adults or to any class of adults.
- (2) **Adult Cabaret** An establishment which features as a principal use of its business, entertainers and/or waiters and/or bartenders who expose to public view of the patrons of such establishment, at any time, the bare female breast below a point immediately the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque covering. “Adult cabaret” includes a commercial establishment which features entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainers.
- (3) **Adult Mini-Motion Picture Theaters** An enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to “specified sexual activities” or “specified anatomical areas” as defined in this Resolution, for observation by patrons therein.
- (4) **Adult Mini-Motion Picture Theaters** An enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to “specified sexual activities” or “specified anatomical areas” as defined in this Resolution, for observation by patrons therein.
- (5) **Adult Show or Adult Peep Shows** Includes all adult shows, exhibitions, performances or presentations which contain acts or depictions of specified sexual activities.
- (6) **Sexually-oriented Escort Bureau** An escort bureau which:
 - a. Does not maintain an open office;

- b. Employs as an employee, agent or independent contractor an escort bureau runner;
 - c. Advertises that sexual conduct will be provided, referred or introduced to a patron;
 - d. Solicits, offers to provide or does provide acts of sexual conduct to an escort patron;
 - e. Employs, contracts with or provides or refers escorts who do not possess valid permits issued as provided in part 11 of Section 7-51-1102 Tennessee Code.
 - f. Does not deliver contracts to every patron or customer; org. Employs contracts with a sexually-oriented escort or refers or provides to a patron, a sexually-oriented escort.
- (7) **Massage Parlor** An establishment or place primarily in the business of providing massage or tanning services where one (1) or more of the employees exposes to public view of the patrons within such establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material.
- (8) **Open Office** An office at the escort service from which the escort business is transacted and which is open to patrons or perspective patrons during all hours during which escorts are working, which is managed or operated by an employee, office, director or owner of the escort service having authority to bind the service to escort patron contracts and adjust patron and consumer complaints.
- (9) **Rap Parlor** An establishment or place primarily in the business of providing nonprofessional conversation or similar service for adults.
- (10) **Sexual Encounter Center** A business or commercial enterprise that has as one of its primary business purposes, offers for any form of consideration:
- (a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - (b) Physical contact between male and female persons and/or persons of the same sex when one (1) or more of those persons exposes to view of the persons present with such establishment, at any time, the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially covered by opaque material or completely covered by translucent material.

Agricultural Industry: Commercial poultry or swine production, cattle or swine feed lots, fur bearing animal farms, commercial plant production (not retail nurseries), commercial fish or poultry hatcheries, and other similar activities.

Airport: A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft is regularly stored, maintained, or repaired while not in flight, including an area that the aircraft may use to take off and land.

Airport Uses: Fixed and rotary wing aircraft operations together with retail sales and service operations related to public, private, or general aviation, including aircraft sales, repair and storage, commercial shipping and storage, restaurants, and other uses designed to serve aviation passengers and industry.

Amusement, Commercial Indoor: Any business establishment which is primarily engaged in providing an amusement activity such as a video arcade, billiard parlor, skating rink or similar activity as a principal use to the general public, but does not include indoor motion picture theaters.

Amusement, Commercial Outdoor: Any business establishment which is primarily engaged in providing an amusement activity such as a miniature golf course, skateboard course, water slide, mechanical ride, par 3 golf course, golf driving range, go-cart or motorcycle course, fish ranch, or similar activity to the general public, but does not include outdoor motion picture theaters or "Outdoor Concerts and/or Stage Shows".

Apartment, Commercial: An apartment located in a commercial building.

Arena: A structure or facility designed and intended to be used primarily for athletic events and containing seating for spectators of those events, but not including a raceway or drag strip.

Automotive Repair: A building and its premises used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work. Minor repairs shall be limited to battery and tire changes, light and fuse replacement, wiper blade changes and similar activities. (Also referred to as vehicle repair.)

Automotive Service Station: Any premises where gasoline and other petroleum products are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning may be conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and bodywork are conducted.

Automobile Wrecking: A yard, field, or other exposed area used as a space of storage for five (5) or more motor vehicles, trailers or parts thereof which are unserviceable, discarded, worn-out, junked, or which does not have current license. A motor vehicle is defined as any self-propelled vehicle not operated exclusively on track, including motorcycles.

Automobile Wrecking, Junk, and Salvage Yards: Any lot or place which is exposed to weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative, or which are discarded or junked are placed, located, or found.

Beneficial Landfill: Permitted with conditions in all districts The purpose of a beneficial fill site is to allow the land to be recontoured for the purpose of improving land use potential or for other beneficial reuse; involves no excavation and accepts only fill material consisting of inert debris or used asphalt or a combination of inert debris and used asphalt. Provided, however, that excavation, grading and fill activity shall not be considered a beneficial fill site within this definition if such activity (1) is confined within the boundaries of a parcel of property or development project and involves uncontaminated soil, gravel or rock originating on such property or development project, or (2) is conducted pursuant to a valid preliminary subdivision plan or final subdivision plat, a residential building permit, a commercial building permit, or any preliminary permit issued pursuant to a pending application for such a plan or permit, and involves only uncontaminated soil, gravel or rock.

Business and Communication Services: The provision of services of clerical, goods, brokerage, communication of a minor processing nature, including multi-copy and blueprinting services, custom printing, but excluding the printing of books other than pamphlets and small reports.

Campgrounds: Commercial, for profit campgrounds, 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.

Center for Observation and Rehabilitation: A licensed medical facility wherein services more intensive than those required for room, board, personal services and general nursing care are provided to an in-patient population, but which involves no form of forced residency of the type required within drug and alcohol rehabilitation facilities.

Civic, Social Service or Fraternal Organization Facility: A building or meeting facility, which is restricted to members and guests of members of a non-profit association or corporation, including accessory uses such as recreational facilities, banquet facilities, and overnight lodging for members, but not including the sale of goods or services to the public on the premises on a regular basis, or commercial outdoor recreational or entertainment activities involving the use of animals or firearms.

Clinic, Medical, Dental, or Optical: A use or structure intended or used primarily for the testing and treatment of human physical or mental disorders.

Clinic, Veterinary: A use or structure intended or used primarily for the testing and treatment of the physical disorders of animals; not principally used for the overnight boarding or grooming of well animals; not permitting outdoor cages, pens, or runs for the confinement of animals unless expressly permitted in the district; and not used for the training of animals.

Commercial Communication Tower: A tower facility, either roof or ground mounted, that includes, but is not limited to, radio and television transmission towers or similar utilities, microwave towers, and cellular telephone communication towers and similar structures for wireless communication. This term shall not include radio transmission facilities for use by ham radio operators or two-way local radio facilities for business or governmental purposes.

Construction and Demolition (C&D) Wastes: "Construction/demolition wastes" means wastes, other than special wastes, resulting from construction, remodeling, repair and demolition of structures and from road building. Such wastes include but are not limited to bricks, concrete and other masonry materials, soil, rock and lumber, road spoils, rebar, paving material. (Inert debris, land clearing debris, and yard trash are separately defined herein.)

Construction and Demolition (C&D) Landfill: A facility for the land disposal of construction and demolition (C and D) debris and wastes that is designed to meet the minimum standards of the State of Tennessee by utilizing acceptable landfill engineering technology.

Convenience Center: Any area which is staffed and fenced that has waste receptacles on site that are open to the public, when an attendant is present, to receive domestic waste, municipal solid waste and recyclable materials.

Convenience Sales: The retail sale of small convenience items such as toiletries, tobacco, and magazines. The dispensing of petroleum products may be included as accessory to convenience food products retailing.

Convenience Services: Services which are typically needed frequently or recurrently, such as barber and beauty care; and includes the operation of self-service Laundromats but excludes other apparel cleaning and repair services.

Correctional Institution: A jail or other institutional facility used to confine and provide treatment or rehabilitation to violators of criminal laws, including facilities for persons who are participating in supervised work-release programs, whether such facilities provide confinement for all of each twenty-four (24) hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station.

Country Clubs: A chartered, nonprofit membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities; golf, riding, club house, pool, dining facilities, or lounge.

Country Inn: A building which contains a dwelling unit and guest rooms that number no more than ten (10). These rooms should be rented for periods of no more than one week to guests having reserved the rooms in advance. Guests shall receive at least one meal with the price of their room. The dining room shall be open only for those periods when guests receive their meals and shall have a separate kitchen from that of the dwelling unit. The dining room shall have seating for no more than forty (40) patrons.

Drive-Through Service Window: A customer service facility located within the principal structure as an accessory to an office or retail establishment which is intended to enable the customer to transact business with a sales or service representative located within the principal structure without exiting the motor vehicle. It is presumed that the motor vehicle exits the premises immediately upon the transaction of business.

Exterior Storage: Outdoor storage of fuel, raw materials, products, and equipment. In the case of lumberyards, exterior storage includes all impervious materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds, and truck trailers stored outdoors.

Financial Consulting and Administrative: Includes the provision of financial, insurance, real estate brokerage services, as well as the provision of advice, designs, information, or consultation of a professional nature. Also includes the executive, management, administrative, and desired activities of private, profit-oriented firms, other than public utility firms. These activities do not include the storage of goods and chattels for the purpose of sale unless otherwise permitted by other provision this regulation.

Hazardous Waste: A substance or combination of substances, which, because of its quantity or concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or may pose a substantial present or potential hazard to human health or the environment when improperly used, handled, treated, stored, transported, disposed of or otherwise managed. A material may be

judged as hazardous if it is corrosive, reactive, ignitable or toxic. The term "hazardous waste" shall be understood to include extremely hazardous waste and acutely hazardous waste.

Hazardous Waste Disposal Facility: All structures, other appurtenances, and improvements to land used for treating, storing, or disposing of hazardous waste, including all operations or storage areas, diked overflow, or emergency spillway areas. A hazardous disposal facility may consist of several treatment, storage or disposal operational units; it includes all areas where hazardous wastes may be received, stored, handled or processed.

Hazardous Waste Treatment: The physical, chemical or biological processing of hazardous waste for the purpose of rendering these wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage or reduced in volume.

Hazardous Occupancy: The principal use of a building or structure, or any portion thereof, that involves the manufacture, use or storage of highly combustible, flammable or explosive materials or materials that constitute a high fire hazard.

Hazardous Materials Treatment Facility: A building, structure or use of land devoted, or intended to be devoted, primarily to changing by any method, technique or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material regulated by the Federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Sec. 6901 et seq.), so as to neutralize such material or render it non-hazardous, safer for transport, amenable for recovery, amenable for storage or reduced in bulk. Such a use may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation. However, under no circumstances is a hazardous materials treatment facility to be construed to be any of the following:

- a. A facility which manufactures hazardous materials from component non-hazardous materials;
- b. A facility or location for the long term or perpetual storage of hazardous materials; or
- c. A facility for the treatment of hazardous materials which is clearly subordinate, incidental and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

Heavy Manufacturing: The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards; or that otherwise do not constitute "light manufacturing"; or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds twenty-five (25) percent of the floor area of all buildings on the lot.

Heliport: A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft, including the regular repair, fueling, or maintenance of such aircraft, or the sale of goods or materials to users of such aircraft.

Hospital: An institution that:

- a. Offers services more intensive than those required for room, board, personal services and general nursing care;
- b. Offers facilities and beds for use beyond twenty-four (24) hours by individuals requiring diagnosis, treatment or care for illness, injury, deformity, infirmity, abnormality, disease or pregnancy; and
- c. Regularly makes available clinical laboratory services, diagnostic services (including X-ray, C-T scan, etc.) and treatment facilities for surgery or obstetrical care or other definitive treatment.

This activity may include offices for medical or dental personnel, central service facilities such as pharmacies, medical laboratories, and other related uses.

Hotel: A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services, and all of whose rooms open onto heated corridors that are internal to the building.

Inn: A building containing fewer than 30 individual rooms for the purpose of providing overnight lodging, food and drink to the general public for compensation, and which has common facilities for reservations, cleaning services, combined utilities, on-site management and reception.

Indoor Recreation: Public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA's, or similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Indoor recreation" structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Junkyard: Any land or structure used for a salvaging operation, including but not limited to: the storage and/or sale of waste paper, rags, scrap metal, machinery and discarded materials; the collection, dismantlement, storage, or salvage of five (5) or more unlicensed, inoperative vehicles, machinery, abandoned mobile homes that are not in serviceable condition and which it would not be economically feasible to make operative.

Kennel, Commercial: A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

Kennel, Private: A structure used for the outdoor accommodation of small domestic animals and not operated on a commercial basis.

Landfill, Land Clearing and Inert Debris (Major): A disposal site, other than a "Minor Land Clearing and Inert Debris" site as defined in this section, for stumps, limbs, leaves, concrete, brick, untreated wood and uncontaminated earth. Disposal

of any other types of wastes must be approved by the Tennessee Department of Environment and Conservation, Division of Solid Waste Control. All facilities of this type shall meet requirements and be permitted as a "Class IV Disposal Facility" by the Tennessee Department of Environment and Conservation.

Landfill, Land Clearing and Inert Debris (Minor): A disposal site for stumps, limbs, leaves, concrete, brick, untreated wood and uncontaminated earth which is less than two (2) acres in size and is in operation for one (1) year or less.

Landfill, Sanitary: A solid waste disposal facility designed to meet the minimum standards of the State of Tennessee wherein refuse and other waste defined by State standards is disposed of by utilizing acceptable landfill engineering technology. All facilities of this type shall meet requirements and be permitted by the Tennessee Department of Environment and Conservation.

Light Industry or Manufacturing: The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place; where such processes are housed entirely within a building; or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed 25 percent of the floor area of all buildings on the property.

Marina, Commercial: A facility for the wet storage, launching and mooring of boats, together with all accessory structures and uses. The dry storage of boats is permitted as accessory to commercial marinas where outdoor storage shall adhere to the conditions of the district in which the use is located.

Massage Therapy Health massage or bodywork therapy, performed by a practitioner having credentials in one of the following ways:

- a. Having a diploma or certificate from an institute or school of health massage, which has been accredited by either the American Massage Therapists Association, the National Therapists Association, or from an accredited college or university school of education for massage therapy; or
- b. Providing verification and documentation of at least 500 hours of experience in the practice of health massage/bodywork therapy and three letters of reference from state licensed health care professionals or licensed therapists on their professional letterhead.

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 that:

- a. Offers services more intensive than those required for room, board, personal services and general nursing care;

- b. Offers facilities and beds for use beyond twenty-four (24) hours by individuals requiring diagnosis, treatment or care for illness, injury, deformity, infirmity, abnormality, disease or pregnancy; and
- c. Regularly makes available clinical laboratory services, diagnostic services (including X-ray, C-T scan, etc.) and treatment facilities for surgery or obstetrical care or other definitive treatment.

This activity may include offices for medical or dental personnel, central service facilities such as pharmacies, medical laboratories, and other related uses.

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

Mini-Warehouse: A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares. At least one toilet facility shall be available to customers. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises. Outdoor storage or the storage of junk, explosives or flammable materials, and other noxious or dangerous materials are specifically prohibited.

Mixed Commercial Center: This use includes any group of commercial establishments on a single lot that is not centrally planned, developed or managed.

Motel: A building containing more than four individual rooms for the purpose of providing overnight lodging to the general public for compensation, and which has common facilities for reservations, cleaning services, combined utilities, on-site management and reception, and some or all of whose rooms open directly on a parking area.

Nightclub: Any commercial establishment serving alcoholic beverages and/or providing entertainment for patrons, including bars, lounges, taverns, cabarets and similar establishments.

Nursery: An enterprise which conducts the retail and wholesale sale of plants (a minimum of fifty one (51) percent of which must be grown on the site) as well as accessory items (but not power equipment such as gas or electric lawnmowers and farm implements) directly related to their care and maintenance. The accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes, and shovels. Nurseries may contain accessory greenhouses.

Nursing Home, Convalescent, Rest Home, or Home for the Aged: A facility or housing development in which an agency, organization, or individual provides care for three (3) or more sick, handicapped, and/or aged persons, not related by blood or marriage to the operator. Such congregate care facilities are classified as "dependent living facilities" or "independent living facilities" depending upon the degree of support services on site.

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.

Private Recreational Club: Recreational center for the exclusive use of members and their guests with facilities usually including swimming pools and/or tennis courts, but specifically exclusively golf courses.

Professional Office: The office of a physician, dentist, attorney, architect, engineer, planner, accountant, or similar professions.

Quarry: An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes.

Recycling Processing Center: A facility whose primary use is for collection and processing of recyclable materials. The principal function is to separate and store materials that are ready for end-use markets, such as paper mills, aluminum smelters, or plastics remanufacturing plants. The processing involves the use of power driven processing equipment in the preparation of materials for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, sorting, shredding, and cleaning.

Research Laboratory: A facility equipped for basic and applied research or experimental study, testing, or analysis in the natural sciences, including any educational activities associated with and accessory to such research, but not including a medical, dental, optical, or veterinary clinic, or a research facility located on the principal site of a health institution or university.

Restaurant: A building or operation, the purpose of which is to accommodate the consumption of food and beverages.

Restaurant, Fast Food: An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state. The products sold are usually served in containers that are either edible or made of paper, plastic, or other disposable material. Consumption of the products may be within the restaurant building, a motor vehicle that is parked on the premises, or off the premises, in car or home or other locations as carry-out services.

Restaurant, Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one (1) or both of the following characteristics:

- a. customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed, or
- b. a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

Retail establishment: A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer.

Salvage Yard, Auto Parts: Any land or area used, in whole or in part, for the storage, keeping, accumulation, dismantling, demolition, or abandonment of inoperable vehicles or parts there from.

Salvage Yard, Scrap Processing: Any land or area used, in whole or in part, for the storage, keeping, or accumulation of scrap or waste materials, including scrap metals, waste paper, rags, building materials, machinery, or other scrap materials.

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.

Saw Mill: A mechanized facility for cutting logs into timber for carpentry.

Shelter for the Homeless: A facility operating year-round which provides lodging and supportive services (including, but not limited to, a community kitchen; assistance in obtaining permanent housing; medical counseling, treatment, and/or supervision; psychological counseling, treatment, and/or supervision; assistance in recuperating from the effects of or refraining from the use of drugs and/or alcohol; nutritional counseling; employment counseling; job training and placement; and child care) for indigent individuals and/or families with no regular home or residential address.

Shopping Center: A group of two or more retail establishments or restaurants, including all associated out parcels (whether or not they have been subdivided from the primary tract), having a unified design of buildings, coordinated parking and service areas, and developed in accordance with the requirements of the zoning district in which it is located.

Special Institutional Care Facilities: Means all types of institutional care facilities that involve forced residency, full-time supervision, and/or walk-in care for:

- a. individuals legally confined due to violations of law;
- b. individuals who are addicted to drugs and/or alcohol and,
- c. individuals who are mentally ill, including the criminally dangerous. Under the terms of this Resolution, the following uses are considered to be special institutional care facilities: detention and/or correctional institutions, drug and alcohol rehabilitation facilities, halfway houses serving convicted felons or recovering substance abusers, institutional care facilities including all types of asylums for the psychotic or insane, and substance control centers serving recovering substance abusers.

Travel Trailer Park: A plot of land designed and equipped to accommodate travel trailers for short periods of time.

Warehousing: The indoor storage of goods, materials, or merchandise for shipment to, or processing on, other property.

Wholesale Establishment: A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

ARTICLE III

GENERAL PROVISIONS

SECTION

3-1 SCOPE

3-2 ONLY ONE (1) PRINCIPAL BUILDING ON ANY LOT

3-3 LOT MUST ACCESS TO A PUBLIC ROAD *(Amended by Resolution 051605061, May 16, 2005.)*

3-4 REDUCTION IN LOT AREA PROHIBITED

3-5 REAR YARD ABUTTING A PUBLIC ROAD

3-6 CORNER LOTS

3-7 FUTURE ROAD LINE

3-8 OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED

3-9 ACCESS CONTROL

3-10 ACCESSORY USES AND BUILDINGS *(Amended by Resolution 012312003, January 23, 2012.)*

3-11 BUFFER STRIPS

3-1 SCOPE

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

3-2 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, group housing developments, and mobile home parks as permitted in this resolution. On lots used for agricultural purposes which exceed fifteen (15) acres up to two (2) additional dwelling units may be located, for members of the immediate family thereof, or persons employed full-time thereon and their families. The site of each dwelling unit shall meet all minimum lot and yard requirements of the district such that the site can be subdivided from the remaining acreage if necessary.

3-3 LOT MUST ACCESS TO A PUBLIC ROAD

(Amended by Resolution 051605061, May 16, 2005.)

All buildings and building lots shall have permanent access to a public road. This access must meet one of the following criteria for access and be constructed to maximize sight distance and limited to ensure that traffic congestion as a result of turning movements is reduced to a minimum.

- A. Agricultural and Residential lots located on existing roads or those constructed as a part of a subdivision shall front on a accepted public road a minimum of fifty (50) feet, unless the lot abuts a cul-de-sac in which case the frontage shall be thirty (30) feet or is part of an approved Planned Unit Development as authorized by Article VI of this resolution.
- B. Individual Agricultural and Residential lots are permitted that only have access provided by thirty (30) foot ingress-egress easement. This easement shall only serve one individual building lot and not be part of the required road frontage for another lot.
- C. All commercial, industrial and nonresidential uses are required to have a minimum frontage of fifty (50) feet on any public road. Lots with minimum frontage are encouraged to develop shared access points with additional tracts, subject to approval by the Planning Commission.
- D. Residential subdivisions or tract developments containing lots meeting the frontage requirements set forth in A or B in this section, but constructing a private road to provide access to each are required to meet the following standards.
 - 1. Provide a separate fifty (50) foot ingress-egress easement for these lots and construct a twenty- (20) foot double bituminous drive to each lot for access.
 - 2. Obtain a driveway permit from the Robertson County Highway Department and install a minimum fifteen- (15) inch culvert with headwalls in the ditch where the drive intersects with the public road. In cases where a larger culvert is needed, the county engineer will determine the size of pipe.
 - 3. All private roads shall provide adequate drainage along the roadway and have all ditches stabilized to the requirements established in the Subdivision Regulations.
 - 4. Each development containing private roads must adopt a permanent covenant containing a yearly assessment to each lot for the maintenance of the road. Such covenants shall also contain the provisions and requirements by which the owners may petition the county to accept the private road as a public road.
 - 5. Maintain a minimum separation of two hundred (200) feet between any other easement or public road.

- E. In the A (Agricultural) District subdivisions of no more than five (5) parcels with a lot size of five (5) acres or greater are permitted provided they meet the following conditions:
1. All lots must meet the minimum setback requirements for an A (Agricultural) lot as set forth in section 5.041 of this ordinance.
 2. Provide a thirty- (30) foot ingress-egress easement for these lots and construct a twenty- (20) foot double bituminous drive to each lot for access. All portions of this easement shall be constructed with the capacity to support all emergency vehicles and have a turnaround every 1,000 feet with a minimum forty (40) foot radius.
 3. All private roads shall provide adequate drainage along the roadway and have all ditches stabilized to the requirements established in the Subdivision Regulations.
 4. Obtain a driveway permit from the Robertson County Highway Department and install a minimum fifteen- (15) inch culvert with headwalls in the ditch where the drive intersects with the public road. In cases where a larger culvert is needed, the county engineer will determine the size of pipe.
 5. Each development containing private roads must adopt a permanent covenant containing a yearly assessment to each lot for the maintenance of the road. Such covenants shall also contain the provisions and requirements by which the owners may petition the county to accept the private road as a public road.
 6. Provide a statement on the recorded plat and covenants stating that the owners of the private road are required to obtain the required right-of-way and bring the road up to current road standards for a residential road as set forth in the Robertson County Subdivision Regulations before petitioning the County to accept it as a public street.
 7. All private roads are required to be a minimum of two hundred (200) feet apart on minor and collector streets and four hundred (400) feet apart on arterial roads.
 8. All large lot subdivisions established under this provision of the ordinance are required to meet the standards established in the Robertson County Subdivision Regulations for plat approval and be approved by the Planning Commission.
- F. Residential subdivisions or developments containing lots not meeting the frontage requirements set forth in A or B, in this section, but constructing a private controlled entrance road to provide access to each are required to meet the following standards.
1. Provide a separate thirty (30) foot public ingress-egress easement for these lots and construct a twenty-two (22) foot paved road equal to requirements established in the Robertson County Subdivision Regulations.

2. All private roads shall provide adequate drainage along the roadway with either curbs or stabilized ditches with headwalls on all culverts that meet the requirements established in the Subdivision Regulations. All portions of this easement shall be constructed with the capacity to support all emergency vehicles.
3. Construction plans for all improvements shall be submitted to the Planning Commission and approved by the county engineer.
4. Each development containing private roads must adopt a permanent covenant containing a yearly assessment to each lot for the maintenance of the road. Such covenants shall also contain the provisions and requirements by which the owners may petition the county to accept the private road as a public road.
5. Private roads must at all times allow for public safety access to the development in the event of an emergency. Should a gate be installed limiting access to the site, it shall be manned at all times or gated so that public safety vehicles will be able to open the gate at all times.

3-4 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.

3-5 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.

3-6 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.

3-7 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 Robertson County Major Thoroughfare Plan.

3-8 OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED

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

3-9 ACCESS CONTROL

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

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

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

- B. 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.
- C. No point of access shall be allowed within twenty (20) feet of the right-of-way line of a public intersection.
- D. No curbs or shoulders on county streets or rights-of-way, shall be cut or altered without approval of the Robertson County Highway Department, or if located on a state highway, a permit must be obtained from the Tennessee Department of Transportation.
- E. Where two (2) driveways are provided for one (1) lot frontage, the clear distance between the driveways shall not be less than twenty-five (25) feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.

3-10 ACCESSORY USES AND BUILDINGS

(Amended by Resolution 012312003,
January 23, 2012.)

3-10.1 General Provisions

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:

- A. Be customarily incidental to the principal use established on the same lot.
- B. Be subordinate to and serve such principal use.
- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.

3-10.2 Location of Accessory Buildings

- A. No accessory building shall be erected or maintained in any required front yards, except under the following conditions:
 - 1. Tracts fifteen (15) acres or larger used for agricultural purposes located in an AG-1 and AG-2 districts provided that any new buildings maintain a minimum seventy-five (75) foot setback from any public road and five (5) feet from any side or rear lot line. Any existing building closer than seventy-five (75) feet is allowed to rebuild in said front yard as long as the replacement building maintains a twenty-five (25) foot setback from the front property line.
 - 2. Tracts five (5) acres or larger may request a "Variance" from the Appeals Board to allow an existing or new accessory building to remain or be constructed in a front yard providing it presents no sight distance issues with adjoining lots, roadway intersections, located outside all public rights-of-way and is structurally sound.
- B. Accessory buildings shall be at least five (5) feet from any side or rear property line or drainage or utility easement except for agricultural buildings which shall comply with the above provisions.
- C. On any corner lot adjoining in the rear another lot which is in a residential district, no part of any accessory structure within twenty-five (25) feet of the common lot line shall be nearer the side street line existing or proposed than the depth of any required front yard for a dwelling along such side street.
- D. Accessory dwellings and barracks are permitted as accessory uses in the AG-1 and AG-2 Districts provided they are constructed to meet minimum building setbacks for the district and situated in such a manner that the

structure could be converted to a single family dwelling and divided from the tract.

3-11 BUFFER STRIPS

Where a use is established in areas zoned commercial or industrial which abuts at any point upon property zoned residential or agricultural, the developer of said use shall provide a landscaped buffer strip at the point of abutment. Buffers are required between industrial and commercial districts. (See definitions section.) The buffer strip shall be no less than fifteen (15) feet in width.

ARTICLE IV

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

4-1 TEMPORARY USE REGULATIONS

Amended Resolution # 121718129

4-2 CUSTOMARY INCIDENTAL HOME OCCUPATION *(Deleted in its Entirety and Replaced with New Section by Resolution, February 17, 1997.)*

4-3 GASOLINE SERVICE STATION RESTRICTIONS

4-4 SWIMMING POOL Restrictions *(Deleted in its Entirety and Replaced with New Section by Resolution 051605063, May 16, 2005.)*

4-5 DEVELOPMENT STANDARDS FOR GROUP HOUSING PROJECTS

4-5.1 Procedure for Submission and Review

4-5.2 Required Development Standards

4-6 DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS

4-7 DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING, JUNK AND SALVAGE YARDS

4-8 DEVELOPMENT STANDARDS FOR CEMETERIES

4-9 MINIMUM DESIGN STANDARDS FOR TRANSMISSION AND COMMUNICATION TOWERS AND STATIONS

4-10 RESIDENTIAL CLUSTER DEVELOPMENT AND OPEN SPACE CONSERVATION DESIGN OVERLAY PROVISION

(Amended by Resolution 082106080 8-21-06)

4-10.1 Purposes

4-10.2 Design and Approval Process

4-10.3 Eligibility Criteria

4-10.4 Design Criteria

4-10.5 Types of Cluster Developments

4-10.6 Development Standards

4-10.7 Open Space Standards and Requirements

4-10.8 Ownership, Management and Maintenance of Open Space

4-10.9 Sewage Disposal

4-10.10 Scenic, Natural Feature and Historic Preservation

4-10.11 Roads and Pedestrian Ways

4-11 SPECIAL CONDITIONS FOR PERMITTING A BED AND BREAKFAST HOME

(Added by Resolution 061607077)

4-1 TEMPORARY USE REGULATIONS *Amended by Resolution 121718129*

The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for a Temporary Use Permit shall be made to the Board of Zoning Appeals through the office of the building commissioner. 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 space 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.

- A. Carnivals or Circuses: May obtain a Temporary Use Permit in the Agricultural, Commercial, or Flood Districts; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall be permitted on lots where adequate off-street parking can be provided.
- B. 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.
- C. Temporary Buildings: In any district, a Temporary Use Permit may be issued 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.
- D. 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 Robertson 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.

- E. Religious Tent Meeting: In any district, except the **I-2**, General Industrial District, 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.
- F. 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.
- G. Temporary Dwelling Units in Case of Medical Hardships: In any district, a Temporary Use Permit may be issued 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 a 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 Robertson County Health Department approving the sewage disposal system of the proposed temporary structure.

Such permit may be initially issued for eighteen (18) 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.

- H. Temporary Portable Structure Regulations for Special Hardships: A portable structure 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 for temporary purposes. This definition shall not include mobile homes as defined elsewhere herein or factory manufactured modular units that comply with the 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.
 - a. No more than one (1) portable structure 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. One permit extension

for no more than sixty (60) additional days may be requested and granted by the Planning Director.

- b. Portable structure shall be located to meet the required front yard setback requirement and located outside all septic tank and field line areas, and at least ten (10) feet from all other property lines. In residential areas, structures may be placed in the driveway of the principal use being served, provided that adequate parking space for at least two (2) vehicles is maintained.
2. In any residential zone, usage of recreation vehicles or camping trailers on a lot for living, sleeping or housekeeping purposes will only be allowed under the following circumstances:
- a. Bona fide temporary instances of visiting relatives or invited guests not to exceed 10 (ten) days in any calendar year per visit.
 - b. In cases where fire or natural disasters have occurred, subject to the following restrictions:
 - i. A temporary use permit may be issued for a period of six months;
 - ii. An additional three-month temporary use permit may be issued by the Planning Director if deemed warranted;
 - iii. The unit must be served by approved water, sewer and electric facilities;
 - iv. Consistent with the International Building Code, as adopted by Robertson County, the unit must meet all building separation standards;
 - v. Residential use of the unit must be discontinued and removed from the property upon the issuance of a certificate of occupancy for the replacement principal dwelling unit.
 - c. In cases where the property owner desires to live on-site while the principal residence is being constructed or renovated, subject to the following restrictions:
 - i. A temporary use permit may be issued for a period of six months by the Board of Zoning Appeals;
 - ii. A building permit for the construction/renovation of the principal dwelling unit must be issued prior to a temporary use permit being issued. The building permit must remain valid in order for the temporary use permit to remain valid;
 - iii. An additional three-month temporary use permit may be issued by the Planning Director. A renewal shall be not be granted if a valid building permit is not in effect;

- iv. Consistent with the International Building Code, as adopted by Robertson County, the unit must meet all building separation standards;
 - v. The unit must be served by approved water, sewer and electric facilities;
 - vi. Residential use of the unit must be discontinued and removed from the property upon the issuance of a certificate of occupancy for the principal dwelling unit.
3. In all non-residential districts, no portable structure may be used for any kind of human occupancy. Such structures may be used for storage in zoning districts that permit outside storage as otherwise permitted herein provided all site planning standards are met.
 4. In any district, the Director of Building Codes may issue a temporary building permit for a contractor's temporary office and equipment sheds that are incidental to a construction project. Such buildings or sheds shall be removed when the certificate of occupancy is issued for the reconstructed building or when the certificate of occupancy is issued for the last house in a new housing development.
 - I. Temporary Manufacture of Road Materials: In any district, except the residential districts, a Temporary Use Permit may be issued upon approval by the Robertson 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.

4-2 CUSTOMARY INCIDENTAL HOME OCCUPATIONS <i>(Deleted in its Entirety and Replaced with New Section by Resolution, February 17, 1997.)</i>

A home occupation is a gainful occupation or profession conducted entirely within the principal dwelling unit or approved accessory building by members of the household residing on the premises. Employment of persons not living on the premises shall be limited to one (1) individual. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, with no more than twenty-five (25) percent of the floor area of the dwelling unit being used to conduct the home occupation. Any accessory building used for a home occupation must be subordinate and serve the principal use of the property and not constructed for the home occupation. This section classifies all home occupations as "Minor Home Occupations", "Major Home Occupations", and "Accessory Agricultural Occupations", all other uses that are not considered under one of these classifications is prohibited under these regulations.

A. Minor Home Occupations

A minor home occupation is a limited activity conducted on premises that in no way alters the residential character of the structure. Minor home occupations shall include offices for accountants, architects, artists, engineers and the like, and other uses that will not require an increased amount of traffic to and from the residence. Uses such as barber or beauty shops, auto repair or any similar use shall not be considered as a minor home occupation. Due to the small scale of operation, minor home occupations are not required to obtain special exception permits from the Board of Zoning Appeals.

B. Major Home Occupations

Uses classified as major home occupations are those conducted within homes that may cause an increase in the amount of neighborhood traffic. This increase in traffic may be in the form of persons served by the home occupation or by deliveries or pick-ups from the premises. An increased area for parking is required for uses that are classified as major home occupations. All major home occupations require approval of a site plan by the Planning Commission and approved by the Board of Zoning Appeals as a "Special Exception". Major home occupations shall include barber and beauty shops, teaching of music and dance, small engine and appliance repair, upholstery shops, dressmakers, real estate offices, and other similar uses that in the opinion of the Board of Zoning Appeals would meet the criteria of a major home occupation.

C. Accessory Agricultural Occupations

These provisions are established to provide supplemental occupations for residents located in a rural environment. All applicants requesting approval for this type of home occupation is required to meet the provisions set forth in **Section 11-3.3**, and any other safeguards the Board of Zoning Appeals may deem necessary. All accessory-agricultural occupations require approval of a site plan by the Board of Zoning Appeals, as a "Special Exception". Uses permitted as accessory agricultural occupations shall include, but be limited to auto, truck and farm equipment repair, welding shops, wood working shop, manufacture or processing of garments, the sale of farm products, supplies and equipment and other similar uses that in the opinion of the Board of Zoning Appeals would meet the criteria of an accessory-agricultural occupation.

4-3 GASOLINE SERVICE STATION RESTRICTIONS

The following regulations shall apply to all gasoline services stations:

- A. There shall be a building setback from all street right-of-way lines of a distance of not less than fifty (50) feet, except for canopies designed to cover the gasoline pump islands.

- B. Gasoline pumps and canopies shall not be located closer than fifteen (15) feet to any right-of-way line.
- C. Sign requirements as established in **Article IV, Section 4.030**, shall be met.

4-4 SWIMMING POOL Restrictions <i>(Deleted in its Entirety and Replaced with New Section by Resolution 051605063, May 16, 2005.)</i>

The following regulations shall apply to all swimming pools:

- A. No swimming pool or part thereof, excluding aprons, walks, shall protrude into any required front yard in the Agricultural and Residential Districts.
- B. 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 the height specified in the current Robertson County Building Code or any subsequent Building Code adopted by Robertson County.
- C. Private swimming pools are permitted in Agricultural, Residential, and Commercial Districts provided that the pool is intended, and is to be used solely for the enjoyment of the occupants and their guests of the property on which it is located.

4-5 DEVELOPMENT STANDARDS FOR GROUP HOUSING PROJECTS

This procedure shall be used in the case of a group housing project of two (2) 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*) development whether such units are individually owned or held in common ownership. The reviewing agency for this plan is planning commission.

4-5.1 Procedure for Submission and Review

A site development plan as specified in **Section 11-3.3** shall be permitted 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.

4-5.2 Required Development Standards

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

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

B. Density and Dimension

1. The average number of dwelling units per acre of buildable land, not including streets, shall not exceed that permitted within the applicable district.
2. 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.

C. Design

1. Internal Drives: The maximum grade on any drive shall be seven (7) percent, unless an alteration is specifically approved by the planning commission.
2. Where feasible, all drive intersections shall be at right angles.
3. Minimum distance between buildings shall be thirty (30) feet at any point.

D. Public Street Access

1. The minimum distance between access points along public street frontage, center line to center line, shall be two hundred (200) feet.
2. 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.

E. Required Improvements

1. Internal Drives: Specifications for drives in group housing developments shall conform to roadway specifications as specified by the Robertson County Regional Planning Commission Subdivision Regulations to which reference is hereby made and incorporated herein by reference.
2. Utilities: The development shall be served with public utility systems adequate to assure fire protection and removal of liquid waste via a central sewage collection and treatment facility.
3. Storage of Solid Waste: Any central refuse disposal area shall be maintained in such manner as to meet county health requirements, and shall be screened from view.
4. Service Building: Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.

4-6 DEVELOPMENT STANDARDS FOR MOBILE HOME PARKS
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The following regulations are intended to supplement the state health regulations established by the Tennessee Trailer Court Act of 1957, **Sections 68-24-101** through

68-24-120, Tennessee Code Annotated, by ensuring a minimum standard of site development for mobile home parks where permitted as a special exception in a zoning district.

A. Mobile Home Park Building Permit

1. The application for a "mobile home park permit" shall be filed with and issued by the Robertson County Health Department as authorized by Section **68-24-103**, of the **Tennessee Code Annotated**. However, construction or extension of a mobile home park may not commence within the area of jurisdiction of this resolution until a mobile home park building permit has been issued by the building commissioner. The mobile home park building permit may be issued only upon approval of the special exception by the Board. The Board shall act upon an application for a permit after receipt of a report from the Robertson County Regional Planning Commission. The Board may attach whatever conditions it sees fit to the permit in order to protect the neighborhood or adjoining properties.

2. 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 both the planning commission and the Board of a site development plan containing the following information.

- a. The name and address of the applicant.
- b. The location, area, and dimensions of the proposed mobile home park site as well as a legal description.
- c. The location, size, and number of all mobile home spaces.
- d. The location and size of all buildings, improvements, and facilities (including roads, water, sewer, refuse disposal).
- e. The proposed use of buildings shown on the site plan.
- f. The location and size of all points of entry and exit for motor vehicles and the internal circulation plan (roadways and pedestrian walkways).
- g. The location and number of all off-street parking facilities.
- h. The location of park and recreation areas.
- i. A complete drainage plan with contour lines at five (5) feet.
- j. 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.

- k. 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.
- l. Such other architectural, engineering, and topographical data as may be required to permit the county health department, the building commissioner, the planning commission, and the Board to determine if the provision of these regulations are being complied with shall be submitted with the site plan.

3. Inspection Fee

An inspection fee shall be required for approval of a mobile home park which shall be made upon submission of a plan for approval. After completion of construction, a final inspection shall be made at no additional charge.

- a. The inspection fee shall be ten dollars (\$10.00) per year plus two dollars (\$2.00) per space. The fee is nonrefundable.
- b. The inspection fee shall be paid to the building commissioner prior to the beginning of work on the mobile home park.

B. Development Standards

1. General

- a. A mobile home park shall be located only as a special exception within those districts where permitted.
- b. No part of the park shall be used for nonresidential purposes, except such uses as are required for the direct servicing and wellbeing 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.
- c. 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.

2. Minimum Development Size

No mobile home park shall be approved which contains less than eight (8) acres in area or has less than fifteen (15) mobile home spaces.

3. Dimensional Requirements for Parks

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

- b. 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.
- c. 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.
- d. 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.
- e. At no time shall the density for the park exceed the maximum permissible density for the district it is located in.

4. Spacing of Mobile Homes and Site Coverage

- a. 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.
- b. There shall be a minimum distance of ten (10) feet between the nearest edge of any mobile home and an abutting access street.
- c. 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.

5. The Mobile Home Lot

- a. General: The limits of each mobile home lot shall be marked on the ground by suitable means. Location of lot limits on the ground shall be the same as shown on accepted plans. No lot shall be smaller than five thousand (5,000) square feet.
- b. 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 publication of FHA "Minimum Property Standards for Mobile Home Parks", May, 1977.
- c. 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.

- d. Tenant storage shall be provided for each mobile home at the rear of the mobile home space.

6. Utilities and Other Services

- a. 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.
- b. Each mobile home site shall be provided with the connection to the sanitary sewer line or to a sewer system approved by the Robertson County Health Department and the Board of Zoning Appeals.
- c. 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.
- d. 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.
- e. 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.
- f. 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.

7. 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.

a. Circulation

The internal street systems should provide convenient circulation by means of minor streets and properly located collector 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.

b. Pavement Widths

Pavement widths shall be as follows:

Collector Street	
with no parking	20 ft.
with on-street parking	36 ft.
Minor Street	
with no parking	18 ft.
with on-street parking	34 ft.
One-Way Minor Street	
with no parking	12 ft.
with on-street parking	28 ft.

c. Construction

The internal streets and drives shall be paved in accordance with county subdivision regulations.

8. 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.

9. 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.

10. 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.

11. 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.

12. Parking

a. Off-Street Parking

Paved off-street parking may be grouped in bays, either adjacent to streets or in the interior of blocks or on the mobile home lot. Such parking areas shall generally be located in close proximity to the dwellings units they are designed to serve. At least one (1) parking space per dwelling unit shall be located so as to provide a maximum walking distance of fifty (50) feet from the nearest entrance of the dwelling unit the space is to serve.

C. Responsibility of Park Management

1. 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.
2. The permittee shall notify park occupants of all applicable provisions of this resolution and inform them of their duties and responsibilities under this resolution.
3. The permittee shall supervise the placement of each mobile home on its mobile home stand to the satisfaction of the building commissioner which includes securing its stability to anchor pins and installing all utility connections.
4. The permittee shall maintain a register containing the following information:
 - a. The name and address of each mobile home occupant.
 - b. The name and address of the owner of each mobile home and motor vehicle by which it was towed.

- c. The make, model, year, and license number of each mobile home and motor vehicle.
 - d. The date of arrival and of departure of each mobile home.
- 5. 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.
- 6. 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.
- 7. The permittee shall notify the health authority immediately of any suspected communicable or contagious disease within the park.
- 8. The permit to operate shall be conspicuously posted in the mobile home park office at all times.
- 9. The permittee shall be answerable for the violation of any provision of this section.

D. Responsibilities of Park Occupants

- 1. 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.
- 2. 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.
- 3. Skirting's, 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:
 - a. The storage area shall be provided with a base of impervious material.
 - b. Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
 - c. The storage area shall be enclosed by skirting.
- 4. 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.
- 5. Fire extinguishers for Class B and C fires shall be kept at the premises and maintained in working condition.

6. All park occupants shall be required to register their pets (dogs and cats) with the park management.
7. 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.
8. Park occupants shall not be allowed to construct or place pens for animals on the park premises.
9. No inoperative automobiles, junk, or noncontained trash shall be allowed within the park.

E. Inspections

1. The building commissioner 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.
2. The building commissioner 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.

3. Penalties

- a. 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.
- b. Each day that a violation is permitted to exist shall constitute a separate offense.
- c. 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.

F. 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.

G. Prohibited Structures

1. Cabanas, travel trailers, and other similarly enclosed structures are prohibited.

2. Trailers with or without toilet facilities that cannot be connected to approved sewer systems shall not be permitted in a mobile home park.
3. 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.

4-7 DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING, JUNK AND SALVAGE YARDS
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A site development plan specified in **Section 11-3.3** 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 Robertson 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, junk yards, 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:

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. Off-Road Parking: As regulated in **ARTICLE V**.
- F. Ingress and Egress: The number of vehicular access driveways permitted on any single street frontage shall be limited to:
 1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
 2. 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.

- G. No automobile wrecking, junk, or salvage yard shall be permitted within three hundred (300) feet of any public road in Robertson County, except where a more stringent state or Federal law applies.

4-8 DEVELOPMENT STANDARDS FOR CEMETERIES

- A. The following standards shall be imposed upon the development and construction of cemeteries in Robertson 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. Any new commercial cemetery shall be located on a site containing not less than twenty (20) acres.
 3. 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.
 4. 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.
 5. All required yards shall be landscaped and maintained in good order in accordance with state and local regulations.

4-9 MINIMUM DESIGN STANDARDS FOR TRANSMISSION AND COMMUNICATION TOWERS AND STATIONS

(Added Section, by Resolution, May 19, 1997)

Standards for Telephone, Telegraph, and Communications Transmitter Stations and Towers; all transmitter stations, including towers and operating equipment shall adhere to the following standards:

- A. All towers with a height of one hundred fifty (150) feet (from base to top) or more shall be constructed in accordance with Electronic Industries Association ("EIA") Standard 222E-1991, utilizing a wind rating of eighty (80) miles per hour plus ice loading for Robertson County, Tennessee. Each application for a building permit shall be accompanied by a certification by a professional engineer licensed in the State of Tennessee and competent in such design.
- B. A site plan in compliance with **Section 11-3.3** shall be approved by the Planning Commission prior to the issuance of a building permit.
- C. All towers shall be set back from all property lines by a distance that is equal to:

1. for a guyed tower, twenty (20) percent of the height, and
 2. for a self-supporting tower, fifty (50) percent of the height.
- D. All applications for permits to build towers in Robertson County must be accompanied with a "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.
- E. The entire tract containing the tower and equipment shall be enclosed with a fence no shorter than six (6) feet in height. Access gates will be locked at all times when the site is not occupied.
- F. Where the tower site abuts or is contiguous to any residential district, there shall be provided a continuous, solid screening, and it shall be of such plant material as will provide a year-round evergreen screening. Screening, as required herein, shall not be less than four (4) feet in height at the time of planting, and shall be permanently maintained.
- G. All towers that require marking or lighting shall be done in compliance with Federal Aviation Administration regulations, but no tower shall be lighted from dusk to dawn by any form of white flashing light unless required by the Federal Aviation Administration.

4-10	RESIDENTIAL CLUSTER DEVELOPMENT AND OPEN SPACE CONSERVATION DESIGN OVERLAY PROVISION
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(Deleted in its Entirety and Replaced with New Section by Resolution 082106080, August 21, 2006.)

4-10.1 Purposes

To establish an optional process allowing greater flexibility in development design to encourage more sensitive "density-neutral" layouts that are more harmoniously designed to preserve open space and the County's essentially rural character. Among the important public purposes served by this Section are the following:

- A. To help maintain the County's distinctive rural character by locating new residential development in areas where the development's visibility from public roads, watercourses, neighboring dwellings and parks would be minimized, with an emphasis upon conserving scenic vistas, and by using design methods for such purposes;
- B. To encourage the preservation of productive agricultural land by including such areas within undivided open space and by improving the efficiency of land design practices associated with residential development;
- C. To steer development to those areas that are better suited for it by virtue of environmental conditions and availability of public infrastructure;

- D. To encourage high-quality, attractive lot layout, site planning, street alignment and landscaping design that is respectful of the traditional landscape of the County;
- E. To reduce construction costs by lowering improvement costs per dwelling thereby encouraging affordable housing;
- F. To allow each property owner reasonable use of his or her land, related directly to its natural features, location, and accessibility;
- G. To preserve and protect environmentally sensitive lands such as steep slopes, floodplains, wetlands and areas of soil characterized by high water table and stream banks by including such areas within undivided open space maintained through homeowner's associations or through public or semi-public ownership;
- H. To facilitate development of centralized sewage collection and treatment thereby reduce the potential for groundwater pollution;
- I. To avoid severe soil erosion and sedimentation increased storm water flow and speeds and the degradation of water quality that results from such conditions.

4-10.2 Design and Approval Process

A. The Site Planning Process

The following sequence shall be followed in approving developments under authority of this section. These steps may be combined only at the discretion of the Planning Commission:

1. *Pre-Application Discussion* with staff.
2. *Existing Features (Site Analysis) and Concept Plan* prepared and presented for determination of completeness, review of overall planning concepts, and staff recommendation.
3. *On-Site Visit* by staff.
4. *Concept Plan* submitted to staff for review and decision.
5. *Site Master Development Plan* submission to Planning Commission for determination of completeness, review and decision.
6. *Preliminary Plat* submission to Planning Commission for determination of completeness, review and decision.
7. *Construction Drawings and Engineering Certification* submission, determination of completeness, review and decision by staff.
8. *Final Plat Submission* to planning commission for determination of completeness, review and decision.

9. *Recording of Final Plat at County Registrar of Deeds.*

B. Elements of the Site Planning Process

1. Pre-Application Discussion

Prior to any formal presentation of plats, plans or other documents associated with a proposed development a pre-application discussion involving the applicant, the site designer(s), and the Zoning Administrator shall be conducted. The purpose of such meeting is to introduce the applicant and the site designer(s) to the county's zoning and subdivision regulations and procedures.

2. Existing Features Inventory (Site Analysis)

An inventory and analysis of each site's special features is required for all developments proposed under authority of this section. The Site Analysis shall form the basis for the Conceptual Plan, which will show the tentative location of houses, streets, lot lines, and open space lands in the proposed development.

3. The Site Visit

After the Site Analysis has been prepared and presented for review, the Zoning Administrator will schedule a mutually convenient date to walk the property with the applicant and the site designer. The purpose of this visit is to familiarize officials with the property's special features, and to provide an informal opportunity to discuss the development concept.

4. The Conceptual Plan

A "Conceptual Plan" meeting the specifications established in this section shall be presented for the proposed development. This plan shall indicate the layout of proposed streets, house lots, and open space areas. Each "Conceptual Plan" shall be designed using the four-step process found in *Subpart C*, (The Four-Step Process) of this section.

5. The Preliminary Plat/Master Site Development Plan

Upon approval of a Conceptual Plan the applicant may proceed to prepare and present a Site Master Development Plan. This document is intended to combine into a single submittal the process of platting as controlled by the Subdivision Regulations with a detailed site development plan required by this ordinance. The preliminary plat shall contain the information required and otherwise comply with the provisions of **Section 5-102 (Preliminary Plat)** of the **Subdivision Regulations**. The Site Development Plan shall provide the information and otherwise comply with the provisions of **Article 11, Section 11-3.3**, (Site Plan and Plot Plan Procedures), of this ordinance.

6. Completing the Platting Process

Following approval of the Site Master Development Plan, the remaining steps in the process specified for platting of subdivisions shall be

pursued in the sequential order specified in the **Subdivision Regulations**

C. **The Four-Step Design Process**

Each Conceptual Plan shall follow a four-step design process, as described below. When the Conceptual Plan is submitted, applicants shall be prepared to demonstrate to the Planning Commission that these four design steps were followed in preparing the plan.

1. **Designating Conservation Lands**

The first step involves identifying all “Green Space Areas”, using the information provided in the Site Analysis. Green Space Areas consist of wetlands, floodplains, slopes over twenty-five (25) percent, and all other portions of the site defined as “unsuitable for development” in **Subsection 4-101.401, (Land Unsuitable for Development)** of the **Subdivision Regulations**. If “Community Open Space Areas” are to be included in the design of the site these areas shall also be identified at this time.

2. **Location of House Sites**

During the second step, potential “building envelopes” (see definition) are tentatively located. Because the proposed location of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the evaluation criteria contained in **Subpart (d), (Design Evaluation Criteria)** of this section, subdivision applicants shall identify tentative building envelopes on the Conceptual Plan and actual building envelopes on the Preliminary Plat/Master Site Development Plan.

3. **Street and Lot Layout**

The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in such a way as to avoid or at least minimize adverse impacts on conservation areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over fifteen (15) percent shall be avoided. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the county and to facilitate easy access to and from homes in different parts of the property (or on adjoining parcels). Where cul-de-sacs are necessary, those serving six (6) or fewer homes may be designed with “hammer-heads” facilitating three-point turns.

NOTE: *In situations where more formal “neo-traditional” or village-type layouts are proposed, Steps Two and Three may be reversed, so that the location of house sites follows the location of streets and squares.*

4. Lot Lines

The fourth step is simply to draw in the lot lines (where applicable). These are generally drawn midway between the house locations and may include L-shaped “flag lots.

D. Design Evaluation Criteria

In evaluating the layout of lots and open space, the following criteria will be considered by the Planning Commission as indicating design appropriate to the site’s natural, historic and cultural features, and meeting the purposes of this ordinance. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Accordingly, the Planning Commission shall evaluate proposals to determine whether the proposed conceptual plan:

- *Protects and preserves environmentally sensitive areas* from clearing, grading, filling, or construction.
- *Preserves and maintains mature woodlands, and creates sufficient buffer areas* to minimize conflicts between residential and agricultural uses.
- *Maintains or creates buffers of natural native species vegetation* in accordance with requirements and standards of this ordinance
- *Protects wildlife habitat areas* of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency.
- *Designs around and preserves sites of historic, archaeological, or cultural value*, including stone walls, spring houses, barn foundations, earthworks, and burial grounds and their environs.
- *Protects rural roadside character* and improves public safety and vehicular carrying capacity by avoiding development with sites that individually access onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stone walls, hedgerows, and similar features.
- *Provides buffers that protect the proposed residential development* from potential adverse impacts of adjoining agricultural operations.
- *Includes a pedestrian circulation system* designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system.

E. Site Development Plan Required

1. Contents

A site master development plan shall be prepared and submitted to the Planning Commission for its review and approval. The site master development plan shall be submitted at a scale no smaller than 1' = 100' and contain the following information:

- a. The actual shape, location and dimensions of the lot.
- b. The shape, size, and location of all existing buildings.
- c. The existing and intended use of the property and proposed location of structures other than single-family dwellings.

- d. Topographic features (contours not greater than five (5) foot intervals.
- e. Except for single-family dwellings, location of all driveways and entrances.
- f. Location of all accessory off-street parking areas to include a plot plan showing design and layout of such parking facilities.
- g. Location, calculations and intended use of open space.
- h. Building setbacks and other yard requirements.
- i. Location of any fences and walls.
- j. Location of required screening.
- k. Proposed means of surface drainage.
- l. Location and calculations of all easements and rights-of-way.
- m. Location and availability to servicing utilities.
- n. Location and calculation of areas subject to flooding.
- o. Location and calculation of slopes twenty (20) percent or greater.
- p. Location of tree masses and any environmental limitations.

2. Coordinated Review

Upon receipt of a site master development plan and sketch plat containing information as required above, the Planning Commission may:

- a. Concurrently review the site development plan and sketch plat;
- b. Jointly approve, approve with modification, or disapprove these documents; and
- c. In the instance of approval, or approval with modification, transfer the site development plan to the Planning Staff for enforcement.

3. Enforcement

Upon approval of a site master development plan, the Zoning Administrator shall become responsible for enforcement of the plan. Only minimal adjustments involving the placement of any structure in common open space will be permitted once a site development plan has been approved. Any other change shall require submission of a proposed amendment to the approved plan.

4-10.3 Eligibility Criteria

To be eligible for open space community consideration, the applicant must present a proposal for residential development that meets each of the following:

A. Minimum Project Size

The minimum "Tract-Area of an open space community development shall be five (5) acres of contiguous land. (*"Tract-Area"*) shall be defined to include the total lot area or the total lot area of contiguous lots or lots directly across a street or waterway from each other and that;

- involves all of the lots in common ownership or common equitable ownership at the time of the development applications or adjoining lots under separate ownership when a joint application is filed.
- includes the land area of rights-of-way of any future streets proposed within the tract.
- includes the land area of any proposed open space.

B. Unified Control

The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.

C. Cluster Required

The Planning Commission may require that cluster development be used if street right-of-way dedication is required.

4-10.4 Design Criteria

A. Location

A development pursuant to the provisions of this section may be approved upon any agriculturally or residentially zoned land in the County.

B. Base Zoning Regulation

All Zoning Resolution requirements for the underlying zoning district, except for minimum lot area, lot width at the building line and minimum yard requirements shall remain in full force.

C. Dwelling Density

The permitted density of residential uses within an open space community shall not exceed the density allowed by the underlying zoning district based upon the number of dwelling units per acre indicated for the base zoning district (See *Table 4-10.4A*). All computations shall be rounded to the closest unit. In any instance where a proposed development is located in more than one base zoning district the density permitted shall be separately calculated for the portion of such development that is located within each base district.

The total number of residential units allowable within an open space development shall not exceed the number of units that would otherwise be allowed in the existing zoning district using conventional development. The total number of units allowed shall be determined using the following formula:

$$\text{TDU} = \text{BD} [A - (U+R)]$$

Where:

TDU = Total Dwelling units

BD = Base Density (dwelling units/acre)

A = Total Site Area (acres)

U = Unbuildable Land as defined in (acres).
Article II, Section 2-2.1, (General Definitions)

R = Road and Utility Right of Way (acres)

TABLE 4-10.4-A

**LOT SIZE AND DENSITY STANDARDS
FOR SINGLE FAMILY CLUSTER DEVELOPMENT**

BASE ZONING DISTRICT	MINIMUM LOT SIZE (IN SQ. FT.)	DENSITY FACTOR IN DWELLING UNITS PER ACRE
AG-1	40,000	0.25
AG-2	40,000	0.25
RP-80	30,000	0.50
R-40	7,000	1.09
R-30	6,000	1.45
R-20	5,000	2.18
NOTE: In overlay districts, greater requirements may apply. See any relevant overlay district regulations.		

4-10.5 Types of Cluster Developments

In order to achieve these purposes, this section provides flexibility in designing new residential developments by allowing the following types of developments:

1. Type I: Farmhouse Cluster permits the subdivision of land in the Agricultural District for up to five (5) houses accessed by way of a shared private road. Open space land can be owned by and association or the individually by one of the homeowners in the development.
2. Type II: Neutral Density permits the subdivision of land for single-family residential dwellings in all Residential Districts at the density permitted in each district. Developments must have a minimum of forty (40) percent of the total development devoted to permanent open space owned by the homeowners association.
3. Type III: Mixed Use allows for the development of residential developments with both single-family and multi-family housing types with in the same development providing that the zoning district allows for the type dwelling proposed. Limited commercial activities may be permitted as a "Special Exception" for developments with three hundred (300) or more lots subject to approval by the Planning Commission and Board of Appeals.
4. Type IV: Agricultural Perseveration allows for the development of residential developments that permanently preserve farm land, pasture land, orchards and any other are commonly considered an agricultural use by the Tennessee Code Annotated. Developments must have a minimum of twenty (20) percent of the total site devoted

4-10.6 Development Standards

The following standards and requirements shall apply to all developments subject to the provisions of this section.

A. Availability of Public Utilities

By reducing the required lot area and width these provisions are intended to reduce the linear footage and to otherwise facilitate extension of utility systems that are adequate to provide water service for fire protection and centralized sewage treatment.

B. Lot Area

Within all developments approved under authority of this section the area of lots designated as residential building sites shall be the greater of:

- that required by Table 4-10.4-A.
- where on-site sewage disposal systems are utilized, that required to meet requirements of the local health authority.

C. Yard and Setback Requirements

1. General

Yard and setback requirements that are generally applicable within developments subject to the provisions of this section are presented in Table 4-10.6-B.

TABLE 4-10.6-B
MINIMUM LOT FRONTAGE AND BUILDING SETBACK
STANDARDS FOR SINGLE FAMILY CLUSTER DEVELOPMENT

ZONE DISTRICT	AG-1	AG-2	RP-80	R-40	R-30	R-20
Minimum Lot Frontage	(in feet)					
On street (2)	50	50	50	50	50	50
On cul-de-sac (2)	30	30	30	30	30	30
Minimum Building Envelope Spacing	(in feet)					
To off-site street or tract boundary (1)	200	200	75	75	50	50
To any Stream or Wetland	50	50	50	50	50	50
Lot Width at Building Line	150	150	80	70	60	50
Front Yard Setback (2)	50	50	40	35	30	15
Rear Yard Setback (2)	25	25	20	15	10	10
Side Yard Setback (2)	20	20	10	10	10	5
Side Yard Setback Zero Lot Line	25	25	15	15	10	10
NOTES:						
(1) See Subsection 4-4.5, Subpart (5), (c), (ii), <u>Special Provisions Applicable to Lots Abutting Conventional Residential Development</u> .						
(2) In developments with multiple housing types this requirement can be adjusted to fit the development being requested subject to review by the Planning Staff and Planning Commission.						

2. Special Provisions Applicable to Lots Abutting Conventional Residential Development

All lots that directly abut the periphery of a development site adjacent to or directly across a street from existing conventional residential lots (without intervening open space) shall have the following minimum dimensions. The lot width shall be at least ninety (90) percent of the width (measured at the setback line) of that required for the base zoning district wherein the development is located. The area of such lots shall be at least seventy-five (75) percent of the lot area required for the base zoning district.

3. Zero Lot Line Provisions

The Planning Commission after review and recommendation from staff may permit zero lot-line development in all types of cluster

developments except for Type I cluster subject to the following provisions:

- a. All lots must have the minimum required lot width and area required by **Tables 4-10.4-A** and **4-10.4B**.
- b. Any lot proposed for zero lot line development must be so indicated on the final plat of the subdivision.
- c. All dwellings constructed in the development shall meet all current building and fire codes for the type of structure.
- d. All lots being considered for zero lot line development are required to have a five (5) foot construction and maintenance easement on each side of the lot line.

4. Special Requirements

a. Farmhouse Cluster

Permits the subdivision of land for up to five (5) house lots accessed by way of a shared private drive when the following conditions have been met:

- i. Minimum project size and frontage on public road: twenty-five (25) acres with a minimum of fifty (50) feet of frontage on a public road either by fee simple ownership or thirty (30) feet by exclusive ingress/egress easement.
- ii. There shall be no more than two farmhouse cluster developments permitted per tract as that tract existed on August 21, 2006.
- iii. A double bituminous private drive shall be constructed on a recorded easement not less than twenty (20) feet in width with a turnaround every 1,000 feet to serve the farmhouse cluster exclusively. All portions of the easement shall be constructed with the capacity to support all emergency vehicles.
- iv. An association of all property owners shall be established for maintenance of all commonly held spaces, if any. Where there are no commonly held spaces except for a shared driveway or private street, a legally binding shared driveway and/or private street use and maintenance agreement shall be filed at the Register of Deeds of Robertson County. Furthermore, the shared driveway or private road shall be shown, along with all appropriate and necessary easements, on a recorded plat and a note shall be attached thereto stipulating the use and maintenance of the driveway and referencing the recorded agreement(s).
- v. The location of building sites shall be determined through a site analysis which identifies features listed in this article to be preserved as open space;

- vi. Minimum lot size shall meet standards established in; **Tables 4-104-A and 4-10.4-B.**
- vii. At least 50% of the tract shall be designated as open space. Open space can be either common open space or non-common open space. The designation of open space preservation shall be permanent and irrevocable. A metes and bounds description of the space to be preserved and limits on use shall be recorded on the subdivision plat and on individual deeds when open space lands are not held entirely in common. Open space lands may be part of a deeded lot so long as it reflects an irrevocable conservation or open space easement requiring such portions of individual lots to remain and be used as open space as provided in this section.
- viii. Permitted uses of open space lands to be preserved shall correspond generally to physical conditions at the time of subdivision approval. Restrictive covenants shall limit uses to the continuation of certain agricultural activities (pastureland, crop cultivation) or recreation uses that preserve the view from public streets of rural heritage features to be preserved. For example, fields or pasture land preserved as required open space may continue to support cultivation or grazing; however existing woodlands may not be clear-cut.
- ix. The project shall maintain a generally rural appearance from public road(s).
- x. Where a farmhouse cluster would eliminate a planned street connection or a street connection indicated on the Robertson County Major Thoroughfare Plan, and no alternate alignment can reasonably provide the connection, the design of the farmhouse cluster shall provide for said connection by the reserving a right-of-way for the streets.
- xi. A Farmhouse Cluster requires an approved **subdivision plat**, according to the requirements of the Robertson County Subdivision Regulations and shall meet all other requirements for review and approval, which include a preliminary plat and construction plan approval prior to approval of a final plat.

4-10.7 Open Space Standards and Requirements

A. Amount of Open Space Required

The Open Space located within any development approved under authority of this section shall be comprised of “Green Space” and “Community Open Space” (as these terms are defined in **Article II, Section 2-2.1**, (General Definitions). The total area of dedicated open space within a development shall equal or exceed the total area that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement. Such land shall be set aside as common land for recreation, conservation,

agriculture, area for off-lot sewage disposal as specified in **Subsection 4-10.9** (Sewage Disposal), area for stormwater management or natural resource protection according to an approved resource protection plan. Except as otherwise required all cluster subdivision developments shall have a minimum of thirty (30) percent of the total site devoted to permanent open space.

1. Open Space Designated as “Green Space”

“Green Space” shall include all portions of a cluster development defined as “unbuildable land” in **Section 2-2.1**, (General Definitions).

2. Open Space Designated as “Community Open Space”

Community Open Space shall include land, other than “Green Space”, that is not included within house lots. Such land may include all or part of the following kinds of resources: mature woodlands, aquifer recharge areas, significant wildlife habitat areas, prime farmland, historic, archaeological or cultural features listed (or eligible to be listed) on national, state or county registers or inventories, and scenic views into the property from existing public roads.

B. Contiguous Open Space

At least seventy-five (**75**) percent of designated open space shall be contiguous, with no portion less than one hundred (**100**) feet wide except for access points.

C. Use of Open Space

1. Restriction of Use

Both Green Space and Community Open Space shall be placed in preserves and restricted from further subdivision through a permanent conservation easement, in a form acceptable to the county and duly recorded in the office of the County Register of Deeds.

2. Use as Areas for Sewage Disposal

Open space may be used for sewage disposal as specified in **Section 4-10.9**.

3. Stormwater Management Ponds

Stormwater management ponds or basins may be included as part of the open space, as may land within the rights-of way for underground pipelines.

4. Recreation Space

Open space may be designated for use as sites for either active or passive recreational purposes. When open space is proposed for

recreational purposes the applicant shall document the purposes for which such areas are to be utilized.

5. Agricultural Uses

Open space may be designated for use by agricultural activities. In any instance where agricultural use is proposed, the "Open Space Management Plan", shall detail proposed uses and specific limitations for such operations.

D. Allowable Structures

Any structure(s) or building(s) accessory to a recreation, conservation or agricultural use may be erected within the dedicated open space, subject to the approved open space plan. These accessory structure(s) or building(s) shall not in the aggregate exceed one percent (1) of the required open space area.

4-10.8 Ownership, Management and Maintenance of Open Space

A. Ownership

Common open space within a development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, subject to approval by the county.

1. Offer of Dedication

The county shall have the first and last offer of dedication of open space in the event said land is to be conveyed. Dedication shall take the form of a simple ownership. The county may, but shall not be required to, accept open space provided:

- a. Such land is accessible to county residents;
- b. There is no cost of acquisition other than costs incidental to the transfer of ownership, such as title insurance; and
- c. A satisfactory maintenance agreement is reached between the developer, condominium association, and the county.

Where the county accepts dedication of common open space that contains improvements, the county may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen (15) percent of the actual cost of said improvements.

2. Homeowners' Association

The undivided open space and associated facilities may be held in common ownership by a Homeowners' Association. The association shall be formed and operated under the provisions set out in **Subpart**

(b), (Creation and Operation of Homeowners' Association) of this section.

3. Condominium

The undivided open space and facilities may be controlled through the use of condominium agreements, approved by the county. Such agreements shall be in conformance with the state's horizontal property act. All undivided open space land shall be held as a "common element."

4. Dedication of Easements

The county may, but shall not be required to, accept easements for public use of any portion or portions of undeveloped open space land, title of which is to remain in ownership by a condominium or homeowners' association, provided:

- a. Such land is accessible to county residents;
- b. There is no cost of acquisition other than costs incidental to the transfer of ownership, such as title insurance; and
- c. A satisfactory maintenance agreement is reached between the developer, condominium association, and the county

5. Transfer of Easements to a Private Conservation Organization

With the permission of the county, an owner may transfer open space elements to a private nonprofit organization, among whose purposes it is to conserve open space and/or natural resources, provided that:

- a. the organization is acceptable to the county, and is a bonafide conservation organization with perpetual existence;
- b. the conveyance contains appropriate provisions for proper reverter and retransfer in the event that the organization becomes unwilling or unable to carry out its functions; and
- c. a maintenance agreement acceptable to the county is entered into by the developer and the organization.

B. Creation and Operation of Homeowners' Association

Any Homeowners' Association created to own and maintain commonly held open space and facilities shall be established and operated in accordance with the following standards:

1. The developer shall provide a description of the association, including the bylaws and methods for maintaining the open space.
2. The association shall be organized by the developer and shall be operated with a financial subsidy from the developer, before the sale of any lots within the development.

3. Membership in the association is automatic (mandatory) for all purchasers of lots therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
4. The association shall be responsible for insurance and taxes on open space, enforceable by liens placed by the county on the association. The association may place liens on the homes or lots of its members who fail to pay their association dues in a timely manner. Such liens may require the imposition of penalty interest charges.
5. The members of the association shall share equitably the cost of maintaining and developing such undivided open space. Shares shall be defined within the association by-laws.
6. In the event of a proposed transfer, within the methods here permitted, of undivided open space by the Homeowners' Association, or of the assumption of maintenance of open space by the county, notice of such action shall be given to all property owners within the development.
7. The association shall have or hire adequate staff to administer common facilities and properly maintain the open space.
8. The Homeowners' Association may lease open space lands to any other qualified person or corporation for operation and maintenance of open space lands, but such lease agreement shall provide:
 - a. that the residents of the development shall at all times have access to the open space contained therein (except croplands during growing season);
 - b. that the undivided open space to be leased shall be maintained for the purposes set forth in this ordinance;
 - c. that the operation of open space facilities may be for residents only, or may open to the residents of the county, at the election of the developer and/or the Homeowners' Association, as the case may be, and;
 - d. that the lease shall be subject to approval of the Board of Directors of the Homeowners' Association and any transfer or assignment of the lease shall be further subject to approval by the Board. Lease agreements so entered upon shall be recorded with the County Register of Deeds within thirty (30) days of their execution and a copy of the recorded lease shall be filed with the county.

C. The Open Space Management Plan

Within all developments approved under authority of this section an Open Space Management Plan shall be prepared and presented prior to approval of any final subdivision plat. Such plan shall contain the following:

1. Documents for Creation of Ownership/Maintenance Organization

A legal package that contains all legal documents necessary for creation and operation of any organization being created for purposes of owning, managing and maintaining any commonly held open space.

2. Legal Description and Boundary Marking of Commonly Held Property

A legal description adequate to fully describe the exact location, boundaries and limits of all land and a full description of all facilities to be deeded to the ownership/maintenance organization along with documents creating such organization. The boundaries of designated open space areas, recreation areas, stormwater management facilities, and green space shall be clearly delineated on plans, including record plats, and marked in the field with signage approved by the Planning Commission to distinguish these areas from private property.

3. A Document Indicating Proposed Use

Sufficient documentation to indicate the use(s) intended for all commonly held open space.

4. Maintenance Standards

a. Financial Responsibility

The ultimate owner of the open space (*typically a Homeowners' Association*) shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The Homeowners' Association shall be authorized under its by-laws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.

b. Failure to Adequately Maintain

Failure to adequately maintain the undivided open space in reasonable order and condition constitutes a violation of this ordinance. The County is hereby authorized to give notice, by personal service or by the United States mail, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within thirty (30) days.

c. Failure of Maintenance Organization

In the event that the association or any successor organization shall at any time after establishment of a development containing undivided open space, fail to maintain the undivided open space in reasonable order and condition in accordance with the development plan, the county may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the undivided open space in reasonable condition.

4-10.9 Sewage Disposal

A. Waterway Discharge and Feasibility

An Open Space Development shall be approved only if the applicant proves that:

1. The development will not involve a point-source discharge of waste water effluent into a waterway, or
2. Another form of appropriate public sewage disposal can be provided.

B. Utilities Within Open Space

A maximum of twenty-five (25) percent of the required “green space” within an Open Space Development may be used for approved methods of sewage disposal facilities for the development provided that land is owned by the Home Owners Association. Agricultural preservation developments may one hundred (100) percent of all areas within the sewage disposal facility devoted to agricultural uses no matter the ownership of the property. Such sewage disposal methods include, but are not limited to, individual septic absorption fields (with septic tanks located on the same lot as the dwelling it serves); community septic absorption fields, community mound systems, lagoon systems and spray irrigation systems or any combination of systems.

C. Ownership and Maintenance

1. Any area used for common sewage disposal facilities shall be owned and maintained in common through a legally binding Homeowners’ Association or be provided for through a permanent easement.
2. The applicant shall prove that a long-term contract will be established (with provisions for renewals) with a professional company to operate and maintain all such sewage disposal facilities.

4-10.10 Scenic, Natural Feature and Historic Preservation

A. Historic Structures and Districts

The Planning Commission may require reasonable adjustments in the plans for a Cluster Development if deemed necessary in the sole discretion of the County to protect a structure that the County determines to be historically (including its context) or architecturally significant or to protect the character of an officially designated or eligible Historic District. Applicants shall preserve historically significant structures and shall preserve the setting around such buildings, through setbacks, landscaping, and other appropriate treatments.

B. Protection of the Natural Landscape and Character of the Community

The following scenic features shall be carefully considered in the site layout:

- existing mature woods
- canopies of trees over a road.

- scenic meadows,
- significant clusters or rows of trees
- Interesting cliffs or rock outcrops
- lake, pond, river, creek or waterfall
- picturesque farmsteads
- stone walls
- historic site or landmark building
- varying, undulating views and directions along a road

4-10.11 Roads and Pedestrian Ways

A. Streets

1. General

- a. The street network shall form a generally connected pattern, with a minimum of cul-de-sacs. Regular grids shall be varied with boulevards, diagonal streets, curving crescents, eyebrows, ovals and courts providing visual interest. Street patterns shall be designed to respect and following existing terrain as much as possible, to minimize earthmoving and disruption of the existing topography.
- b. Streets shall be designed to:
 - i. Parallel and preserve existing tree lines, hedgerows, stone walls and watercourses.
 - ii. Minimize alteration of natural, cultural or historic features.
 - iii. Minimize the acreage devoted to streets.
 - iv. Calm traffic speeds.
 - v. Promote pedestrian movement.
 - vi. Secure the view to prominent natural vistas.
 - vii. Be aligned so that the “terminal vista” is of greenway land, either man-made (*greens, commons, squares, parks*) or natural (such as but not limited to meadows, large specimen trees, and woodlands).
 - viii. Minimize crossing of Primary Conservation Area.
- c. All streets, with the exception of loop streets and loop lanes, shall terminate at other streets within the development, and at least two (2) streets shall provide connections to existing or proposed through streets or collectors outside the development, whenever possible.
- d. Loop lanes shall be designed with a central median running their entire length, bounded on each side by a one-way lane not less than eleven (11) feet in paved width. The median shall be at least

twenty (20) feet in width, and shall be planted with shade trees at intervals not less than thirty (30) feet.

2. Street Standards

All roadways constructed within cluster developments shall meet the provisions established in the Robertson County Subdivision Regulations, or have alternative roadway standards approved by the planning staff that are consistent with accepted "Traditional Neighborhood" development standards.

B. Pedestrian Ways

All lots within Type II, III and IV Cluster Developments shall provide public pedestrian ways serving each lot. This access can be public sidewalks, informal walkways or designated and defined trail system. The design of these pedestrian ways shall meet the following:

1. Be no less than four (4) feet wide in residential areas and no less than six (6) feet in commercial or mixed use areas, and shall be constructed of paving brick, concrete, concrete pavers, or concrete with brick paver borders. Asphalt shall not be used for any pedestrian way along a public right-of-way or any facility that will dedicated to a public agency.
2. Create a linked network of walkways connecting all uses with parks and other greenway land areas.
3. Link loop streets and the end of cul-de-sacs with the street network, trails or greenway land behind lots served those loop streets or cul-de-sacs.
4. Be separated from street curbs by a "planting strip" not less than three (3) feet in width planted with shade trees and maintained by the "Home Owners Association".
5. Any areas designated for Farm land Preservation are exempt from the provisions of this section provided that no gaps in the system exists that separate section of the development.

C. Parking

1. Off-Street Parking

- a. Off-street parking for nonresidential buildings, townhouses, and multifamily residences shall be located at the rear of the lot in garages, carports or parking spaces accessed only by rear access lanes.
- b. No off-street parking shall be permitted in front yards of buildings used for commercial purposes except for corner lots which will permit off-street parking in one of the front yards provided it is adequately screened.
- c. When dwelling units are permitted above commercial uses, the additional parking required to accommodate such residential uses

shall be based on a formula approved by the Planning Commission.

- d. Parking areas serving playfields, playgrounds or any other recreational use constructed in common areas shall be a minimum of a gravel service with adequate drainage. Points of ingress/egress shall have adequate sight distance and no lighting of the area will be permitted prior to the homeowners association assuming control over all common areas.

2. **On-Street Parking**

- a. On-street parking spaces along the front property line shall count toward the minimum number of parking spaces required for the use on that lot *(except where there are driveway curb cuts)*.
- b. On-street parking spaces shall be designed as either parallel to the curb on one of both sides of the streets or diagonal to the street on the storefront side with landscaped breaks every two hundred (200) feet.
- c. On-street parking spaces shall measure eight (8) feet wide by twenty-two (22) feet long.

D. Farm Roads and Shared Driveways in Farmhouse Clusters.

1. Farm Roads and Country Lanes to be retained

Where feasible, old farm roads and country lanes should be retained and used instead of constructing new driveways *(unless needed widening of the lane would destroy mature trees or historic features)*.

2. Private Shared Driveways

The Planning Commission may allow private shared driveways, each serving a maximum of two dwelling units for tracts having frontage that may be combined with the five e lots being served by the private easement.

3. Construction

The following construction standards shall apply to all shared driveways unless alternative standards are accepted by the Planning Commission:

- a. **Easement Width** All driveway easements shall be thirty (30) feet. Under no circumstances shall the commission permit the creation of a wider easement.
- b. **Minimum Width** Twenty (20) feet, which shall be crowned.
- c. **Construction Material** six (6) inches of 3/4 modified or other compatible material, with a double bituminous surface.

- d. **Maxim Length** There is no maximum length for private drives except that there shall be a turnaround with a forty (40) foot radius every one thousand (1,000) feet and at the end of the private drive.
 - e. **Access by Emergency Vehicles** No private drive shall be constructed that will not support access by all emergency vehicles.
 - f. **Drainage** Appropriate drainage facilities will be provided in and along all private drives.
 - g. **Controlled Access** Any private drive installing a means to control ingress/egress to the drive shall first consult all emergency providers and provide them with a means of access to all properties.
4. Maintenance Agreement Required

A shared driveway or private street shall only be permitted if the developer establishes a legally binding mechanism to require owners of lots served by such driveway and/or private road to fund adequate maintenance in pre-determined proportions. Such mechanism shall be subject to approval by the County Attorney.

4-11 SPECIAL CONDITIONS FOR PERMITTING A BED AND BREAKFAST HOME

(Added by Resolution 061607077)

- A. In addition to the requirements for the applicable district, the following special conditions shall be met prior to issuing a conditional use permit:
- 1. Bed and breakfast residences shall be established only within preexisting single family residences.
 - 2. Bed and breakfast residences shall continuously maintain current licenses and permits as required by local and state agencies.
 - 3. Bed and breakfast residences shall be solely operated by members of the family residing in the residence.
 - 4. The only meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.
 - 5. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
 - 6. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes.
 - 7. Bed and breakfast residences shall be limited to a single on-premises sign which shall be no greater than eight (8) square feet in size, and shall be located no closer to the street, right-of-way line than fifteen (15) feet.

8. One (1) off-street parking space shall be provided for each rental room in addition to the required two (2) spaces required for the single-family residence. All such spaces shall be screened from view from adjoining property and shall not be located within any required front yard.
9. If food is prepared or cooked, a menu made available, and a price is charged therefore, a food server's license must be obtained from the Tennessee Department of Health.
10. A smoke detector shall be installed in each sleeping room, and a fire extinguisher (ABC) ten (10) pounds in size or larger shall be installed and made easily accessible on the floor or story.
11. An evacuation plan must be approved by the county's building/fire official prior to the issuance of a use and occupancy permit for a bed and breakfast residence.
12. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood, and the intent of the zoning district in which it is located.
13. Prior to the issuance of a certificate of occupancy for the establishment of any bed and breakfast residence not connected to a public sewerage system, certification shall be provided by the county health department approving the subsurface disposal system as being adequate to serve the total number of bedrooms occupied.

ARTICLE IX

Standards for Signs, Billboards, and Other Advertising Structures

SECTION

9-1 STANDARDS FOR SIGNS

9-1.1 Intent and Objectives:

9-1.2 Permit Procedures

9-1.3 General Provisions:

9-1.4 Signs Prohibited In all Districts:

9-1.5 In Any District, the Following Signs Shall Be Permitted:

9-1.6 In the Agricultural and Residential Districts, the Following Regulations Shall Apply:

9-1.7 In all Commercial and Industrial Districts, the Following Regulations Shall Apply:

9-1.8 Temporary Sign Provisions.

9-1.9 Nonconforming and Noncomplying Sign Provisions:

9-1.10 In the General Floodplain District, the Following Regulations Shall Apply:

9-1 STANDARDS FOR SIGNS

These conditions are established as a reasonable and impartial method of regulating advertising structures in order to insure light, air, and open space, to reduce hazards at intersections, and to protect property values of the entire community. The regulations for signs, billboards, and other advertising structures are enumerated below:

9-1.1 Intent and objectives:

A. Statement of Purpose:

The purpose of these regulations is to promote the well-being of the community by establishing standards that assure the provision of signs adequate to meet essential communication needs while safeguarding the rights of the people in the community to a safe, healthful and attractive environment. Within this overall framework, it is the intent of these regulations to:

1. Protect the right to the use of signs for the identification of activities and any related products, services and events and for noncommercial messages;
2. Assure proper exposure of signs to their intended viewers;

3. Protect the right of individuals to privacy and freedom from nuisances;
4. Protect the value of property and improvements thereon;
5. Permit signs that are constructed and maintained in a safe condition;
6. Assure that signs are constructed and maintained in a safe condition;
7. Encourage design that enhances the readability and effectiveness of sign;
8. Prevent signs from interfering with traffic regulatory devices or otherwise obstructing motorist or pedestrian vision;
9. Reduce traffic hazards;
10. Eliminate obsolete signs;
11. Provide an efficient and effective means of administration and enforcement.

B. Scope:

Except for signs that are prohibited in all districts in **Section 9-1.4**, herein, these regulations shall apply to all signs and their appurtenances that are visible from the outside of buildings, including interior window signs and all exterior signs, except those located within and visible only from within enclosed courtyards, malls, or similar enclosures. These regulations shall not in any manner attempt to censure the written or depicted copy on any permitted sign. Any sign allowed under this zoning ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with size, location, height, lighting, and spacing requirements of these regulations.

9-1-2 Permit Procedures

A. Permit Required

No sign or sign structure, except as provided in **Sections 9-1.2, H, 4** (Exempt Signs) and **9-1.7** (Nonconforming Signs), shall be erected, displayed, altered, relocated, or replaced until a sign permit has been issued. For the purpose of this ordinance, 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 inspector 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 the 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 intersections.
6. Type of sign, i.e., monument, walls, 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 inspector in order to carry out the purpose and intent of these regulations.

C. Permit Review, Issuance, and Recording

The building inspector 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 ordinance. Such approved applications shall serve as sign permits. The building inspector 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 inspector 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 halting of construction or sign removal, if so ordered by the building inspector.

E. Complaints and Revocations

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

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 inspector may remove or order the removal of any sign not in conformance with the provision of this ordinance, at the expense of the sign owner or lessor.

2. Immediate Peril

If the building inspector shall find any sign which is an immediate peril to persons or property, the sign shall be removed. If the building inspector 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. Variances

1. Generally

The Board of Zoning Appeals may grant variances for the following reasons:

- a. To allow a setback for a sign that is less than the required setback.
- b. To allow the area or height of a sign to be increased by up to twenty-five (25) percent of the maximum height or area allowed.

2. Standard of Review

The Board of Zoning Appeals shall consider applications for variances only in situations where the applicant has been denied a sign permit by the building inspector. The Board of Zoning Appeals may grant a variance authorized by this section if it finds that the following special physical conditions exist:

- a. The zoning lot on which an activity is located is unusually shaped or exhibits unusual topography; and
- b. Such physical characteristics prevent legal signing from identifying the activity as compared to legal signing identifying other activities in the immediate area.
- c. The Board may grant a twenty-five (25) percent variance as allowed in (b) if the petitioner is reducing a larger pre-existing nonconforming sign.

3. Procedures

All requests for variances must be filed with the Board of Zoning Appeals within thirty (30) days of the decision by the building inspector.

4. Exempt Signs

Sign permits shall not be required for the following:

- a. **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.
- b. **Artwork:** Works of art that do not include any commercial messages or references.
- c. **Construction Signs:** Temporary signs warning of construction, excavation, or similar hazards so long as the hazard may exist.
- d. **Decals:** Decals affixed to windows or door glass panes, such as indicating membership in a business group or credit cards accepted at the establishment.
- f. **Directional Signs:** Signs giving on-site directional assistance for the convenience of the public, not exceeding four (4) square feet in area, two and one-half (2 1/2) feet in height and located out of the right-of-way and sight distance triangle. Directional signs may be internally lit. Commercial messages, names, or logos shall be prohibited on directional signs.
- g. **Flags, Emblems, and Insignias:** For 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 (3) such flags. If the total area of such flags exceeds seventy-two (72) square feet, the excess area 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 (1) per zoning lot and shall not exceed forty (40) square feet in area.
- h. **Garage/Yard Sale Signs:** One (1) sign per lot, with a maximum size not to exceed 18 x 18 inches. Signs may be erected two (2) days prior, are not permitted on a continuing basis, may be erected for fourteen (14) days in succession and must be removed within two (2) days after the sale. Signs must be at least ten (10) feet from any right-of-way and may not be attached to utility poles. Signs may be located on any lot within the subdivision with the lot owner's permission.
- i. **Handicapped Parking Space Sign:** Signs not exceeding two (2) square feet in area reserving parking spaces for handicapped motorists.
- j. **Political Signs:** Shall be limited in size and structure to a height of four (4) feet and a total square footage not to exceed thirty-two (32) square foot, and shall not be permitted upon any public property, easement, or right-of-way, and shall be permitted only

upon privately owned lots with the consent of the owner no closer than five (5) feet from the curb or right-of-way of any street. Such signs may be displayed for a period of ninety (90) days prior to any primary, special or general election. Political signs shall be allowed in all zoned districts, and must be removed within seven (7) days following the relevant election.

- k. **Private Drive Signs:** On-premise private drive signs limited to one (1) 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.
- l. **Public Signs:** Signs erected by government agencies or utilities including traffic, utility, safety, railroad crossing, and identification signs for public facilities, and any signs erected by the Board of Mayor and Aldermen or under the direction of the Board.
- m. **Seasonal Signs:** Signs in the nature of decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious holiday.
- n. **Security and Warning Signs:** On premise 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 areas and five (5) square feet in area in commercial and industrial areas.
- o. **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 (1) per property not exceeding six (6) feet in height and not exceeding four (4) square feet in area 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.

5. **Temporary Signs Requiring Approval**

The following signs may be erected only after approval from the enforcing officer. Any temporary sign not removed by the expiration of the appropriate time limit noted in this section, the Administrator may remove it and charge the costs of removal to the individual or enterprise responsible.

- a. **Special event signs:** Signs announcing special events including, but not limited to grand openings, new management, going out of business, and events sponsored by religious, charitable, or public service groups. Any business, individual, or organization may display two (2) temporary signs including portable signs, twice during the calendar year for a period not to exceed thirty (30) days. Such signs shall not be located in any public right-of-way or in any location that would impair visibility of the motoring public, and shall be removed immediately following the event.

- b. **Temporary farm products sign:** Temporary on-premise 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.
- c. **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 on 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.
- d. **Auction Sign:** Signs announcing and directing the public to the auction site shall be limited to a maximum of five (5) signs per event and shall not exceed sixteen (16) square feet, except on the auction site itself and this sign shall not exceed thirty-two (32) square feet. No sign shall be placed in such a manner that would obstruct vision of motorist or be a detriment to the functions of business. All signs shall be removed within one (1) business day following the event. Any sign not complying with this zoning ordinance shall be removed at the owner's expense and be subject to penalty.

9-1.3 General Provisions:

- A. No sign shall be erected or maintained where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, device or, emergency vehicle.
- B. No illuminated sign shall be permitted within fifty (50) feet of property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect light onto adjoining property.
- C. No billboard or ground sign shall be erected to exceed the maximum height limitation for the district in which it is located. The bottom coping of every ground sign shall be at least three (3) feet above the ground or street level.
- D. On the premises outdoor advertising signs, shall not intrude upon the public right-of-way.
- E. Signs erected and overhanging any sidewalk must be placed at least nine (9) feet above the sidewalk and may extend over the sidewalk a distance equal to two-thirds (2/3) the width of the sidewalk, but in no case exceeding ten (10) feet.
- F. Professional signs and signs for home occupations shall not exceed two (2) square feet in areas in the residential and agricultural districts.
- G. **Temporary Signs and Posters Are Subject to the Following Regulations:**
 - 1. Each sign shall not exceed five (5) square feet in area, excluding banners.

2. The signs shall not be located closer together than five hundred (500) feet.
3. Such signs shall not be nailed to trees, fence posts or public utility poles and shall not be located in the public right-of-way, excluding banners.
4. All such signs advertising events shall be removed within ten (10) days after the event date.
5. All such signs shall be valid for thirty (30) days only, after which time they shall be removed.

H. Electronic Message Display

Signs that only contain gas prices, time and temperature shall only meet maximum lighting intensity requirements and image duration requirements listed below. Digital signs shall be regulated as reader boards by other provision of this resolution regarding maximum percentage of sign and location of signs.

1. Number and Location:

Only one (1) electronic message sign is permitted for each tract of land or land use. Signs shall be located one hundred (100) feet outside highway intersections and not installed in locations that will directly block or confuse a driver's view. Signs shall be spaced two hundred-fifty (250) feet from any other electronic message sign along roadways. The distance shall be measured along roadways not straight lines between signs. Signs shall be located a minimum of one hundred (100) feet from any residential dwelling. Signs along interstate and limited access state highways shall meet State of Tennessee Requirements.

2. Electronic Message Signs shall be permitted in all zoning districts except the **C-2** (Neighborhood Commercial District), **C-3** (Restrictive Commercial District) and Agricultural and Residential Districts. The Planning Commission shall review and approve all message board signs as part of the site plan review process. The Board of Appeals may review proposals as "*Special Exceptions*" for nonresidential signs in Agricultural/Residential Districts providing the applicant can demonstrate compliance with the provisions and intent of the Resolution.

3. Illumination and Brightness:

Signs during daytime hours shall have a maximum lighting intensity of 7,500 nits and during night time hours shall be a maximum intensity of 750 nits.

4. Message Duration:

Images shall remain static for a minimum of eight (8) seconds and image changes and scrolling shall be accomplished within two (2) seconds or less. Images shall not flash or include sudden burst of light, or contain continuous scrolling and animation.

9-1.4. Signs prohibited in all districts:

The following signs or types of signs are prohibited in all districts and are hereby declared to be illegal.

- A. Any sign that is abandoned, deteriorated, unsafe, or not, otherwise, identified as defined in this zoning ordinance;
- B. Any sign which is painted on or attached to a vehicle or a vehicular trailer unless such vehicle is in operable condition, carrying all current and valid licenses, and used primarily for the transportation of goods and/or persons in the everyday and ordinary course of business of the owner thereof;
- C. Signs which are made structurally sound by guy wires or unsightly bracing;
- D. Signs which contain any kind of strobe or pulsating lights;
- E. Animated signs;
- F. Banner signs across public roads;
- G. Any sign with direct illumination provided by exposed bulbs or lamps;
- H. Off-premise signs, except as permitted in;
- I. Flashing signs;
- J. Hand tacked signs, on utility poles, fence posts and trees;
- K. Portable signs, except as permitted in **Section 9-1.8**;
- L. Roof signs.

9-1.5 In Any District, the Following Signs Shall Be Permitted:

- A. For parking areas, entrance and exit signs not exceeding four (4) square feet in area and not more than one (1) sign not more than sixteen (16) square feet in area identifying or designating the conditions of the use of such parking area.
- B. Nonilluminated "For Sale" or "For Rent" signs not exceeding four (4) square feet in area.
- C. One (1) sign not more than twelve (12) square feet in area giving the names of the contractors, engineers, or architect, during construction of a building or project.
- D. Signs established by, or by order of, any governmental agency.
- E. For special events of public interest, one (1) sign not over thirty-two (32) square feet in area.

- F. Flags or emblems of political, civic, philanthropic, educational or religious organizations.
- G. Small illuminated signs, not exceeding one and one-half (1 1/2) square feet in area, displayed strictly for the direction, safety, and convenience of the public, including signs which identify rest rooms, freight entrances and the like.

9-1.6. In the Agricultural and Residential Districts, the Following Regulations Shall Apply:

- A. Name plates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.
- B. One temporary nonilluminated signs not to exceed sixteen (16) square feet in area, advertising the sale of farm products produced on the premises shall be permitted.
- C. Flashing or intermittent illumination on signs is prohibited.
- D. Billboards and other advertising structures are prohibited, except certain directional signs intended to guide the general public to areas designated by the planning commission as possessing scenic, historical, or recreational value. However, such directional signs shall not exceed thirty-two (32) square feet in area.
- E. Where commercial enterprises are permitted, wall signs in compliance with **Section 9-1.12.**
- F. Residential Districts

1. 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:

- a. **Number.** One (1) per main entrance, not exceeding two (2) per subdivision.
- b. **Type.** Monument.
- c. **Maximum Size and Height.** Thirty-two (32) square feet in area and six (6) feet in height.
- d. **Minimum Setback.** Six (6) feet from any property line and outside of all sight visibility triangles.

2. 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:

- a. **Number.** One (1) per main entrance, not to exceed two (2) per complex.

- b. **Type.** Monument or pole.
- c. **Maximum Sizes and Heights**
 - (1) **Monument Sign.** Thirty-two (32) square feet in area and six (6) feet in height.
 - (2) **Pole Sign.** Forty (40) square feet in area and fifteen (15) feet in height with the base of the sign at least seven (7) feet above the ground.
- d. **Minimum Setback**
 - (1) **Monument Sign** Six (6) feet from any property line and outside of all sight visibility triangles.
 - (2) **Pole Sign.** Ten (10) feet from any property line.

3. **Churches, Public and Private Schools and Places of Public Assembly.**

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

- a. **Number.** One sign per road frontage not to exceed two (2) per facility.
- b. **Type.** Monument or Pole.
- c. **Maximum Size and Height.**
 - (1) **Monument Sign.** Thirty-two (32) square feet in area and six (6) feet in height.
 - (2) **Pole Sign.** Forty (40) square feet in area and fifteen (15) feet in height with the base of the sign at least seven (7) feet above the ground.
- d. **Minimum Setback.**
 - (1) **Monument Sign** Six (6) feet from any property line and outside of all sight visibility triangles.
 - (2) **Pole Sign.** Ten (10) feet from any property line.

9-1.7 **In all Commercial and Industrial Districts, the Following Regulations Shall Apply:**

Business signs within Commercial and Industrial Districts shall be coordinated with the architecture and surroundings in such a manner that the overall appearance is harmonious in color, form and proportion. The display of signs will be appropriate to the land, building or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification. Within the commercial and industrial districts, the following signs are permitted subject to the provisions as set forth herein.

- A. Commercial district signs. Within the **C-1**, **C-2**, and **C-3** districts, the following standards for signs shall apply:
1. Accessory business and civic signs are permitted and shall be either wall or projecting signs, except as set forth in **Subsections 4, 5, and 6** below. All other sign types are prohibited.
 2. A use may be permitted to have one (1) projecting sign attached to the front of the building subject to the following standards:
 - a. Such sign shall not exceed forty (40) square feet in display surface area.
 - b. Such sign shall not project into the public right-of-way unless approved by the Board of Appeals.
 - c. Such sign shall not exceed fifteen (15) feet in height measured from the bottom of the sign provided that in no case shall such sign extend above the roof line of the building to which it is attached.
 - d. Such sign shall clear the established grade by a minimum of ten (10) feet.
 - e. The copy information shall be limited to the identification of the owner, address, name and/or principal activity conducted on the premises.
 3. Wall signs are permitted subject to the following standards:
 - a. Such sign shall not exceed seventy-five (75) square feet in display surface area.
 - b. Such sign shall be located on the front wall of the building which is oriented to the street from which access is derived. For uses with two street frontages, wall signs may be located on a wall for each frontage. For uses not oriented to a public street, the wall considered to be the front of the use shall be used for location of such signage.
 - c. Such sign shall not extend above the roof line of the building to which it is attached nor shall such sign project outward from the building more than twelve (12) inches.
 - d. Such sign placed in the horizontal space between windows of a two (2) story building shall not exceed in height more than two-thirds (2/3) of the distance between the top of the window below and the sill of the window above.
 - e. Such sign shall not cover or interrupt major architectural features of the building.
 - f. If a use utilizes both wall and projecting signs, the total display surface area shall not exceed seventy-five (75) square feet.

- g. The copy information shall be limited to the identification of the owner, address, name and/or principal activity conducted on the premises.
- 4. If a use on a lot is set back from the public right-of-way a minimum of thirty (30) feet and has off-street parking, then such use may utilize one (1) ground or pole sign subject to the following standards. All other signs on the same lot shall be wall signs.
 - a. Such sign shall have a maximum display surface area of seventy-five (75) square feet. The maximum display surface area for all signs on the same lot shall be one hundred twenty-five (125) square feet.
 - b. The maximum height of a pole sign shall be fifteen (15) feet and of a monument sign six (6) feet. Ground signs which are integrated into an attractive brick, or stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed six (6) feet in height to a maximum of eight (8) feet.
 - c. The number of signs permitted on a sign structure shall be limited to one (1) sign, except that an additional sign which is a changeable copy sign may be permitted with a maximum display of sixty (60) percent of the allowable area.
 - d. Such sign shall be set back from the right-of-way a minimum of six (6) feet for monument signs and ten (10) feet for pole signs.
- 5. A commercial complex of two (2) or more acres, which is set back from the right-of-way a minimum of thirty (30) feet and has off-street parking may utilize the following provisions:
 - a. A commercial complex may be permitted one (1) pole or ground sign for each street frontage identifying the name of the complex or business. In the event a street frontage is in excess of two hundred fifty (250) feet in length, one (1) additional such sign shall be permitted. The maximum size of each such sign shall be a ratio of 1/2 to 1 of square footage of sign area to the length of the street frontage or the front facade of the building, whichever is greater, with a maximum sign area of one hundred (100) square feet. Such sign shall not exceed fifteen (15) feet in height or the height of the building, whichever is less, if a pole sign; or six (6) feet in height if a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed four (4) feet in height to a maximum of eight (8) feet. In the event the above ratio results in a sign less than seventy-five (75) square feet in size, then a minimum size sign of seventy-five (75) square feet shall be permitted.
 - b. Additional signage may be permitted on the building(s) within the complex and shall be allowed as either wall signs, projecting signs, or signage painted on glass windows or a combination thereof. Such signage shall be in scale with the size of the wall of the building upon which it is located and be architecturally compatible. The display

surface area of such signage shall not exceed five (5) percent of the square footage of such wall and may be apportioned for multiple occupants with each occupant being entitled to an equal share of the display surface area.

- c. In lieu of a pole or ground sign identifying the name of the complex, such commercial complex may utilize a directory sign identifying individual occupancies subject to the same size requirements as in paragraph (a), above.
 - d. A directory sign listing the names of individual businesses or occupancies may be permitted at the entrance to the parking lot or at the entrance of each building. The maximum display surface area shall not exceed twenty (20) square feet and the maximum height shall be six (6) feet.
6. Signs may be illuminated subject to the following standards:
- a. Exposed bulbs or luminous tubes are prohibited.
 - b. No sign shall change color or intensity (Reader board signs are permitted).
 - c. In no event shall the light from any illuminated sign exceed one (1) foot candle at the property line of any lot that is zoned agricultural/residential.
 - d. The light from any illuminated sign shall be shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect the surrounding or facing premises nor adversely affect safe vision of operators of vehicles moving on public or private streets or parking areas. Light shall not shine or reflect on or into any residential structure.

B. Highway service and industrial district signs.

Within the **C-4**, **I-1**, **I-2** and **I-3**, districts, the following standards for signs shall apply:

- 1. Accessory business and civic signs are permitted as follows:
 - a. A use on a lot shall be permitted to have one (1) ground or pole sign per street frontage. The maximum display surface area shall be seventy-five (75) square feet. The maximum display surface area for all signs on the same lot shall be one hundred sixty (160) square feet.
 - b. The maximum height shall be fifteen (15) feet for a pole sign and six (6) feet for a ground sign. Ground signs which are integrated into an attractive brick, stone, or wood architectural feature or an earth berm, all of which shall be permanently landscaped, may exceed six (6) feet in height to a maximum of eight (8) feet.

- c. Such sign shall be set back from the right-of-way a minimum of six (6) feet for monument signs and ten (10) feet for pole signs.
 - d. The number of signs permitted on a sign structure shall be limited to one (1) sign except that an additional sign which is a changeable copy sign may be permitted with a maximum display surface area of fifty (50) percent of the allowable sign area.
 - e. In addition to the signage permitted above, a use on a lot shall be allowed to have wall signs or signage painted on glass at the entrance to the building. Wall signs shall be subject to the standards contained in **Section A, 3** above.
- 2. For those business or uses located at the Interstate interchanges and arterial highways, the following additional provisions shall apply:
 - a. The maximum height for a pole sign shall be one hundred (100) feet.
 - b. The maximum display surface area for a pole sign shall be one hundred (100) square feet. The maximum display surface area for all signs on the same zone lot shall be one hundred seventy-five (175) square feet.
 - c. This section shall apply only to those uses engaged in the retail petroleum and petroleum products business. The following additional provisions shall apply:
- 3. Each such use shall be permitted:
 - a. One (1) permanent price sign per street frontage. Such sign shall not exceed sixteen (16) square feet in size and shall not identify more than three (3) products. Such sign shall be setback from the right-of-way a minimum of ten (10) feet and shall be no closer than thirty (30) feet from any street intersection.
 - b. Two (2) nonilluminated self-service or full-service signs per pump island. Such signs shall not exceed one hundred sixty (160) square inches per sign and shall be located at the ends of the pump island perpendicular to the street.
 - c. Federal and State stamps, octane ratings, pump use directions, prices, and no smoking signs as required by Federal, State, and local authorities. Such signs shall be located on the body of the pump.
- 4. This section shall be applicable only to movie houses or theaters. The following additional provisions shall apply:
 - a. In lieu of a wall sign or in combination therewith, a marquee structure may be permitted which may have signage thereon. Such marquee may project over a private sidewalk or driveway but not over a public right-of-way. Such marquee structure shall be permanently attached to the principal building.

- b. Where the building contains more than one (1) theater, additional display surface area may be permitted up to a maximum of seventy-five (75) square feet of sign area for each theater. This sign area shall be in addition to an identification sign for the theater(s).
- 5. Signs may be illuminated subject to the standards as specified above, in **A, 6** above.
- 6. Interstate off-site advertising signs may be permitted only within the **C-1, C-4, I-1** and **I-2**, districts, along the interstate, highway corridors, and oriented thereto and subject to the following standards.
 - a. All off-site advertising signs shall be free-standing and mounted upon a single support pole, and shall not be double stacked or constructed side by side except as a "Special Exception" as approved by Board of Zoning Appeals.
 - b. The maximum display surface area shall be six hundred seventy-five (**675**) square feet.
 - c. An off-site advertising sign shall not be located on the same lot as any other use.
 - d. No advertising sign shall be located on or extend across any public right-of-way.
 - e. The minimum distance between off-site advertising signs located along and oriented toward the same public street shall be one thousand (1,000) feet and shall be applied as follows:
 - (1) The spacing requirements shall be applied separately to each side of a public street.
 - (2) The spacing requirements shall be applied continuously along the side of a street to all signs oriented toward that street in either direction whether the signs are in the same block or are in different blocks separated by an intersecting street.
 - f. No off-site advertising sign shall be located closer than five hundred (500) feet from any other such sign regardless of location or orientation.
 - g. The maximum height of advertising signs shall be fifty (50) feet above the elevation of the pavement nearest the sign.
 - h. All billboards shall not be located a minimum of five hundred (500) feet from structure on the lot.
 - i. No advertising sign shall be located closer than five hundred (500) feet from any property zoned residential or agricultural.
- 7. General off-site advertising signs may be permitted within any commercial or industrial district subject to the following standards:

- a. The maximum display area shall be seventy-five (75) square feet.
- b. These signs shall be limited to a maximum height of fifteen (15) feet with a minimum of ten (10) feet from the ground to the bottom of the sign face except for monument signs.
- c. An off-site advertising sign shall be setback a minimum of ten (10) feet (except for monument signs which shall have a six (6) foot setback) from any public right-of-way. This distance is measured from the leading edge of the sign.
- d. All off-site advertising shall be no closer than one thousand (1,000) feet from any other off-site sign, measured along the road right-of-way.
- e. All off-site signs shall be at least one hundred (100) feet from any agricultural/residential district or two hundred-fifty (250) feet from any residential district along the same side of the road.
- f. All off-site signs must meet the minimum side or rear setbacks for the district which they are located.
- g. Off-site signs erected or placed on developed lots must maintain a spacing of one hundred (100) feet from any permanent freestanding sign.

9-1.8. Temporary sign provisions.

Temporary signs shall be permitted for any lawful activity on a lot or parcel subject to the provisions set forth herein.

A. General requirements.

1. All temporary signs are required to obtain a yearly permit to place one (1) temporary sign on a parcel or lot. Each permit shall be issued for a twelve (12) month period to be renewed the first month of each year. These permits will be twenty five dollars (\$25.00) to assist in the cost of administration of these regulations.
2. Banners may be used as temporary signs.
3. All such signs shall be securely installed or fastened and positioned in place so as not to constitute a hazard of any kind.
4. No temporary sign shall be displayed on a roof.
5. No temporary sign shall be permitted to project into or over any public street right-of-way.
6. Temporary signs are permitted at construction sites for the purpose of identifying names of contractors, consultants, etc., and shall be limited to three (3) items of information.

B. Display surface area, height, and illumination.

1. Maximum display surface area shall be thirty-two (32) square feet.
2. Maximum height shall be ten (10) feet.
3. Temporary signs shall not be illuminated except in commercial or industrial districts.
4. No sign shall flash or pulsate in any way.
5. Any sign that is lighted shall be done in compliance with the National Electrical Code.

C. Location of temporary signs.

1. All temporary signs shall setback a minimum of five (5) feet, from any street right-of-way, unless an alternate location is approved by the building inspector in special cases. No temporary graphic shall overhang or encroach on any street right-of-way at any time.
2. The minimum distance between any two (2) such signs on the same lot shall be one hundred fifty (150) feet.
3. No temporary signs shall be closer than fifty (50) feet from any permanent sign.

9-1.9 Nonconforming and Noncomplying Sign Provisions:

Any sign lawfully existing at the time of the enactment of this zoning resolution but which is not permitted either by type of sign, location, or district or which fails to meet the standards or regulations shall be classified as either nonconforming or noncomplying as per definitions.

- A. Removal of temporary nonconforming signs. Nonconforming portable and hand tacked signs and signs in a public right-of-way shall be removed within forty-five (45) days. Nonconforming flashing or animated signs shall be caused to stop flashing or animation within forty-five (45) days.
- B. Alterations to nonconforming and noncomplying signs. A nonconforming or noncomplying sign may be altered subject to the following conditions.
 1. The proposed alteration is not greater than fifty (50) percent of the total sign structure or alteration costs are not greater than fifty (50) percent of its depreciated value.
 2. The total copy of an advertising sign may be changed in accordance with normal business practices.
 3. The proposed alteration conforms to the provisions of this zoning ordinance.

4. No new nonconformance or noncompliance is created.
- C. Damage or destruction of nonconforming and noncomplying signs. When any such sign is damaged or destroyed from any cause to the extent of fifty (50) percent of the sign structure or to the extent of fifty (50) percent of its depreciated value at the time of its damage or destruction, the sign shall be removed or otherwise made to conform or comply with all appropriate provisions of this zoning ordinance. Except that any advertising sign located within six hundred-sixty (660) feet, of a Federal highway as defined by the Federal Highway Beautification Act and oriented to that highway shall not be removed until compensation can be made to the extent required by law.

9-1.10 In the General Floodplain District, the Following Regulations Shall Apply:

- A. There shall be permitted for public parks, playgrounds, and other outdoor recreational uses, signs not exceeding thirty-two (32) square feet in area.
- B. Flashing or intermittent illumination is prohibited.
- C. Billboards and other outdoor advertising structures are prohibited.

Article V

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

SECTION

5-1 OFF-STREET PARKING REQUIREMENTS

5-1.1 Parking Space Requirements

5-1.2 Certification of Minimum Parking Requirement

5-1.3 Combination of Required Parking Spaces

5-1.4 Remote Parking Spaces

5-1.5 Extension of Parking Area into a Residential Area

5-1.6 Requirements for Design of Parking Lots

5-2 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

5-1 OFF-STREET PARKING REQUIREMENTS

5-1.1 Parking Space Requirements

In all districts, accessory off-street parking shall be provided in conformity with the requirements set forth in this section for all uses permitted by right or as a conditional use.

A parking space is required for a portion of a unit of measure one-half (1/2) or more of the amount set forth herein.

For an enlargement or modification resulting in a net increase in the floor area or other applicable unit of measure specified herein, the same requirements shall apply to such net increase in the floor area or other specified unit of measurement.

In the case of uses where the Planning Commission is required to prescribe the number of parking spaces, it shall base its determination on such factors as the traffic generation of the facilities, the time operation of such facilities, their location, and other such factors as affect the need for off-street parking as required under the conditional use provisions.

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 space shall be one hundred sixty-two (162) square feet in size (nine feet by eighteen feet (9'x18')) and such space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be provided with vehicular access to a street or alley. The required number of parking spaces

shall be provided on property owned by the relevant property owner. Such spaces shall be located where they are within easy walking distance and easily accessible to the services and use they service. Street or highway right-of-way shall not be utilized to meet the minimum number of required parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

Residential Activities	
Permanent	
Single Family, two family dwellings and Townhomes	2 spaces per dwelling unit
Multi-Family Dwellings, Apartments and Condominiums	2 spaces per dwelling unit
Mobile Homes	2 spaces per mobile home
Elderly Housing Age 60 and older	1.5 spaces per unit
Bed and Breakfast Homestay	2 spaces plus 1 space for each guest room
Semi-Permanent	
Boarding or rooming house	1.5 spaces for each dwelling unit
Dormitory	1 space for each 4 beds
COMMUNITY FACILITY ACTIVITIES	
Administrative Services and Government Facilities	1 space for each 300 sq. ft. of gross floor area.
Community Assembly	
Religious Facilities	1 space for each 4 seats or 25 percent of capacity in main assembly room
All others	1 space for each 2 seats or 50 percent of capacity
Community Education	
Kindergarten and Nursery	1 space for each employee or 1 space for each 4 students, teachers and employees, whichever is greater
Elementary and Middle Schools	1 space for each classroom or 1 space for each 5 seats in auditorium or 1 space for each 4 students, teachers and employees, whichever is greater
High Schools	1 space for each classroom or 1 space for each 5 seats in auditorium or 1 space for each 4 students, teachers and employees, whichever is greater
Vocational or Trade School	1 space for each student plus 1 space for each employee

Cultural and Recreational Services	
Art Galleries, Museums, Libraries	1 space for each 800 square feet of gross floor area
Parks, Playgrounds and Athletic Fields	10 spaces for every acre of land devoted to field, plus 1 space for every 4 spectator seats
Recreation Centers and Gymnasiums	50 percent of the capacity in persons
Swimming Pools	30 percent of capacity in persons
Essential Public Transport, Communication, and Utility Services	
Electric and Gas Substations	2 spaces minimum,
Extensive Impact Facilities	
Airports, Air Cargo Terminals, Heliports, or Other Aeronautical Devices	1 space for each employee, plus 1 space for every 100 square feet of gross floor area
Detention or Correctional Institutions	1 space for each employee, plus 1 space for each patrol car on largest shift
Electricity Generating Facilities, Radio, and Television Towers, and Transmission Facilities	Minimum of 2 spaces, Commission may require more based on operational characteristics
Railroad, Bus, and Transit Terminals for Passengers	1 space for each 100 square feet. of waiting room
Railroad Yards and Other Transportation Equipment Marshaling and Storage Yards	1 space for each employee
Stadiums, sports Arenas, Auditoriums & Bandstands	1 space for each 4 seats
Water and Sewage Treatment Plants	1 space for every employee
Health Care Facilities	
Centers for Observation, Rehabilitation, including Convalescent Homes	1 space for each 4 beds, plus 1 space for each 1,000 sq. ft. of gross floor area
Hospitals	1.5 spaces for each bed
Medical or Dental Clinics	3 spaces for each staff member, doctor or dentist
Nursing Homes or Convalescent Homes	1 space for each staff or employee, plus 1 space for each 2 patients
Intermediate Impact Facilities	
The number of required parking spaces will be determined by the Planning Commission, based on a site plan review.	
Special Personal and Group Care Facilities	
Day Care Centers and Family Day Care Homes	2 spaces for each employee.

Family and Group Care Facilities	2 spaces for every employee
Retirement or Rest Homes	1 space for each staff member or employee plus, 1 space for each 2 residents
COMMERCIAL ACTIVITIES	
Adult Entertainment	1 space for each 250 sq. ft. of gross floor area
Animal Care and Veterinarian Services, Veterinary Hospital	1 space for each 300 sq. ft. of gross floor area plus 1 for each employee
Automotive Vehicle and Equipment Services	
Automobile Services and Repair	1 space for each employee, plus 3 spaces for each service bay
Truck and Equipment Repair Services	1 space for each 300 sq. ft. of gross floor area plus one for each employee
Gasoline Sales and Service	1 space for every 500 sq. ft. of gross floor area, plus 1 space for each employee
Motor vehicle, boats and equipment sales and leasing	Minimum of 15 vehicle sales spaces plus 1 space for each 300 sq. ft. of building
Travel Center and Truck Stops	1 space for each 150 sq. ft. of floor space plus 4 stacking spaces on each side of pump island
Business Services	
All Uses	1 space for each 400 gross sq. ft. of floor space, plus 1 for each employee
Communication	1 space for each 300 gross sq. ft. of floor space
Contract Construction	1 space for each 300 gross sq. ft. of floor space
Delivery	2 spaces for each 3 employees, plus one for each company vehicle
Entertainment and Recreation	
Art Galleries	1 space for each 800 sq. ft. of gross floor area
Bowling Alley	5 spaces for each alley or lane
Billiard Parlor	1 spaces for each 300 sq. ft. of gross floor area
Coin Operated Arcades	1 space for each 250 sq. ft. of gross floor area

Exhibition Halls & Auditoriums (fewer than 150 person capacity)	40 percent of capacity
Golf Courses	10 spaces per hole or 5 spaces for a par 3 course, plus spaces in the appropriate category for accessory uses
Recreation and Athletic Facilities Indoor	1 space for each 200 sq. ft. of gross floor area or 25 percent of capacity whichever is greater
Recreation and Athletic Facilities, Stadiums Outdoor	1 space for each 5,000 sq. ft. of land area or 1 space for each 3 seats at maximum capacity whichever is greater
Motion Picture Theater & Other Theaters	1 space for each 3 seats
Recreational Centers	25 percent of capacity, plus 1 space for each 2 employees on the largest shift
Resorts and Campgrounds	1 space for each employee plus 1 space for each room or camping space
Personal Services and Office Uses	
Banks and Financial Institutions	1 space for each 300 sq. ft. of floor space
Barber and Beauty Shops	1 space for each 3 operator station or 1 space for each 400 sq. ft. whichever is greater
Funeral Home	1 space for each 4 seats at maximum capacity in chapel plus 1 space for each 2 employees on the largest shift
Real Estate Offices	1 space for each 300 square foot of floor space
Retail Sales and Services	
Apparel and Accessories	1 space for each 200 sq. ft. of floor space
Bars and Taverns	1 space for each 3 seats plus 1 space for each employee
Building Materials and Farm Equipment and Supplies	1 space for each 1,000 sq. ft. of floor space, plus 1 space for each employee
Convenience Store with and without Gasoline Sales	1 space for each 150 sq. ft. of floor space
Eating and Drinking Establishments	1 space for each 3 seats or 1 space for every 150 sq. ft. whichever is greater
Food and Beverage Services Drive –In or Drive Thru	1 space for each drive-in ordering station plus 1 space for each 3 seats plus 1 space for each employee on the largest shift

General Retail Sales and Services	1 space for each 250 sq. ft. of floor space
Grocery and Dry Goods	1 space for each 250 sq. ft. of floor space
Home Furnishings and Furniture	1 space for each 500 gross sq. ft. floor space
Mixed Use and Multi-Tenant Developments	1 space for each 250 sq. ft. of gross floor area up to 500,000 sq. ft., Developments over 500,000 sq. ft. 1 space for each 300 sq. ft. of gross floor area
Wholesale Sales	1 space for each 1,000 sq. ft. of gross floor space
Transient Habitation	
Hotels and Motels	1 space for each guest room plus 1 space for each employee on the largest shift
Recreational Vehicle Facilities	1 space for each site plus 1 space for each employee
INDUSTRIAL USES	
All Activities	1 space for each 1,500 sq. ft. of gross floor space or 1 space for each 3 employees during the largest shift, whichever is greater
Mining, Drilling and Quarrying	1.5 spaces for each 2 employees
Transport & Warehousing	1 space for each 2,000 sq. ft. plus 1 space for each 5,000 sq. ft. of open storage area

5-1.2 Other Uses Requiring Automobile Storage

For buildings and land uses not referred to in the preceded activity classifications and specifically listed in the corresponding commercial use definition listing cited within Section 2-2.3, the off-street parking requirements shall be determined by the Board of Zoning Appeals.

5-1.3 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 commissioner to determine whether or not the requirements of this section are met.

5-1.4 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.

5-1.5 Remote Parking Spaces

If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use, provided such land is in the same ownership or lease as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space, meeting the requirements of this ordinance, has been made for the principal use.

5-1.6 Extension of Parking Area into a Residential District

Required parking space may be extended one hundred (100) feet into a residential district, provided that:

1. The parking area adjoins a commercial or industrial district.
2. The parking space in this area have their only access to or front upon the same street as the property in the commercial or industrial districts for which it provides the required parking spaces.
3. The parking area is separated from abutting properties in the residential districts by a twenty-five (25) foot buffer strip.

5-1.7 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 two hundred (200) square feet in area.
3. Entrances and exits for all off-street in such comply with the requirements of Section 3-9, of this ordinance.
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. There shall be a parking aisle at least twenty-two (22) feet wide serving all ninety (90) degree and (60) degree angled parking spaces. For all thirty (30) and forty-five (45) degree angled parking spaces there shall be a minimum parking aisle of sixteen (16) feet in width.
6. All off-street parking areas containing five (5) spaces or more shall be surfaced with asphalt, concrete, or other hard surfaced dustless material and

so constructed to provide for adequate drainage for both on and off-site and to prevent the release of dust. All parking spaces shall be clearly marked.

7. No parking space(s) serving any residential development shall be located further than sixty (60) feet from the respective dwelling unit such space(s) serve.

5-1.8 Provision for Handicap Parking

The following provisions shall apply to all uses and structures for which handicapped parking spaces are required.

1. Number of spaces Required

Spaces per Site	Minimum # of Handicapped spaces	Van Accessible 96" with 96" access	Accessible Parking 96" with 60" access
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
Over 500	2 % of total		

2. Dimension and location of spaces

Handicapped parking spaces shall be size according to accepted local codes and located on the shortest accessible route of travel to an accessible entrance. An accessible route shall be provided from the accessible parking to the accessible entrance. Such route shall be a minimum of three (3) feet wide, have stable, slip resistant surface and shall have a slope no greater than 1:12.

3. Signage

All handicapped parking spaces shall have signage meeting ADA requirements.

5-2 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:

**Total Usable Floor Area
for Principal Building
Definition)**

0 to 9,999 sq. ft.
10,000 to 14,999 sq. ft.
15,000 to 19,999 sq. ft.
Over 20,000 sq. ft.

**Spaces Required
(See Article II, for**

One (1) space
Two (2) spaces
Four (4) spaces
Three (3) spaces, plus
One (1) space for each
additional 20,000 sq. ft.

The Board of Zoning Appeals may reduce or increase this requirement in the interest of safety where unusual or special conditions are due consideration.

ARTICLE VI

ZONING DISTRICTS

SECTION:

6-1 ESTABLISHMENT OF DISTRICTS

6-1.1 Relationship to Growth and Development Plan

6-1.2 District Classifications

6-2 PROVISIONS FOR OFFICIAL ZONING ATLAS

6-2.1 Incorporation of Atlas

6-2.2 Identification and Alteration of the Official Zoning Atlas

6-2.3 Replacement of Official Zoning Atlas

6-3 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

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6-5 AGRICULTURAL/RESIDENTIAL DISTRICTS

6-5.1 AG-1 Agricultural/Business District

6-5.2 AG-2 Agricultural/Residential District

6-5.3 RP-80 Rural Preservation District

6-5.4 R-40 Low Density Residential District

6-5.5 R-30 Medium Density Residential District

6-5.6 R-20, High Density Residential District

6-6 COMMERCIAL DISTRICTS

6-6.1 C-1 Suburban Commercial District

6-6.2 C-2 Neighborhood Commercial District

6-6.3 C-3 Restrictive Commercial District

6-6.4 C-4 Highway Service Commercial District

6-7 INDUSTRIAL DISTRICTS

- 6-7.1 I-1 General Industrial District**
- 6-7.2 I-2 Heavy Industrial District**
- 6-7.3 I-3 Special Impact Industrial District**

6-1 ESTABLISHMENT OF DISTRICTS

6-1.1 Relationship to Growth and Development Plan

The Robertson County 2040 Comprehensive Growth and Development Plan is a vision of how the County will grow and develop. Future County land use patterns, quality and character of growth, preservation of natural and historic resources and the relationship between land use and public infrastructure is

"After a growth plan is so approved, all land use decisions made by the legislative body and the municipalities being served by Robertson County Regional Planning Commission and the county's planning commission shall be consistent with the Robertson County 2040 Comprehensive Growth and Development 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 in the ***Comprehensive Growth and Development Plan***. Thus the following districts are established for the areas designated on the adopted in the Plan, in the Districts noted below.

6-1.2 District Classifications

In order to implement all purposes and provisions of this resolution, the following districts are, hereby, established:

1. Residential Districts

- AG-1** Agricultural/Business District
- AG-2** Agricultural/Residential District
- RP-80** Rural Preservation District
- R-40** Low Density Residential District
- R-30** Medium Density Residential District
- R-20** High Density Residential District

2. Commercial Districts

- C-1** General Commercial District
- C-2** Neighborhood Commercial District
- C-3** Restrictive Commercial District
- C-4** Highway Service District

3. Industrial Districts

- I-1** Restrictive Industrial District
- I-2** General Industrial District
- I-3** Special Impact Industrial District

6-2 PROVISIONS FOR OFFICIAL ZONING ATLAS

6-2.1 Incorporation of Atlas

The boundaries of districts established by this resolution are shown on the official zoning atlas, which is, hereby incorporated, into provisions of this resolution. The zoning atlas in its entirety, including all amendments shall be as much a part of this resolution as if fully set forth and described, herein.

6-2.2 Identification and Alteration of the Official Zoning Atlas

The official zoning atlas shall be identified by the signature of the County Executive and the Chairman of the Robertson County Planning Commission under the following words: "This to certify that this is the Official Zoning Atlas of Robertson County, Tennessee, referred to in Resolution Number 062110044, of Robertson County, Tennessee, together with the dates of certification and adoption of this resolution.

If, in accordance with the provisions of this resolution changes are made in district boundaries or other matter portrayed on the official zoning atlas, such changes shall be entered on the official atlas promptly after the County Commission has approved the amendment. No amendment to this resolution which involves matter portrayed on the official zoning atlas shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the official zoning atlas or matter shown thereon, except in conformity with the procedures set forth in this resolution. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this resolution and punishable as provided under Article VIII of this resolution.

Regardless of the existence of purported copies of the official zoning atlas which may from time to time be made or published, the official zoning atlas which shall be located in the office of the Zoning Administrator shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the Planning Jurisdiction.

6-2.3 Replacement of Official Zoning Atlas

In the event that the official zoning atlas becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the County Commission may by resolution adopt a new official zoning atlas which shall supersede the prior official zoning atlas. The new official zoning atlas may correct drafting or other errors or omissions in the prior official zoning atlas, but no such correction shall have the effect of amending the original zoning atlas or any subsequent amendment, thereof. The new official zoning atlas shall be identified by the signature of the County Executive, Chairman of the Robertson County Planning Commission and the Springfield Regional Planning Commission under the following words: "This to certify that this Official Zoning Atlas of Robertson County, Tennessee, supersedes and replaces the official zoning atlas adopted June 21, 2010, by Robertson County, Tennessee".

All prior official zoning atlases or any significant parts, thereof, shall be preserved together with all available records pertaining to their adoption or amendment.

6-3 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

When uncertainty exists as to the boundaries shown on the official zoning map, the following shall apply:

- 6-3.1** Boundaries indicate as approximately following the center lines of streets, highways or alleys shall be constructed to follow such center lines.
- 6-3.2** Boundaries indicated as approximately following platted lot lines shall be constructed as following such lines.
- 6-3.3** Boundaries indicated as approximately following city limits shall be construed as following such city limits.
- 6-3.4** Boundaries indicated, as following railroad lines shall be construed to be midway between the main tracks.
- 6-3.4** Boundaries indicated as following shore lines shall be construed to follow such shore lines and in the event of change in the shore line shall be construed as moving with the actual shore line: boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow center lines.
- 6-3.5** Boundaries indicated as parallel to or extensions of features indicated in Subparts "A" through "E" of this section, above, shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- 6-3.6** Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map or in other circumstances not covered by Subparts "A" through "F", of this section, above, the Board of Zoning Appeals shall interpret the district boundaries.
- 6-3.7** Where a district boundary line divides a lot which was in single ownership at the time of passage of this resolution, the Board of Appeals may permit the extension of regulations for either portion of the lot not to exceed five hundred (500) feet beyond the district line into the remaining portion of the lot.

6-4 APPLICATION OF DISTRICT REGULATIONS

The regulations set by this resolution within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- 6-4.1** No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered, except in conformity with all of the regulations herein specified for the district in which it is located.
- 6-4.2** No Building or Other Structure Shall Hereafter Be Erected or Altered:
 - a. To exceed the height or bulk.
 - b. To accommodate or house a greater number of families.

- c. To occupy a greater percentage of lot area.
- d. To have narrow or smaller rear yards, front yards, side yards or other open space.

6-4.3 Except as may be expressly permitted within planned unit developments, no part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this resolution, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any building.

6-4.4 No Yard or lot existing at the time of passage of this resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this resolution shall meet at least the minimum requirements established by this resolution.

6-5 AGRICULTURAL/RESIDENTIAL DISTRICTS

The following regulations shall apply in the Agricultural/Residential Districts established in *Article VI, Section 6-1, B*, of this resolution.

6-5.1 AG-1 Agricultural/Business District

A. District Description

This district is designed to provide suitable open space for agricultural uses and agricultural uses that are considered business like in nature. It shall consist primarily of agricultural uses, agri-business uses, accessory dwellings, mining operations and their accessory uses. This 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 limited residential development that is conducive to maintaining an agricultural setting. The application of this district is appropriate in the rural areas of the adopted 2040 comprehensive Growth and Development Plan.

B. Uses Permitted

In the **AG-1** Agricultural District, the following uses are permitted.

See Table VI

C. Accessory Uses and Structures

1. Private residential garages and parking areas.
2. Private barns, stables, sheds, and other farm buildings.
3. Outdoor recreational facilities exclusively for the use of the residents.
4. Signs in compliance with the regulations set forth in *Article IX, Section 9-1*.
5. Home occupations as defined by and subject to the provisions of *Article IV, Section 4-2*.

6. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the **AG-1** Agricultural District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with *Article XI, Section 11-7*.

See Table VI

E. Uses Prohibited

In the **AG-1**, Agricultural District, any use not permitted by right, by accessory use, or as a special exception is strictly prohibited.

F. Dimensional Requirements

See Table 6-5-A and 6-5-B

G. Parking Space Requirements

As regulated in *Article V, Section 5-1*.

H. Accessory Structures

1. All agricultural buildings shall be setback the minimum required front yard setback for the district, all other accessory buildings shall be erected in the side or rear yard of the principal building.
2. Accessory structures shall be located a minimum of five (5) feet from any side lot or rear lot line and ten (10) feet from any building on the same lot.

6-5.2 AG-2 Agricultural/Residential District

A. District Description

This district is designed to provide suitable open space for agricultural uses and very low density residential development. It shall consist primarily of single family detached dwellings, agricultural uses and their accessory uses. This district shall be located in those areas of the county that shall retain an optimum of open spaces to maintain a rural setting yet affords limited residential development that is conducive to maintaining an agricultural setting. This district shall remain agricultural in nature with limited community facilities, commercial and residential development. The application of this district is appropriate in rural areas of the adopted 2040 comprehensive Growth and Development Plan.

B. Uses Permitted

In the **AG-2** Agricultural District, the following uses are permitted.

See Table VI

C. Accessory Uses and Structures

1. Private residential garages and parking areas.

2. Private barns, stables, sheds, and other farm buildings.
3. Outdoor recreational facilities exclusively for the use of the residents.
4. Signs in compliance with the regulations set forth in *Article IX, Section 9-1*.
5. Home occupations as defined by and subject to the provisions of *Article IV, Section 4-2*.
6. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the **AG-2** Agricultural District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with *Article XI, Section 11-7*.

See Table VI

E. Uses Prohibited

In the **AG-2**, Agricultural District, any use not permitted by right, by accessory use, or as a special exception is strictly prohibited.

F. Dimensional Requirements

See Table 6-5-A and 6-5-B

G.. Parking Space Requirements

As regulated in *Article V, Section 5-1*.

H. Accessory Structures

1. All agricultural buildings shall be setback the minimum required front yard setback for the district, all other accessory buildings shall be erected in a side or rear yard of the principal building.
2. Accessory structures shall be located a minimum of five (5) feet from any side lot or rear lot line and ten (10) feet from any building on the same lot.

6-5.3 **RP-80 Rural Preservation District**

A. District Description

This district is designed to provide suitable open space for agricultural uses and very low density residential development. It shall consist primarily of single family detached dwellings, agricultural uses and their accessory uses. This 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 areas and the more urban zone residential districts. The application of this district is appropriate in rural areas of the adopted 2040 comprehensive Growth and Development Plan.

B. Uses Permitted

In the **RP-80**, Suburban Estate District, the following uses are permitted.

See Table VI

C. Accessory Uses and Structures

1. Private residential garages and parking areas.
2. Private barns, stables, sheds, and other farm buildings.
3. Outdoor recreational facilities exclusively for the use of the residents.
4. Signs in compliance with the regulations set forth in *Article IX, Section 9-1*.
5. Home occupations as defined by and subject to the provisions of *Article IV, Section 4-2*.
6. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

The following uses may be permitted as special exceptions in the **RP-80**, Suburban/Agricultural District, after review and approval by the Board of Zoning Appeals in accordance with *Article XI, Section 11-7*.

See Table VI

E. Uses Prohibited

In the **RP-80**, Suburban/Agricultural District, any use not permitted by right, by accessory use, or as a special exception as is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the **RP-80**, Suburban Agricultural District, shall comply with the following requirements.

See Table 6-5-A and 6-5-B

G. Parking Space Requirements

As regulated in *Article V, Section 5-1*.

H. Accessory Structures

1. With the exception of signs, accessory structures shall not be erected in any required front yard. Existing accessory building on tracts may remain at the discretion of the Appeals Board provided they are deemed structurally sound and not a hazard to surrounding properties. No accessory building shall be allowed to remain within a public right-of-way.

2. 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.

I. Landscaping

The front yard, excluding necessary driveways, shall be landscaped.

6-5.4 R-40 Low Density Residential District

A. District Description

This district is designed to provide suitable areas for low density residential development where appropriate infrastructure is available 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. The application of this district is appropriate in Sub-Urban and General Urban areas of the adopted 2040 comprehensive Growth and Development Plan.

B. Uses Permitted

In the **R-40**, Low Density Residential District, the following uses are permitted.

See Table VI

C. Accessory Uses and Structures

1. Private residential garages and parking areas.
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in *Article IX, Section 9-1*.
4. Home occupations as defined by and subject to the provisions of *Article IV, Section 4-2*.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the **R-40**, Low Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with *Article XI, Section 11-7*.

See Table VI

E. Uses Prohibited

In the **R-40**, Low Density Residential District, any use not permitted by right, by accessory use, or as a special exception is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the **R-40**, Low Density Residential District, shall comply with the following requirements.

See Table 6-5-A and 6-5-B

G. Parking Space Requirements

As regulated in *Article V, Section 5-1*.

H. Landscaping

The front yard, excluding necessary driveways, shall be landscaped.

I. Accessory Structures

1. With the exception of signs, accessory structures shall not be erected in any required front yard.
2. 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.

6-5.5 R-30 Medium Density Residential District

A. District Description

This district is designed to provide suitable areas for low to medium density residential development where appropriate infrastructure is available. Most generally, this district will be characterized by single-family detached structures and duplexes and such other structures as that is 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. The application of this district is appropriate in Sub-Urban and General Urban areas of the adopted 2040 comprehensive Growth and Development Plan.

B. Uses Permitted

In the **R-30**, Medium Density Residential District, the following uses are permitted:

See Table VI

C. Accessory Uses and Structures

1. Private residential garages.
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in *Article IX, Section 9-1*.
4. Home occupations as defined by and subject to the provisions of *Article IV, Section 4-2*.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the **R-30**, Medium Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with *Article XI, Section 11-7*.

See Table VI

E. Uses Prohibited

In the **R-30**, Medium Density Residential District, any use not permitted by right, by accessory use, or as a special exception is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the **R-30**, Medium Density Residential District, shall comply with the following requirements.

See Table 6-5-A and 6-5-B

G. Parking Space Requirements

As regulated in *Article V, Section 5-1*.

H. Landscaping

The front yard, excluding necessary driveways, shall be landscaped.

I. Accessory Structures

1. With the exception of signs, accessory structures shall not be erected in any required front yard.
2. 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.

6-5.6 R-20, High Density Residential District

A. District Description

These districts are designed to provide areas which are highly compatible with the residential development found along the fringes of the incorporated areas of Robertson 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 waste water service is available. Although these districts will be most generally characterized by single family detached dwellings and such other structures as accessory thereto, the districts are 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 these districts 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 these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this resolution. The application of this district is appropriate in Sub-Urban and General Urban areas of the adopted 2040 comprehensive Growth and Development Plan.

B. Uses Permitted

In the **R-20** High Density Residential District, the following uses are permitted:

See Table VI

C. Accessory Uses and Structures

1. Private garages and sheds.
2. Outdoor recreational facilities exclusively for the use of the residents.
3. Signs in compliance with the regulations set forth in *Article IX, Section 9-1*.
4. Home occupations as defined by and subject to the provisions of *Section IV, Section 4-2*.
5. Other accessory structures and uses customarily incidental to the permitted uses.

D. Uses Permitted as Special Exceptions

In the **R-20** High Density Residential District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with *Section XI, Section 11-7*.

See Table VI

E. Uses Prohibited

In the **R-20** High Density Residential District, any use not permitted by right, by accessory use, or as a special exception is strictly prohibited.

F. Dimensional Requirements

All uses permitted in the **R-20** High Density Residential District, shall comply with the following requirements:

See Table 6-5-A and 6-5-B

G. Parking Space Requirements

As regulated in *Article V, Section 5-1*.

H. Landscaping

The front yard, excluding necessary driveways, shall be landscaped.

I. Accessory Structures

1. With the exception of signs, accessory structures shall not be erected in any required front yard.
2. 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.

TABLE 6-5-A

**DIMENSIONAL REQUIREMENTS FOR SINGLE FAMILY DWELLINGS IN
AGRICULTURAL AND RESIDENTIAL DISTRICTS**

	AG-1	AG-2	RP-80	R-40	R-30	R-20
Minimum Lot Size (sq. ft.)	15 ac.	130,000	80,000	40,000	30,000	20,000
Without Public Water		218,000	218,000	N.P.	N.P.	N.P.
Minimum Lot Width (ft.) at Building Setback Line [3]	400	250	175	150	125	100
Minimum Road Frontage (ft.) [1]	50	50	50	50	50	50
Minimum Front Yard Setback (ft.) [2]	100	75	60	50	40	30
Minimum Side Yard Setback (ft.) ²	50	30	25	20	15	10
Without Public Water		50	50	N.P.	N.P.	N.P.
Minimum Rear Yard Setback	50	40	35	30	25	20
Without Public Water		50	50	N.P.	N.P.	N.P.
Maximum Height (ft.) [4]	35	35	35	35	35	35
Maximum Building Coverage (% of lot)	10	25	30	40	45	50

- [1] Does not apply to lots on the circular portion of a cul-de-sac or lots with access by an ingress/egress easement.
- [2] Setback measured from right-of-way line or property line. Setbacks along private streets shall be the same as along local streets.
- [3] Lot widths shall be increased by twenty-five (25) percent for all roads providing direct access to and arterial or collector road as designated on the Robertson County Major Thoroughfare Plan. Developments using combined driveways or private roads as access are exempt from this provision
- [4] No more than three (3) full or partial stories entirely above grade.
- Notes:**
- I In overlay districts: greater requirements may apply. See any relevant overlay district regulations.
 - II A corner lot has two (2) front yard setbacks. The property owner shall designate the front yard and the side yard for his corner lot. The rear setback shall be on the opposite side of the lot from the designated front yard setback.
 - III A through lot has two (2) front setbacks but no rear setback.
 - IV On a corner lot of record with a width of at least forty (40) feet, the side street setback may be reduced, if necessary, to yield a buildable width equal to sixty (60) percent of the lot width. However, the side street setback shall not be reduced to less than forty (40) feet from a major thoroughfare or minor thoroughfare right-of-way line.
 - V For any lot of record with a depth of at least seventy-five (75) feet, the street setback and the rear setback may be reduced, if necessary, to yield a buildable depth equal to forty (40) percent of the lot depth. The rear setback shall be reduced first, but not below fifteen (15) feet. However, the front yard setback shall not be reduced to less than forty (40) feet from a major thoroughfare right-of-way line.

TABLE 6-5-B

**DIMENSIONAL REQUIREMENTS FOR DUPLEX, MULTI-FAMILY DWELLINGS AND
NONRESIDENTIAL BUILDINGS IN AGRICULTURAL AND RESIDENTIAL
DISTRICTS**

	AG-1	AG-2	RP-80	R-40	R-30	R-20
Minimum Lot Size (sq. ft.) Duplex Dwellings	15 ac.	260,000	160,000	N.P.	60,000	40,000
Without Public Water Multi-Family Dwellings	N.P. N.P.	N.P. N.P.	N.P. N.P.		N.P. N.P.	N.P. 175,000
Area per Dwelling Unit (sq. ft.) Multi-family						5,000
Minimum Lot Width (ft.) at Building Setback Line [3]	400	250	200	N.P.	150	125
Minimum Road Frontage (ft.) [1]	50	50	50	N.P.	50	50
Minimum Front Yard Setback (ft.) [2]	100	75	60	N.P.	40	30
Minimum Side Yard Setback (ft.) ²	50	30	25	N.P.	20	15
Without Public Water		50	50	N.P.	N.P.	N.P.
Minimum Rear Yard Setback	50	40	35	N.P.	25	20
Without Public Water		50	50	N.P.	N.P.	N.P.
Maximum Height (ft.) [4]	35	35	35	N.P.	35	35
Maximum Building Coverage (% of lot)	10	25	30	N.P.	40	50
<p>[1] Does not apply to lots on the circular portion of a cul-de-sac or lots with access by an ingress/egress easement.</p> <p>[2] Side setbacks facing a public street shall be the same as the front setback on adjoining lots.</p> <p>[3] Lot widths shall be increased by twenty-five (25) percent for all roads providing direct access to and arterial or collector road as designated on the Robertson County Major Thoroughfare Plan. Developments using combined driveways or private roads as access are exempt from this provision</p> <p>[4] No more than three (3) full or partial stories entirely above grade.</p> <p>[5] The minimum lot width for multi-family dwellings will be established by the Planning Commission at the time the site plan is approved.</p> <p>Notes:</p> <p>I In overlay districts, greater requirements may apply. See any relevant overlay district regulations.</p> <p>II A corner lot has two front yard setbacks. The property owner shall designate the front street and the side street for his corner lot. The rear setback shall be on the opposite side of the lot from the front yard setback.</p> <p>III A through lot has two (2) front yard setbacks but no rear yard setback.</p> <p>IV On a corner lot of record with a width of at least forty (40) feet, the side yard setback may be reduced, if necessary, to yield a buildable lot width equal to sixty (60) percent of the lot width. However, the side street setback shall not be reduced to less than twenty (20) feet from a major thoroughfare or minor thoroughfare right-of-way line.</p> <p>V For any lot of record with a depth of at least seventy-five (75) feet, the street setback and the rear setback may be reduced, if necessary, to yield a buildable depth equal to forty (40) percent of the lot depth. The rear setback shall be reduced first, but not below fifteen (15) feet. However, the front yard setback shall not be reduced to less than forty (40) feet from a major thoroughfare right-of-way line.</p>						

6-6 Commercial Districts

The following regulations shall apply in the Commercial Districts established in Article VI, Section 6-1, B, of this resolution.

6-6.1 C-1 General Commercial District

A. District Description

These districts are established to provide areas in which the principal uses of land are devoted to general and highway commercial activities along the principal thoroughfares in Robertson County. Regulations are designed to preserve the traffic carrying capacity of the streets and roads in Robertson 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.

B. Uses Permitted

In the **C-1** General Commercial District, the following uses are permitted:

See Table VI

C. Accessory Uses and Structures

1. Signs in compliance with the regulations set forth in Article IX, Section 9-1.
2. Accessory off-street parking and loading facilities as required in Article V, Section 5-1.
3. 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.

D. Uses Permitted as Special Exception

In the **C-1** General Commercial District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article XII, Section 12-7.

See Table VI

E. 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 in this Resolution is strictly prohibited.

F. Dimensional Requirements

See Table 6-6-A

G. Parking Space Requirements

As regulated in Article V, Section 5-1.

H. Accessory Structures

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

I. Landscaping

Ten (10) percent of the lot area of a tract shall be landscaped to enhance site appearance. Included in the ten (10) percent coverage there shall be maintained a landscaped strip at least ten (10) feet wide along street property lines, exclusive of business driveways and walkways, and along any yard which abuts a residential district.

Any lot abutting a residential district shall maintain a twenty (20) foot landscaped buffer strip that meets the requirements established in Article III, Section 3-11.

6-6.2 C-2 Neighborhood Commercial District

A. District Description

The **C-2**, Neighborhood Commercial District is primarily intended to accommodate very low intensity office, convenience retail, and personal service uses within residential areas. The district is established to provide convenient locations for businesses that serve the needs of surrounding residents without disrupting the character of the neighborhood. This district is not intended to accommodate retail uses that primarily attract passing motorists. Compatibility with nearby residences is reflected in design standards for both site layout and buildings.

B. Uses Permitted

In the **C-2** Neighborhood Commercial District, the following uses are permitted:

See Table VI

C. Accessory Uses

1. Signs in compliance with the regulations set forth in Article IX, Section 9-1.
2. Accessory off-street parking and loading facilities as required in Article V, Section 5-1.
3. 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.

D. Special Exceptions

In the **C-2** Neighborhood Commercial District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article XII, Section 12-7.

See Table VI

E. Prohibited Uses

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

F. Dimensional Requirements

See Table 6-6-A.

G. Parking Space Requirements

As regulated in Article V, Section 5-1.

H. 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.

I. Site Lighting

All site lighting shall be of the type that illuminates the site only and not the adjacent residential property, any type lighting that illuminates adjacent residential property is prohibited.

J. Landscaping

Ten (10) percent of the lot area of a tract shall be landscaped to enhance site appearance. Included in the ten (10) percent coverage there shall be maintained a landscaped strip at least ten (10) feet wide along street property lines, exclusive of business driveways and walkways, and along any yard which abuts a residential district.

Any lot abutting a residential district shall maintain a twenty-five (25) foot landscaped buffer strip that meets the requirements established in Article III, Section 3-11.

6-6.3 C-3 Restrictive Commercial District

A. District Description

The **C-3**, Restrictive Commercial District is primarily intended to accommodate moderate intensity shopping and services close to residential areas. The district is established to provide locations for businesses that serve nearby neighborhoods. The district is typically located near the intersection of collectors or thoroughfares in areas that are otherwise developed with residences.

B. Uses Permitted

In the **C-3** Restrictive Commercial District, the following uses are permitted:

See Table VI

C. Accessory Uses

1. Signs in compliance with the regulations set forth in Article IX, Section 9-1.

2. Accessory off-street parking and loading facilities as required in Article V, Section 5-1.
3. 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.

D. Special Exceptions

In the **C-3** Restrictive Commercial District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article XII, Section 12-7.

See Table VI

E. Prohibited Uses

In the **C-3** Restrictive Commercial District, any use not permitted by right, by accessory use, or as a special exception as defined in this Resolution is strictly prohibited.

F. Dimensional Requirements

See Table 6-6-A.

G. Parking Space Requirements

As regulated in Article V, Section 5-1.

H. 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.

I. Site Lighting

All site lighting shall be of the type that illuminates the site only and not the adjacent residential property, any type lighting that illuminates adjacent residential property is prohibited.

J. Landscaping

Ten (10) percent of the lot area of a tract shall be landscaped to enhance site appearance. Included in the ten (10) percent coverage there shall be maintained a landscaped strip at least ten (10) feet wide along street property lines, exclusive of business driveways and walkways, and along any yard which abuts a residential district.

Any lot abutting a residential district shall maintain a twenty (20) foot landscaped buffer strip that meets the requirements established in Article III, Section 3-11.

6-6.4 C-4 Highway Service Commercial District

A. District Description

The **C-4** Highway Service Commercial District is established to provide primarily for auto-dependent uses in areas not amenable to easy pedestrian

access and a comfortable pedestrian environment. It is expected that the Highway Commercial District will serve not only the Robertson County Residents, but highway travelers as well. Because of the scale and access requirements of uses in this category, they often cannot be compatibly integrated within the other commercial districts.

B. Uses Permitted

In the **C-4** Highway Service Commercial District, the following uses are permitted:

See Table VI

C. Accessory Uses

1. Signs in compliance with the regulations set forth in Article IX, Section 9-1.
2. Accessory off-street parking and loading facilities as required in Article V, Section 5-1.
3. 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.

D. Special Exceptions

In the **C-4** Highway Service Commercial District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article XII, Section 12-7.

See Table VI

E. Prohibited Uses

In the **C-4** Highway Service Commercial District, any use not permitted by right, by accessory use, or as a special exception as defined in this Resolution is strictly prohibited.

F. Dimensional Requirements

See Table 6-6-A.

G. Parking Space Requirements

As regulated in Article V, Section 5-1.

H. 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.

I. Site Lighting

Only as regulated in the "Special Exception Provisions".

J. Landscaping

Ten (10) percent of the lot area of a tract shall be landscaped to enhance site appearance. Included in the ten (10) percent coverage there shall be maintained a landscaped strip at least ten (10) feet wide along street property lines, exclusive of business driveways and walkways, and along any yard which abuts a residential district.

Any lot abutting a residential district shall maintain a twenty (20) foot landscaped buffer strip that meets the requirements established in Article III, Section 3-11.

TABLE 6-6-A

DIMENSIONAL REQUIREMENTS FOR COMMERCIAL DISTRICTS

	C-1	C-2	C-3	C-4	
Minimum Lot Size (sq. ft.) Without Fire Protection Without Public Water	25,000 80,000 N.P.	30,000 80,000 N.P.	40,000 120,000 N.P.	25,000 80,000 N.P.	
Minimum Lot Width (ft.) at Building Setback Line [3]	100	125	150	100	
Minimum Road Frontage (ft.) [1]	50	50	50	50	
Minimum Front Yard Setback (ft.) [2]	30	40	50	30	
Minimum Side Yard Setback (ft.) [II] [IV] Without Fire Protection Without Public Water	10 25 N.P.	15 25 N.P.	20 30 N.P.	10 25 N.P.	
Minimum Rear Yard Setback [III] [IV] Without Fire Protection Without Public Water	20 40 N.P.	25 50 N.P.	30 60 N.P.	20 40 N.P.	
Maximum Height (ft.) [4]	35	35	35	35	
Maximum Building Coverage (% of lot)	60	40	40	60	
<p>[1] Does not apply to lots on the circular portion of a cul-de-sac or lots with access by an ingress/egress easement.</p> <p>[2] Setback from right-of-way line or property line/setback from street centerline, whichever is greater. Setbacks along private streets shall be the same as along local streets. Setbacks may be reduced in accordance with Section 7-1 (Prevailing Street Setback)</p> <p>[3] Lot widths shall be increased by twenty-five (25) percent for all roads providing direct access to and arterial or collector road as designated on the Robertson County Major Thoroughfare Plan. Developments using combined driveways or private roads as access are exempt from this provision</p> <p>[4] No more than three (3) full or partial stories entirely above grade.</p> <p>Notes:</p> <p>I In overlay districts, greater requirements may apply. See any relevant overlay district regulations.</p> <p>II A corner lot has two (2) front yard setbacks. The property owner shall designate the front yard and the side yard for his corner lot. The rear yard setback shall be on the opposite side of the lot from the front yard setback.</p> <p>III A through lot has two front yard setbacks but no rear setback.</p> <p>IV Lots adjacent to residential districts shall maintain a minimum setback of forty (40) feet from any lot in a residential district.</p> <p>V For any lot of record with a depth of at least seventy-five (75) feet, the front yard setback and the rear yard setback may be reduced, if necessary, to yield a buildable depth equal to forty (40) percent of the lot depth. The rear yard setback shall be reduced first, but not below fifteen (15) feet. However, the front yard setback shall not be reduced to less than forty (40) feet from a major thoroughfare right-of-way line.</p>					

6-7 INDUSTRIAL DISTRICTS

The following regulations shall apply in the Industrial Districts established in Article VI, Section 6-1. B, of this resolution.

6-7.1 I-1 General Industrial District

A. 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.

B. Uses Permitted

In the **I-1**, General Industrial District, the following uses are permitted:

See Table VI

C. Accessory Uses and Structures

1. Signs in compliance with the regulations set forth in Article IX, Section 9-1.
2. 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.
3. Accessory off-street parking and loading facilities as required in Article V, Section 5-1.

D. Uses Permitted as Special Exceptions

In the **I-1** General Industrial District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Article XII, Section 12-7.

See Table VI

E. 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.

F. Dimensional Requirements

See Table 6-7-A

G. Parking Space Requirements

As regulated in Article V, Section 5-1.

H. 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.

I. Landscaping

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be a maintained landscape strip at least ten (10) feet wide along all street rights-of-way exclusive of business driveways and walkways.

Any lot abutting a residential district shall maintain a thirty (30) foot landscaped buffer strip that meets the requirements established in Article III, Section 3-11.

6-7.2 I-2 Heavy Industrial District

A. 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 Robertson County.

B. Uses Permitted

In the **I-2** Heavy Industrial District, the following uses are permitted:

See Table VI

C. Accessory Uses and Structures

1. Signs in compliance with the regulations set forth in Article IX, Section 9-1.
2. 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.
3. Accessory off-street parking and loading facilities as required in Article V, Section 5-1.

D. Uses Permitted as Special Exceptions

In the **I-2** Heavy Industrial District, the following uses may be permitted as special exceptions after review and approval by the Board of Zoning Appeals in accordance with Section XII, Section 12-7.

See Table VI

E. 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.

F. Dimensional Requirements

See Table 6-7-A

G. Parking Space Requirements

As regulated in Article V, Article 5-1.

H. 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.

I. Landscaping

Each site shall be developed with a minimum of ten (10) percent of the lot area landscaped to enhance site appearance. Included in the ten (10) percent coverage, there shall be a maintained landscape strip at least ten (10) feet wide along all street rights-of-way exclusive of business driveways and walkways.

Any lot abutting a residential district shall maintain a twenty (20) foot landscaped buffer strip that meets the requirements established in Article III, Section 3-11.

6-7.3 I-3 Special Impact Industrial District

A. District Description and Purpose

This district is designed to provide suitable areas for those uses which have some special impact or uniqueness such that their effect on the surrounding area and environment cannot be determined in advance of the use being proposed for a particular location. At the time the application is filed, a review of the location, design configuration and its impact will be conducted by comparing the proposed use, the preliminary development plan, the operational data, and the environmental assessments to the site location criteria. This review will evaluate whether the proposed use should be permitted through a rezoning to the **I-3**, Special Impact Industrial District, by weighing public need for and benefit to be derived from against the local impacts which it may cause. The review considers the proposal in terms of existing zoning and land use in the vicinity of the site, planned and proposed public and private developments which may be adversely affected by the proposed use, whether the proposed location is the most desirable site for this type of use, and to what extent the public health, safety, and general welfare of the citizens of Robertson County will be affected.

B. Site Location Criteria

1. The proposed site will be located in areas apart from concentrations of residential developments and community facilities where concentrations of people will be present.
2. The proposed use will not pollute or deteriorate air quality, surface or subterranean water, or any other natural features.
3. The proposed site will not be located in an area that could contaminate the source of an existing public water supply.
4. The proposed site will be free of sinkholes, caves, caverns, or other karst features that would present significant potential for surface collapse or significant degradation to local ground water resources.
5. The proposed site will be adequately served by public utilities and services to ensure a safe operation.
6. The proposed use will not result in the transportation of dangerous products or wastes through areas of population concentrations which would endanger community safety.
7. Access to the site will be from a road classified as an arterial or collector on the Major Road Plan for Robertson County.
8. The proposed lot size is sufficient so that no danger occurs to the adjoining uses.
9. The proposed site will not be located within a one hundred (100) year floodplain or wetland.

C. Administrative Procedure

The provisions of this section shall govern all applications for rezoning to the I-C, Special Impact Industrial District.

1. Preliminary Review

All applications for rezoning to the **I-3**, Special Impact Industrial District, shall be made by the landowner or his/her authorized agent to the Building Commissioner in accordance with the provisions of this section. All applications for rezonings shall be accompanied by:

a. Preliminary Development Plan to Include the Following Information:

- (1) Letter from the owner detailing the proposed zoning change.
- (2) Location map of the proposed site, including size of the property.
- (3) Site plan and topographic map prepared by a Tennessee licensed engineer at a scale of one inch equals two hundred feet (1"=200').
- (4) Land use evaluation, including all building locations and historical sites within a one (1) mile radius of the proposed site, including property owners.

- (5) Highway assessment indicating all roads with access to the property, showing the existing width, condition, type of surface, weight loads and existing traffic data, and classification of all access roads according to the Robertson County Major Road Plan.
- (6) Location and approximate dimensions of all structures, including appropriate height and bulk and the utilization of all structures and land areas within the site.
- (7) A tabulation of the land areas to be devoted to all uses and activities.
- (8) Ability of the site to be able to meet the Site Location Criteria in Subsection B., above, along with the General Requirements, in Subsection H., and the Requirements for Specific Uses, in Subsection I., below, for the proposed use of the property.

b. Operational Data to Include the Following Information

- (1) Type of operation and detailed description of the operation.
- (2) Average number of vehicles entering and leaving site on a daily basis and the routes taken.
- (3) Types of Federal and State permits required for operation of the proposed facility.
- (4) Safety measures to be used on site as well as the system for dealing with complaints.
- (5) Ultimate use and ownership of the site after completion of operation. (Landfills only)

c. Environmental Assessments to Include the Following Information

- (1) Geological data on the site as prepared by a Tennessee licensed geologist.
- (2) Effects of the proposed use on ground water quality in the area.
- (3) Effects of the proposed use on air quality in the area.
- (4) Potential danger to any surface water or water supply.

2. Zoning Amendment

After review of the preliminary development plan, operational data, and environmental assessments, the planning commission shall recommend to the County Commission whether the proposed use should be rezoned to the **I-3**, Special Impact Industrial District. If the County Commission approves the zoning amendment, the landowner may proceed with his development by submitting a final development plan to the planning commission for their approval.

3. Final Development Plan Review

After approval of the rezoning by the County Commission, the landowner may make application to the planning commission, for approval of the final development plan, provided that the plan is in compliance with the preliminary development plan. All final development plans shall include the following information:

a. Final Development Plan shall include the Following

- (1) Final site plan prepared by a Tennessee licensed engineer for the development to include, location of all buildings, interior roads and parking areas, detailed landscaping plan of the buffer zone prepared by a landscape architect, location and type of all fences, utilities, and all other features and facilities to be installed or used in connection with the proposed operation.
- (2) Site plan to be at a scale of one inch equals two hundred feet (1"=200').
- (3) Contours at vertical intervals of not more than two (2) feet where the proposed development has an average slope of five (5) percent or less, or at vertical intervals of not more than five (5) feet where the average slope exceeds five (5) percent (contours to be field surveyed or taken from aerial photographs acceptable to the planning commission).
- (4) Stages of development of the site and the expected time of completion.
- (5) Copies of all required Federal and State permits the applicant has obtained.
- (6) Final site plan shall be in compliance with Subsection H, I, and J, below for the proposed use of the property.

b. Site and Geological Data

- (1) Soil and geology, with soil borings to a point of refusal, with a minimum of two (2) borings per acre.
- (2) Final grading and drainage plan for the entire site, including surface drainage patterns, and all areas for surface water detention or retention.
- (3) Ground water movements and aquifer information.
- (4) Existing vegetation cover on the site.
- (5) Annual climate of the area, including annual precipitation and wind direction.

D. Uses Permitted

In the **I-3**, Special Impact Industrial District, the following uses are permitted:

1. Special Impact Facilities

**Arsenals
Atomic Reactors
Explosives Manufacturing and Storage
Fireworks Manufacturing
Hazardous Wastes
Radioactive Wastes
Solid Waste Landfills
Solid Waste Processing and Recycling
Waste Incinerators, Including Hospital and Medical Waste**

E. Accessory Uses and Structures

1. Signs in compliance with the regulations set forth in Article IX, Section 9-1.
2. 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.
3. Accessory off-street parking and loading facilities as required in Article V, Section 5-1.

F. Uses Permitted as Special Exceptions

There are no uses permitted as special exceptions in the I-C, Special Impact Industrial District.

G. Uses Prohibited

In the **I-3**, Special Impact Industrial District, any use not permitted by right or by accessory use as defined above is strictly prohibited.

H. General Requirements Applicable to All Uses

1. No excavation or filling shall be made within one hundred (100) feet of any boundary of the site.
2. Side slopes of excavation and fills in earth; sand or gravel shall not exceed one (1) foot vertical to three (3) feet horizontal and shall be blended into undisturbed existing surfaces.
3. A chain link wire fence six (6) feet high and three (3) strands of barbed wire over the top shall be installed along the boundaries of the area developed or the area of active operation and provided with gates of the same construction as the fence. The gates shall remain locked at all times when active operations are not taking place. All fences and gates and shall be properly maintained until all operations are completed.
4. Provisions shall be made for the disposal of surface water falling on or crossing the site at all times, during and after completion of the operations. The operations shall not obstruct the normal flow of any public drain, or abrogate the riparian rights of any other party to a stream or drain.

5. The depth of excavation and the materials to be used for fill shall not have any adverse effect on the supply, quality or purity of ground water or wells.
6. A layer of clean earth at least two (2) feet thick shall be deposited and thoroughly compacted over all fill to bring the surface to the finished surface grade as shown on the topographic plan filed with the application.
7. The finished surface of the site shall bear the proper relationship to that of adjoining properties.
8. The installation of roads, parking areas, buildings, structures and operational facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected.
9. The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust, odor, or candescence to adjacent properties. The premises shall be kept in a neat and clean condition at all times. No loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by the use of calcium chloride or some other approved method.
10. The proposed site must have a public supply of water available, capable of providing the required fire flow to a fire hydrant on site.
11. Sanitary toilet facilities shall be provided on-site in accordance with the requirements of the Department of Health and Environment.

I. Requirements for Specific Uses

1. Requirements for Incinerators and Atomic Reactors

- a. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.
- b. All organic or combustible materials delivered to the site shall be burned in the incinerator.
- c. All residues resulting from the operations of the facility shall be disposed of in compliance with all state and federal regulations.
- d. All materials which are to be burned shall be placed on or in a concrete slab or hopper enclosed by a building, masonry walls or chain link type fencing at least six (6) feet high provided with doors or gates which shall be securely locked when the incinerator is not in operation. The materials shall be transferred from the slab or hopper or hopper into the incinerator as soon as they are received, but in any case all combustible materials shall be burned during the same day that they were delivered. The slab or hopper shall be kept clear of all materials when not in active use.

- e. All separation or picking of waste materials shall be conducted in an enclosed building only.
 - f. A watchman shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.
2. Requirements for the Manufacture or Storage of Explosives, Munitions or Fireworks
- a. Any such facility shall not be located on a site having an area of less than fifty (50) acres.
 - b. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.
 - c. A security guard shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.
3. Requirements for Solid Waste Landfills
- a. All areas used for filling operations shall maintain the minimum setback as required by this section.
 - b. No fires shall be permitted. Any smoldering flame or spontaneous combustion in the fill shall be immediately extinguished.
 - c. All separation or picking of waste materials shall be conducted in enclosed building only.
 - d. The premises shall be kept neat and clean at all times, no loose paper or debris shall be allowed on the site, except on areas where active filling operations are taking place. Dusty conditions shall be corrected by sprinkling with water or by use of calcium chloride or some other approved method.
 - e. Entrance to the site shall be controlled at all times to prevent improper dumping on the site.
4. Requirements for Hazardous and Radioactive Wastes
- a. No principal building or structure shall be located closer than two hundred (200) feet from any site boundary line, and no accessory building or structure used in conjunction with the operation shall be located closer than one hundred (100) feet from any site boundary line.
 - b. All residues resulting from the operations of the facility shall be disposed of in compliance with all State and Federal regulations.
 - c. All areas used for filling operations shall maintain the minimum setback as required by this section.
 - d. A security guard shall be stationed at the site at all times for whom a suitable shelter or living quarters shall be provided.

J. Dimensional Requirements

See Table 6-7-A

K. Parking Space Requirements

As regulated in Article V, Section 5-1.

L. 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.

M. Peripheral Buffer Zone Requirements

A peripheral buffer zone of one hundred (100) feet shall be established and maintained throughout the life of the facility along all property boundaries. This buffer will consist of three (3) rows of trees and shrubs spaced no more than twenty (20) feet apart, staggered with each row being twenty (20) feet apart. A minimum of sixty (60) percent of all trees and shrubs placed in the buffer shall be evergreens or conifers. All trees planted on the site shall be a minimum of ten (10) feet in height that will mature at a height of at least forty (40) feet. In addition to the rows of trees, a row of shrubs in front of the trees is required along road frontage. In addition to the required plantings, it is recommended that manmade and natural berms be used to further the effectiveness of the natural planted buffer. The peripheral buffer should only be broken by driveways and walkways that provide access to the site. Any required fencing shall not be located within the buffer zone or between the buffer zone and the property boundaries.

N. Performance Bond Required

Any application for final site plan approval shall be accompanied by a performance bond in the amount of the estimated cost of site improvements including, but not limited to water and sewer installation, parking lot and driveway paving, construction of fencing, screening, and landscaping. Such bond may be in form of cash, certified check, irrevocable letter of credit, or surety bond.

In the event that the applicant fails to comply with the approved site plan, the Building Commissioner shall cause the bond to be forfeited and have the necessary improvements constructed or completed. The time for completion may be extended with the permission of the Planning Commission, upon the owner-builder furnishing a bond or letter of credit for any approved extended period. Posting of the required performance bond by the developer shall constitute prior permission for the proper designated parties to enter upon said property to complete these improvements.

TABLE 6-7-A

DIMENSIONAL REQUIREMENTS FOR INDUSTRIAL DISTRICTS

	I-1	I-2	I-3		
Minimum Lot Size (sq. ft.) Without Fire Protection Without Public Water	40,000 160,000 N.A.	40,000 160,000 N.A.	435,600		
Minimum Lot Width (ft.) at Building Setback Line [3]	125	150	500		
Minimum Road Frontage (ft.) [1]	50	50	50		
Minimum Front Yard Setback (ft.) [2]	50	50	150		
Minimum Side Yard Setback (ft.) [2] Without Fire Protection Without Public Water	20 80 N.P.	20 80 N.p.	100		
Minimum Rear Yard Setback Without Fire Protection Without Public Water	20 80 N.P.	20 80 N.P.	100		
Maximum Height (ft.) [4]	40	40	40		
Maximum Building Coverage (% of lot)	40	40	40		
<p>[1] Does not apply to lots on the circular portion of a cul-de-sac or lots with access by an ingress/egress easement.</p> <p>[2] Setback from right-of-way line or property line/setback from street centerline, whichever is greater. Setbacks along private streets shall be the same as along local streets. Setbacks may be reduced in accordance with Section 7-1 (Prevailing Street Setback).</p> <p>[3] Lot widths shall be increased by twenty-five (25) percent for all roads providing direct access to and arterial or collector road as designated on the Robertson County Major Thoroughfare Plan. Developments using combined driveways or private roads as access are exempt from this provision.</p> <p>[4] No more than three (3) full or partial stories entirely above grade.</p> <p>Notes:</p> <p>I In overlay districts, greater requirements may apply. See any relevant overlay district regulations.</p> <p>II A corner lot has two front yard setbacks. The property owner shall designate the front yard and the side yard for his corner lot. The rear yard setback shall be on the opposite side of the lot from the front yard setback.</p> <p>III A through lot has two front yard setbacks but no rear yard setback.</p> <p>IV Lots adjacent to residential districts shall maintain a minimum setback of fifty (50) feet from any lot in a residential district.</p> <p>V For any lot of record with a depth of at least seventy-five (75) feet, the front yard setback and the rear yard setback may be reduced, if necessary, to yield a buildable depth equal to forty (40) percent of the lot depth. The rear yard setback shall be reduced first, but not below fifteen (15) feet. However, the front yard setback shall not be reduced to less than forty (40) feet from a major thoroughfare right-of-way line.</p>					

TABLE VI PERMITTED USE SCHEDULE

USE TYPES	ZONING DISTRICTS																
	AG -1	AG -2		R P- 8 0	R - 4 0	R - 3 0	R - 2 0		C - 1	C - 2	C - 3	C - 4		I-1	I-2	I-3	
AGRICULTURAL USES																	
Agricultural Production (crops)	P	P		P	S												
Agricultural Production (livestock)	P	P		P	S	S											
Agricultural Industry (special)	P	S		S													
Animal Feeder/Breeder	P	S															
Animal Services (livestock)	P	P															
Animal Services (other)	P	P		S													
Hatcheries	P	P		S													
Forestry	P	P		P													
Horticultural Specialties	P	P		S													
Services (other)	P	P		S					S	S	S	S		S	S	D#	
Soil Preparation and Crop Services	P	P		S													
Veterinary Services (livestock)	P	P		S					P	P	P	P		P	P	D#	
RESIDENTIAL USES																	
Accessory Apartments	S	S					S		S	S	S	S		S	S		
Boarding and Rooming Houses (9 or less)	S	S		S	S				S	S	S	S					
Common Area Recreation & Service Fac.	P	P		P	P	P	P										
Congregate Care Facilities		S		S	S	S	S		S	S	S	S					
Family Care Homes (6 or less)		S		S	S	S	S										
Family Care Homes (9 or less)		S		S	S	S	S										
Group Care		S		S	S	S	S										
Manufactured Homes	P	P		P													
Manufactured Home Parks							S #										
Migrant Labor Housing	P	P		P													
Multi-Family Dwellings							P										
Shelters, Emergency	S	S		S	S	S	S		S	S	S	S					
Shelters, Temporary	S	S		S	S	S	S		S	S	S	S					
Shelters for the Homeless						S	S		S	S	S	S					
Single Family Detached Dwellings	P	P		P	P	P	P		S	S	S	S		S			
Single Family Attached Dwellings					D	D	D										
Townhouse Dwellings							P										
Two Family Dwellings		P		P			P										

P = Use by right
 S = Special Use Permit Required
 # = Indicates Additional District Requirements

D = Development Standards
 O = Overlay Zoning Required

TABLE VI PERMITTED USE SCHEDULE, CONTINUED

	ZONING DISTRICTS																
USE TYPES	AG -1	AG -2		R P- 8 0	R - 4 0	R - 3 0	R - 2 0		C - 1	C - 2	C - 3	C - 4		I-1	I-2	I-3	
GOVERNMENTAL, EDUCATIONAL AND INSTITUTIONAL USES																	
Ambulance Services	S	S		S	S	S	S		P	S	S	P		P	P		
Auditoriums, Coliseums, or Stadiums	S	S		S	S	S	S		P			P		P	P		
Cemeteries/Mausoleums	S	S		D	D	D	D		S	S	S	S		S	S		
Child Care Centers		S							P	P	P	P		S	S		
Child Care Homes, Child (5 or less)	D	S		D	D		S		S	S	S						
Child Care Homes, Child (6 or more)	D	S		S	S	S	S		S	S	S						
Churches	S	S		D	D	D	D		P	P	P	P					
Day Care Centers, Adult(5 or less)	D			D	D	D	D										
Day Care Centers, Adult (6 or more)	S			S	S	S			P	P	P	P					
Elementary or Secondary Schools	D	S		S	S	S	S			S	S						
Essential Services 1 and 2	P	P		P	P	P	P		P	P	P	P		P	P	P	
Essential Services 3	S	S		S	S	S	S		P	P	P	P		P	P	P	
Fire Stations	P	P		P	P	P	P		P	P	P	P		P	P	P	
Fraternities or Sororities				S	S	S	S		S								
Government Offices	P			P	P	P	P		P	P	P	P		P	P	P	
Hospitals									P	S	S	P		S	S		
Libraries		S		S	S	S			P	P	P	P					
Museums or Art Galleries									P	P	P	P					
Nursing or Convalescent Homes		S		S	S	S			P	S	S	P					
Orphanages	S	S		S	S	S				S	S						
Police Stations, Neighborhood	P	P		P	P	P	P		P	P	P	P		P	P		
Post Offices	S	S		S					P	P	P	P		P	P		
Psychiatric Hospitals		S		S	S	S	S		P	P	P	P		S	S		
Retreat Centers	S	S		S					P	P	P	P		S	S		
School Administration Facilities	P	P		P	P	P	P		P	P	P	P		P	P		
Specialty Hospitals					S	S	S		S	S	S	S					
RECRRECREATIONAL USES																	
Amusement Facilities (Outdoor)									P	S	S	P		S	S		
Athletic Fields (Private)	S	S		S	S	S	S		P	S	S	P		S	S		
Baseball Clubs, Professional									P	S	S	P		P	S		
Batting Cages									P	S	S	P		P	P		
Billiard Parlors									P	S	S	S					
Bingo Games									P	S	S	S					
Bowling Centers									P	S	S	S					
Clubs or Lodges		S		S					P	S	S	P					
Coin Operated Amusements									P	S	S	S					
Country Clubs with Golf Courses	S	S		S	S	S	S		S	S	S	S		S	S		
Dance Schools	S	S		S	S	S	S		P	S	S	S		S	S		

P = Use by right
 S = Special Use Permit Required
 # =Indicates Additional District Requirements

D = Development Standards
 O = Overlay Zoning Required

TABLE 6-A PERMITTED USE SCHEDULE, CONTINUED

	ZONING DISTRICTS																
USE TYPES	A G - 1	AG -2		R P - 8 0	R - 4 0	R- 3 0	R - 2 0		C- 1	C - 2	C - 3	C - 4		I-1	I-2	I-3	
RECRECREATIONAL USES Cont'd																	
Fortune Tellers, Astrologers	S	S		S	S	S			P	S	S	P					
Go-cart Raceways									S			S		P	P		
Golf Courses, Miniature		S							P	S	S	P					
Golf Courses	S	S		S	S	S	S		P	P	P	P		S	S		
Golf Driving Ranges	S	S		S	S	S	S		P			P					
Group Assembly	S	S		S	S	S	S		P	P	S	P		P	P		
Marti al Arts Instructional Schools									P	P	P	P					
Physical Fitness Centers									P	P	P	P		P	S		
Private Clubs or Recreation Facilities(other)	S	S		S	S	S	S		P	S	S	P		P	S		
Public Parks and Greenways	S	S		S	S	S	S		P	P	P	P		P	P		
Public Recreation Facilities	S	S		S	S	S	S		P	P	P	P		P	P		
Raceways and Dragstrips									S			S		S	P		
Riding Academies and Commercial Stables	P	P		P	S												
Shooting Ranges, Indoor		S		S					P	S	S	P		P	P		
Shooting Ranges, Outdoor	S	S		S					S					S	S		
Skating Rinks									P			P		P	P		
Sports and Recreational Camps	S	S		S					S			S					
Sports Instructional Schools	S	S		S					S			S			S		
Sports and Recreational Clubs, Indoor									P	S	S	P		P	S		
Swim and Tennis clubs	S	S		S	S	S	S		S	S	S	S		S	S		
Swimming Pools	S	S		S	S	S	S		S	S	S	S		S	S		
BUSINESS, PROFESSIONAL AND PERSONAL SERVICES																	
Accounting, Auditing or Bookkeeping	S	S		S	S	S	S		P	P	P	P		P	P		
Administrative or Management Services	S	S		S	S	S	S		P	P	P	P		P	P		
Advertising Agencies or representative Advertising Services, outdoor	S	S		S	S	S	S		P	P	P	P		P			
Advertising Services, outdoor									P			P		P	P		
Automobile Rental or Leasing									P	S	S	P		P	P		
Automobile Repair Services, Major									P	S	S	P		P	P		
Automobile Repair Services, Minor									P	S	S	P		P	P		
Automobile Parking (commercial)									P			P		P	P		
Automobile Towing and Storage Services									P			P		P	P		
Banks, Savings and Loan and Credit Unions									P	P	P	P		P	P		

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TABLE 6-A PERMITTED USE SCHEDULE, CONTINUED

USE TYPES	ZONING DISTRICTS															
	A G -1	A G -2		R P- 8 0	R - 4 0	R - 3 0	R - 2 0		C - 1	C - 2	C - 3	C - 4		I-1	I-2	I-3
BUSINESS, PROFESSIONAL AND PERSONAL SERVICES Cont'd																
Barber Shops	S	S		S	S	S	S		P	P	P	P				
Beauty Shops	S	S		S	S	S	S		P	P	P	P				
Boat Repairs									P			P		P	P	
Building Maintenance Services									P	S	S	P				
Business Associations									P	P	P	P		P	P	
Business Incubators									P	S	S	P		P	P	
Car washes									P	S		P		P	P	
Clothing Alterations and Repairs	S	S		S	S	S	S		P	P	P	P		P	P	
Computer Maintenance and Repair	S	S		S	S	S	S		P	P	P	P		P	P	
Computer Services		S		S	S				P	P	P	P		P	P	
Economic or Educational Research									P	P	P	P				
Employment Agencies, Personnel Services		S		S	S				P	P	P	P		P	P	
Engineering, Architect, or Survey Services	S	S		S	S	S	S		P	P	P	P		P	P	
Equipment Rental and Leasing (no outside storage)									P	S		P		P	P	
Equipment Rental and Leasing (w/outside storage)									P			P		P	P	
Equipment Repairs, Heavy									P			P		P	P	
Equipment Repairs, Light	S	S		S					P			P		P	P	
Finance and Loan Offices									P	P	P	P		P	P	
Finance and Loan Offices (no drive-thru)									P	P	P	P		P	P	
Funeral Homes and Crematoriums									P	S	S	P		S	S	
Furniture Repair Shops									P	S	S	P		P	P	
Government Offices	S	S		S	S	S	S		P	P	P	P		P	P	P
Hotels or Motels									P			P				
Insurance Agencies (no on-site claims insp.)	S	S		S					P	P	P	P		P	P	
Insurance Agencies (carriers/on-site claims)									P	S	S	P		P	P	
Kennels or Pet Grooming Services	S	S		S	S				P	P	P	P		S	S	
Landscape or Horticultural Services	S	S		S					P	S	S	P		P	P	
Laundromats, Coin-Operated							S		P	P	P	P		P	P	
Laundry or Dry Cleaning Operations									P	P	P	P		P	P	
Law Offices	S	S		S	S	S	S		P	P	P	P		P	P	
Market Furniture Showrooms									P			P		P	P	
Medical, Dental, or Related Offices		S							P	S	S	P		S	S	
Medical or Dental Laboratories									P			S		P	P	

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TABLE 6-A PERMITTED USE SCHEDULE, CONTINUED

	ZONING DISTRICTS																
USE TYPES	A G -1	A G -2		R P- 8 0	R - 4 0	R - 3 0	R - 2 0		C - 1	C - 2	C - 3	C - 4		I-1	I-2	I-3	
BUSINESS, PROFESSIONAL AND PERSONAL SERVICES Cont'd																	
Motion Picture Productions									P			S		P	P		
Noncommercial Research Organizations									P	P	P	P		P	P		
Office Uses General									P	P	P	P		P	P		
Pest or Termite Control Services									P	S	S	P		P	P		
Photocopying and Duplicating Services									P	S	S	P		P	P		
Photo-finishing Laboratories									P			S		P	P		
Photography, Commercial									P	S	S	S		P	P		
Photography Studios	S	S		S	S	S	S		P	P	P	P					
Professional Membership Organizations									P	P	P	P		P	P		
Real Estate Offices	S	S		S	S				P	P	P	P		S	S		
Recreational Vehicle Parks or Campsites									P	S	S	P		S	S		
Refrigerator or Large Appliance Repairs									P			P		P	P		
Rehabilitation or Counseling Services									P			P		S	S		
Research, Development, or Testing Services									P			P		P	P		
Security Services									P	S	S	P		P	P		
Septic Tank Services									P			S		P	P		
Shoe Repair or Shoeshine Shops									P	S	S	P		P	P		
Stock, Security, or Commodity Brokers		S		S	S				P	P	P	P					
Tanning Salons	S	S		S	S				P	P	P	P					
Taxidermists	S	S		S					P	S	S	P		P	P		
Television, Radio, or Electronic Repairs	S	S		S					P	P	P	P		P	P		
Theaters, Outdoor									P			S		P	P		
Theaters, Indoor									P			P		P	P		
Tire Recapping									S			S		P	P		
Tourist Homes (Bed & Breakfast)	S	S		S	S	S	S		P	S	S	P					
Travel Agencies	S	S		S	S	S	S		P	P	P	P		P	P		
Truck Driving Schools									P			S		P	P		
Truck Tractor & Semi Rental & Leasing, Heavy									S			P		P	P		
Truck Washing									P			P		P	P		
Veterinary Services (Other)	S	S		S					P	S	S	P		P	P		
Vocational, Business, or Secretarial Schools									P			P		P	P		

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TABLE 6-A PERMITTED USE SCHEDULE, CONTINUED

	ZONING DISTRICTS																
USE TYPES	A G -1	A G -2		R P- 8 0	R - 4 0	R - 3 0	R - 2 0		C - 1	C - 2	C - 3	C - 4		I-1	I-2	I-3	
BUSINESS, PROFESSIONAL AND PERSONAL SERVICES Cont'd																	
Warehousing, Self-storage									P			S		P	P		
Watch or Jewelry Repair Shops	S	S		S	S				P	P	P	P		P			
Welding Shops	S	S							P			P		P	P		
RETAIL TRADE																	
ABC Stores (liquor)									P	S	S	P		S	S		
Antique Stores		S		S					P	P	P	P					
Appliance Stores									P	S	S	P		P	P		
Arts & Crafts		S		S					P	P	P	P		P	P		
Auto Supply Sales									P	S	S	P		P	P		
Bakeries	S	S							P	P	P	P		P	P		
Bars									P		S	P					
Boat Sales									P			P		P	S		
Bookstores									P	S	S	P					
Building Supply Sales (no storage yard)									P			P		P	P		
Building Supply Sales (with storage yard)									P			P		P	P		
Cake Decorating Supply Stores									P	P	P	P		P	P		
Camera Stores									P	P	P	P					
Candle Shops									P	P	P	P					
Candy Stores									P	P	P	P					
Clothing, Shoe, and Accessory Stores									P	S	S	P					
Coin, Stamp, or Similar Collectible Shops									P	P	P	P					
Computer Sales									P	P	P	P					
Convenience Stores (with fuel pumps)									P	S	S	P		P	P		
Convenience Stores (without fuel pumps)									P	S	S	P		P	P		
Cosmetics Shops									P	P	P	P					
Dairy Products Stores									P	P	P	P					
Department, Variety or Gen. Mdse. Stores									P	S	S	P					
Drugstores									P	S	S	P					
Fabric or Piece Goods Stores									P	S	S	P					
Flea Markets, Indoor									P			P		P	P		
Flea Markets, Outdoor	S	S		S					P			P		P	P		
Floor Covering, Drapery, or Upholstery									P	S	S	P		P	P		
Florists		S							P	P	P	P		P	P		

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	ZONING DISTRICT																
USE TYPES	A G - 1	A G -2		R P- 8 0	R - 4 0	R - 3 0	R - 2 0		C - 1	C - 2	C - 3	C - 4		I-1	I-2	I-3	
RETAIL TRADE Cont'd																	
Food Stores									P	P	P	P					
Fuel Oil Sales									P			P		P	P		
Furniture Sales									P	S	S	P					
Garden Centers or Retail Nurseries	S	S		S					P	S	S	P		P	P		
Gift or Card Shops									P	P	P	P					
Hardware Stores									P	P	P	P		P	P		
Hobby Shops									P	P	P	P		P	P		
Home Furnishings, Miscellaneous									P	S	S	P		P	P		
Jewelry Stores									P	S	S	P					
Luggage or Leather Goods Stores									P	S	S	P					
Manufactured Home Sales									P			P		P	P		
Miscellaneous Retail Sales									P	S	S	P		P	P		
Motor Vehicle Sales (new and used)									P			P		S	S		
Motorcycle Sales									P			P					
Musical Instrument Sales									P	S	S	P					
Newsstands									P	S	S	P					
Office Machine Sales									P	S	S	P		P	P		
Optical Goods Sales									P	S	S	P		P	P		
Paint and Wallpaper Sales									P	S	S	P		P	P		
Pawnshops									P	S	S	P					
Pet Stores									P	S	S	P		P			
Record and Tape Stores									P	P	P	P					
Recreational Vehicle Sales									P			P		P	P		
Restaurants (drive-in)									P		S	P		P	S		
Restaurants (with drive-thru)									P	S	S	P		P	S		
Restaurants (no drive-thru)									P	S	S	P		P	S		
Service Stations, Gasoline									P	S	S	P		P	P		
Sexually Oriented Businesses														S	S		
Sporting Goods Stores									P	S	S	P		P	P		
Stationery Stores									P	P	P	P					
Television, Radio, or Electronic Sales									P	S	S	P		P	P		
Tire Sales									P			P		P	P		
Tobacco Stores									P	P	P	P		P	P		
Truck Stops									P			P		P	P		
Used Merchandise Stores									P	S	S	P		P	P		
Video Tape Rental and Sales									P	S	S	P					

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TABLE 6-A PERMITTED USE SCHEDULE, CONTINUED

USE TYPES	ZONING DISTRICT															
	A G -1	A G -2		R P- 8 0	R - 4 0	R - 3 0	R - 2 0		C - 1	C - 2	C - 3	C - 4		I-1	I-2	I-3
WHOLESALE TRADE																
Agricultural	P	P							P			P		P	P	
Chem./Pesticides/Fertilizers																
Agricultural Products, Other	P	P							P			P		P	P	
Ammunition									P			P		P	P	
Animals and Animal Products, Other									S			S		P	P	
Apparel, Piece Goods, and Notions									P	S	S	P		P	P	
Beer/Wine/Distilled Alcoholic Beverages									P	S	S	P		P	P	
Books, Periodicals, and Newspapers									P	S	S	P		P	P	
Chemicals and Allied Products									P			P		P	P	
Drugs and Sundries									P	S	S	P		P	P	
Durable Goods, Other									P	S	S	P		P	P	
Electrical Goods									P	S	S	P		P	P	
Farm Supplies, Other	P	P		S					P			P		P	P	
Flowers, Nursery Stock, & Florists Supplies	P	P		S					P	S	S	P		P	P	
Forest Products	P	P							S			P		P	P	
Furniture and Home Furnishings									P	S	S	P		P	P	
Grain and Field Beans	S	S							P					P	P	
Groceries and Related Products									P	S	S	P		P	P	
Hardware									P	S	S	P		P	P	
Jewelry, Watches, Precious Stones & Metals									P	S	S	P		P	P	
Livestock	P	P		S					P					P	P	
Lumber and Other Construction Materials	S	S							P			P		P	P	
Lumber, Millwork, and Veneer	S	S							S			P		P	P	
Machinery, Construction and Mining									P			P		P	P	
Machinery, Equipment, and Supplies									P			P		P	P	
Machinery, Farm and Garden	P	S							P			P		P	P	
Market Showrooms, (Furniture, etc.)									P			P		P	P	
Metals									P			P		P	P	
Minerals	S	S							P			S		P	P	
Motor Vehicles									P			P		P	P	
Motor Vehicles, Parts and Supplies									P			S		P	P	
Motor Vehicles, Tires and Tubes									P			S		P	P	
Paints and Varnishes									P	S	S	S		P	P	
Paper and Paper Products									P	S	S	P		P	P	
Petroleum and Petroleum Products									S			P		P	P	
Plastics Materials									P			P		P	P	

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TABLE 6-A PERMITTED USE SCHEDULE, CONTINUED

USE TYPES	ZONING DISTRICTS												I-1	I-2	I-3
	A G -1	A G -2		R P- 8 0	R - 4 0	R - 3 0	R - 2 0		C - 1	C - 2	C - 3	C - 4			
WHOLESALE TRADE Cont'd															
Plumbing and Heating Equipment									P			S	P	P	
Professional & Comm. Equip. & Supplies									P			S	P	P	
Resins									S			S	P	P	
Scrap and Waste Materials (Junkyards)													S	P	
Sporting & Recreational Goods & Supplies									P			P	P	P	
Tobacco and Tobacco Products									P	S	S	P	P	P	
Toys and Hobby Goods and Supplies									P	S	S	S	P	P	
Wallpaper and Paint Brushes									P	S	S	P	P	P	
TRANSPORTATION, WAREHOUSING AND UTILITIES															
Airports or Air Transportation Facilities	S	S							S			S	S	S	
Atomic Reactors															D#
Bulk Mail and Packaging									S			S	P	P	
Bus Terminals									P			S	S	S	
Communication and Broadcasting Facilities	S	S							P			S	S	S	
Courier Services, Central Facility									P			S	P	P	
Courier Service Substations									P			S	P	P	
Hazardous, Infectious & Radioactive Waste (transport, storage and disposal)															D#
Heliports									S			S	P	P	
Land Clearing and Inert Debris Landfills, Major															D#
Land Clearing and Inert Debris Landfills, Minor															D#
Landfill, Solid Waste															D#
Moving and Storage Services									P			S	P	P	
Radio, Television, or Communication Towers	S	S		S	S	S	S		S	S	S	S	S	S	S
Railroad Terminals or Yards									S			S	P	P	
Recycling Processing Centers													S	S	S
Refuse and Raw Material Hauling													S	S	
Refuse and Raw Material Transfer Points															D#
Sewage Treatment Plants	S	S		S	S	S	S		S	S	S	S	S	S	D#
Solar Energy System (Major)	S	S		S					S	S	S	S	S	S	D#
Solid Waste Incinerators															D#

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	ZONING DISTRICTS																
USE TYPES	A G -1	A G -2		R P- 8 0	R - 4 0	R - 3 0	R - 2 0		C - 1	C - 2	C - 3	C - 4		I-1	I-2	I-3	
TRANSPORTATION, WAREHOUSING AND UTILITIES Cont'd																	
Solid Waste Disposal (non-hazardous)																D#	
Taxi Terminals									P			P		P	P		
Trucking or Freight Terminals									S			P		P	P		
Utility Company Offices	S	S							P	P	P	P		P	P		
Utility Equipment and Storage Yards	S	S							P			P		P	P		
Utility Lines and Related Appurtenances	P	P		S	S	S	S		P	P	P	P		P	P		
Utility Service Facilities (no outside storage)	P	P		S					P			S		P	P		
Utility Substations	S	S		S	S	S	S		S	S	S	S		S	S		
Warehouses (general storage/enclosed)									P			S		P	P		
Water Treatment Plants	S	S		S	S	S	S		S	S	S	S		S	S		
Wind Energy System (Large)	S	S												S	S	D#	
Wireless Telecommunication Towers	S	S		S	S	S	S		S	S	S	S		S	S		
MANUFACTURING AND INDUSTRIAL USES																	
Aircraft Assembly														P	P		
Aircraft Engines and Engine Parts, Manufacturing														P	P		
Aircraft Parts and Auxiliary Equipment														P	P		
Ammunition, Small Arms															S	D#	
Animal Feeds (including dog & cat)														P	P		
Animal Slaughter or Rendering	S													S	P		
Apparel and Finished Fabric Products									S			S		P	P		
Arms and Weapons														S	P	D#	
Artisans and Crafts									S			S		P	P		
Asbestos, Abrasive, and Related Products														S	P	D#	
Asphalt Plants	S	S												S	P		
Audio, Video, and Communications Equipment									S			S		P	P		
Bakery Products									S	S	S	S		P	P		
Batteries														S	P		
Beverage Products (alcoholic)														P	P		
Beverage Products (nonalcoholic)														P	P		

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	ZONING DISTRICTS																
USE TYPES	A G -1	A G -2		R P- 8 0	R - 4 0	R - 3 0	R - 2 0		C - 1	C - 2	C - 3	C - 4		I-1	I-2	I-3	
MANUFACTURING AND INDUSTRIAL USES, Cont'd																	
Bicycle Assembly														P	P		
Bicycle Parts and Accessories														P	P		
Boat and Ship Building														P	P		
Brooms and Brushes														P	P		
Burial Caskets														P	P		
Chemicals, Paints, Fertilizers and Allied Products														P	P		
Coffee														P	P		
Computer and Office Equipment									S					P	P		
Communications Equipment									S					P	P		
Concrete, Cut Stone, and Clay Products														P	P		
Contractors (no outside storage)									P			S		P	P		
Contractors, General Building									P			S		P	P		
Contractors, Heavy Construction									S			S		P	P		
Contractors, Special Trade									S			S		P	P		
Costume Jewelry and Notions									S			S		P	P		
Dairy Products														P	P		
Drugs									S			S		P	P		
Electrical Components									S			S		P	P		
Electrical Equipment									S			S		P	P		
Electrical Industrial Apparatus, Assembly														P	P		
Electrical Industrial Apparatus, Manufac.														P	P		
Explosives Manufacturing & Storage															S	D#	
Fabricated Metal Products (incl. can mfg.)														S	P		
Fabricated Valve and Wire Products														S	P		
Fats and Oils, Animal														S	P		
Fireworks Manufacturing & Storage															S	D#	
Fish, Canned, Cured, or Frozen														S	P		
Floor Coverings (excluding carpet)														P	P		
Food and Related Products, Miscellaneous														P	P		
Furniture Framing														P	P		
Furniture and Fixtures Assembly														P	P		
Furniture and Fixtures														P	P		
Glass														S	P		
Glass Products from Purchased Glass									S			S		P	P		

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USE TYPES	ZONING DISTRICT																
	A G -1	A G -2		R P- 8 0	R - 4 0	R - 3 0	R - 2 0		C - 1	C - 2	C - 3	C - 4		I-1	I-2	I-3	
MANUFACTURING AND INDUSTRIAL USES Cont'd																	
Grain Mill Products														P	P		
Heating Equipment, and Plumbing Fixtures														P	P		
Household Appliances														S	P		
Household Audio and Video Equipment														P	P		
Ice														P	P		
Industrial and Commercial Machinery														S	P		
Jewelry and Silverware (no plating)														P	P		
Leather and Leather Products (no tanning)														S	P		
Lighting and Wiring Equipment														P	P		
Logging and Wood, Raw Materials	S													P	P		
Manufactured Housing and Wood Buildings														P	P		
Measurements, Analysis, & Control Instruments														P	P		
Meat/Poultry, Packing & Processing (no sales)														S	P		
Rendering														S	P		
Medical, Dental and Surgical Equipment									S					P	P		
Metal Coating and Engraving														S	P		
Metal Fasteners (screws, bolts, etc.)														P	P		
Metal Processing														S	P		
Millwork, Plywood, and Veneer														S	P		
Mining and Quarrying	S													S	P		
Motor Vehicle Assembly														S	P		
Motor Vehicle Parts and Accessories														P	P		
Mining and Quarrying	S													S	P		
Motor Vehicle Assembly														S	P		
Motor Vehicle Parts and Accessories														P	P		
Motorcycle Assembly														P	P		
Musical Instruments									S					P	P		
Paper Products (no coating or laminating)														P	P		
Paper Products (coating or laminating)														P	P		
Paperboard Containers and Boxes														P	P		
Pens and Art Supplies									S					P	P		

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USE TYPES	ZONING DISTRICT													I-1	I-2	I-3
	A G -1	A G -2		R P- 8 0	R - 4 0	R - 3 0	R - 2 0		C - 1	C - 2	C - 3	C - 4				
MANUFACTURING AND INDUSTRIAL USES, Cont'd																
Petroleum and Related Products														P	P	
Pharmaceutical Preparations									S					P	P	
Photographic Equipment									S					P	P	
Photographic Supplies														P	P	
Pottery and Related Products														P	P	
Preserved Fruits & Vegetables (no can mfg.)														P	P	
Primary Metals Products and Foundries														P	P	
Printing and Publishing									S					P	P	
Pulp and Paper Mills														P	P	
Rubber and Plastics, Miscellaneous														P	P	
Rubber and Plastics, Raw														P	P	
Salvage Yards, Auto Parts														S	P	
Salvage Yards, Scrap Processing														S	P	
Sawmills or Other Wood Mills	S													P	P	
Signs														P	P	
Small Arms														P	P	
Soaps and Cosmetics														P	P	
Solvent Recovery														S	P	
Sporting Goods and Toys									S					P	P	
Stone Cutting, Shaping and Finishing														P	P	
Sugar and Confectionery Products														P	P	
Textile Products (no dyeing & finishing)									S					P	P	
Textile Products (with dyeing & finishing)														S	P	
Tires and other Rubber Products														S	P	
Tobacco Products														P	P	
Upholstery Shop	S	S		S					S					P	P	
Wood and Agricultural Products Assembly	S	S		S					S					P	P	
Wood Products, Miscellaneous									S					P	P	
TEMPORARY USES																
Circus, Carnivals or Haunted House	S	S		S					S							
Farm Products and Seasonal sales	P	P		P					S							

P = Use by right

S = Special Use Permit Required

=Indicates Additional District Requirements

D = Development Standards

O = Overlay Zoning Required

TABLE 6-A PERMITTED USE SCHEDULE, CONTINUED

	ZONING DISTRICTS															
USE TYPES	A G -1	A G -2		R P- 8 0	R - 4 0	R - 3 0	R - 2 0		C - 1	C - 2	C - 3	C - 4		I-1	I-2	I-3
TEMPORARY USES Cont'd																
Outdoor Concerts, Stage Shows	S	S							S							
Religious Tent Meetings	S	S							S							
Special Civic Events, Nonprofit Festivals, Bazaars	S	S		S	S	S	S		S							
Temporary Accessory Structures	S	S		S	S	S	S		S							
Temporary Construction Office					S	S	S		S							
Temporary Dwelling Unit	S	S		S	S	S	S		S							
Temporary Outdoor Display and Sales	S	S							S							
Temporary Shelters									S							
Yard Sales	P	P		P	P	P	P		S							
ACCESSORY USES																
Accessory Child Care	S	S		S	S				S			S		S	S	
Accessory Dwelling Units, Attached				O	O	O	O		S			S				
Accessory Dwelling Units, Detached	P	P		P	O	O	O		S							
Accessory Storage	P	P		P	P	P	P		P			P		P	P	
Administrative Office	S			S	S	S	P		P			P		P	P	
Bed and Breakfast Establishment	S	S		S	S	S	S									
Bed and Breakfast Homestay	S	S		S	S	S	S									
Caretaker Dwellings	S	S		S					S							
Drive-Through Windows									P	P	P	P				
Helistop (as accessory use)									S			S		S	S	
Home Child Care (up to 4 preteenage children)	S	S		S	S											
Home Occupations, Minor	P	P		P	P	P	P									
Home Occupations, Major	S	S		S	S	S	S									
Junked Motor Vehicles														S	S	
Livestock (As accessory to residential use)	P	P		P	S											
Operation of Cafeteria									P			P		P	P	
Outdoor Storage Facilities									P			P		P	P	
Private Recreation Facilities	S			S	S	S	S		P							
Poultry and Bee Keeping	P	P		P												
Production for Retail Sale									P			P		P	P	
Rural Family Occupations	S	S		S												
Satellite Dishes/TV and Radio Antennae Towers	P	P		P	P	P	P		P	P	P	P		P	P	
Solar Energy System (Accessory)	P	P		P	P	P	P		P	P	P	P		P	P	D#
Swimming Pools	P	P		P	P	P	P		S	S	S	S				
Yard Sales (No more than 2 per year)	P	P		P	P	P	P		S							
Wind Energy System (Small)	P	P		P	P	P	P		P	P	P	P		P	P	D#

P = Use by right
 S = Special Use Permit Required
 # =Indicates Additional District Requirements

D = Development Standards
 O = Overlay Zoning Required

(Article VII renumbered and added by Resolution 062110044, June 21, 2010)

ARTICLE VII

PLANNED UNIT DEVELOPMENT REGULATIONS FOR SPECIAL OVERLAY DISTRICTS REGULATIONS

SECTION

7-1 PLANNED UNIT DEVELOPMENT REGULATIONS

- 7-1.1 DISTRICT DESCRIPTION**
- 7-1.2 SITE LOCATION CRITERIA AND DEFINITIONS**
- 7-1.3 ADMINISTRATIVE PROCEDURE**
- 7-1.4 OPEN SPACE**
- 7-1.5 RESIDENTIAL PLANNED DEVELOPMENTS**
- 7-1.6 COMMERCIAL PLANNED DEVELOPMENTS**
- 7-1.7 DESIGN AND DEVELOPMENT STANDARDS**

7-2 FLOODPLAIN DISTRICT REGULATIONS **1/25/2021)**

(Amended by Resolution No. 012321007,

- 7-2.1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**
- 7-2.2 GENERAL PROVISIONS**
- 7-2.3 ADMINISTRATION**
- 7-2.4 PROVISIONS FOR FLOOD HAZARD REDUCTION**
- 7-2.5 VARIANCE PROCEDURES**
- 7-2.6 LEGAL STATUS PROVISIONS**

7-3 AIRPORT ZONING PROVISIONS

- 7-3.1 STATUTORY AUTHORIZATION**
- 7-3.2 DEFINITIONS**
- 7-3.3 AIRPORT OVERLAY DISTRICTS**
- 7-3.4 HEIGHT LIMITATIONS**
- 7-3.5 USE RESTRICTIONS**

7-3.6 NONCONFORMING USES

7-3.7 ADMINISTRATION

7-3.8 VALIDITY AND INTERPRETATION

7-1	PLANNED UNIT DEVELOPMENT REGULATIONS	<i>(This Section amended in its entirety by, Resolution 051605062)</i>
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7-1.1 DISTRICT DESCRIPTION

To provide maximum flexibility in the application and implementation of design standards within areas specifically designated by an adopted Community Master Plan. This district is created with the intent of achieving a scale and form of development that emphasizes sensitivity to pedestrian movement, minimizes intrusion of the automobile into new streets and roads, and provides for the sensitive placement of open spaces in relation to building masses, street design and accessories, and landscaping features in a manner otherwise not insured by the application of conventional developments and standards. The village concept combines a mixture of compatible uses including single-family, semi-detached, townhouse and neighborhood commercial and office areas. This shall be blended in a compact, walkable layout with landscaped streets, a network of sidewalks, open space that preserves the natural features of the land and provides the necessary public and community facilities.

This district shall create a traditional type of development that nurtures diversity in social and economic backgrounds while enhancing aesthetics and maintaining a small town character.

7-1.2 SITE LOCATION CRITERIA AND DEFINITIONS

A. Site Location Criteria

1. The proposed site is recommended for roads classified as an arterial or a collector road as identified on the Major Thoroughfare Plan of Robertson County. Any site proposed for a road that does not meet these requirements is required to provide a "Traffic Study" prepared by a competent professional demonstrating the ability of the road to handle the proposed traffic volumes.
2. All Planned Developments containing Commercial activities or High-Density Residential activities will be located on an arterial or collector road as identified on the Major Thoroughfare Plan of Robertson County.
3. Located within an area that the water system is capable of providing fire flows and sprinkled service to all buildings.
4. Area has access to a public sewer system.
5. Electric power can be provided by underground service.

B. DEFINITIONS

1. Application

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

2. Terms Defined

ACTUAL CONSTRUCTION - The excavation of a site and/or the placement of building materials in conjunction with the construction of a building or other structure.

COMMON OPEN SPACE - A parcel or parcels of land and/or an area of water within the site designated, designed and intended for benefit, use or enjoyment of the occupants of said development. "Common Open Space" may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants of such development.

DWELLING, ATTACHED - A building located upon one zone lot containing not more than two (2) dwelling units, attached at the side or sides in a series of three or more principal buildings each containing not more than two dwelling units.

DWELLING, DETACHED - A building located upon one zone lot containing not more than two (2) dwelling units, separated from structures on adjacent lots.

DWELLING, SEMI-DETACHED - A building located upon one zone lot containing not more than two (2) dwelling units, attached at the side to not more than one other building containing not more than two (2) dwelling units.

ENVIRONMENTAL OPEN SPACE - A parcel or parcels of land and/or an area of water within the site designated, designed and intended for protection of the natural landscape or certain specified resources.

LANDHOLDER - The legal or beneficial owner or owners of all the land proposed to be included in a planned 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 "landholder" for the purpose of this ordinance.

PRIVATE USE OPEN SPACE - Open areas located upon a lot and held for the exclusive use and enjoyment of owner(s) of such property.

RECREATIONAL OPEN SPACE - A parcel or parcels of land and/or an area of water within the site designated, designed and intended for benefit, active or passive recreational use or enjoyment of the occupants of said development or the general public.

RESTRICTED USE OPEN SPACE - Open areas located within a planned development that are held in some form of common ownership and restricted

to use only as vegetative buffers, or other forms of environmental protection. These areas may include floodplains, steep slopes or other environmentally sensitive lands.

SHARED USE OPEN SPACE - Shared use open space may exist within a planned development both as limited use or general use shared open space. Limited use shared open spaces are those limited to use by only a portion of the individuals who reside within the planned development. Shared general use open space is intended to be available for use by any resident of the development, but may be limited to use only by residents and their guests.

7-1.3 ADMINISTRATIVE PROCEDURE

The provisions of this section govern the procedure for review and approval for all planned developments as provided herein. Any landowner or developer, as defined, may apply for a PUD zoning in any area subject to these provisions. The County Commission may, within its legislative power, impose PUD zoning upon any land area, and after such action, the landowner shall follow the remaining procedures before any zoning permits can be issued and the land developed.

A. Steps of Approval Process

1. The applicant must request a pre-application conference with county staff to evaluate a concept plan of the proposal and to determine and clarify any issues that may arise.
2. The applicant shall submit a preliminary master plan and rezoning request to the Planning Commission for their consideration along with the required fees.
3. The Planning Commission may approve or reject the request. If approved, the Planning Commission shall recommend the necessary PUD zoning to the County Commission. If rejected, the applicant may appeal the decision to the County Commission.
4. After approval of the preliminary master plan and amendment of the zoning map, preparation of the final master plan may begin.
5. The applicant shall submit a final master plan to the Planning Commission for their consideration. If any part of the PUD is to be subdivided, a preliminary subdivision plat shall also be submitted. Both documents may be considered simultaneously. Approval of the final master plan shall form the basis for all permits, variances, and standards for the PUD.
6. Prior to the sale or transfer of any property, the applicant shall submit and have approved a final subdivision plat.

B. Concept Plan

Prior to filing an application for approval of a planned unit development the applicant shall present a concept plan to the Planning Commission concerning the layout and design of the proposed development. The Planning Commission after review of the plan shall determine if a formal "work Session" of the Planning Commission is needed before the proposed plan is submitted for approval and rezoning.

C. Application for Approval of the Preliminary Master Plan and Zoning Request

Application for approval of the preliminary master plan shall be made by the landowner of the affected property or his authorized agent, to the Planning Commission 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 consist of the following:

1. The preliminary master plan for the proposed planned development shall be a general concept plan which shall include such items as the Planning Commission by general rule shall specify in order to disclose;
 - (a) The location and size of the area involved,
 - (b) Transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas,
 - (c) A traffic study prepared by a licensed engineer is required for all developments twenty (20) acres or more or with seventy-five (75) residential units or more.
 - (d) Location and approximate dimensions of structures including approximate height and bulk, building elevations and materials and the utilization of structures including activities and the number of living units,
 - (e) Estimated population and density and extent of activities to be allocated to parts of the project,
 - (f) Reservations for public uses including schools, parks and other open spaces,
 - (g) Availability commitments from the appropriate water and sewer provider,
 - (h) Major landscaping features, including topography,
 - (i) The general means of the disposition of sanitary wastes and storm water, and
 - (j) North arrow, graphic scale, and location map showing relationship to the existing street system and adjoining properties.

2. A tabulation of the land area to be devoted to various uses and activities and overall densities.
3. 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.
4. The general substance of covenants, grants of easements, deed restrictions, or other restrictions to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities.
5. A development schedule, setting forth when the landowner intends to commence construction and an estimated completion period.
6. When it is proposed that the final master development plan will be submitted in stages, a schedule of submission thereof.
7. A filing and review fee in an amount determined according to the standard fee schedule as approved by the County Commission.
8. A general summary explaining the character, intent, and financing of the PUD.

If the application is incomplete, the Planning Commission shall hold in abeyance their formal review until such time as complete information is submitted.

D. Application for Approval of the Final Master Plan

The action of the County Commission on the zoning request and the preliminary master plan shall authorize and form the basis for the Planning Commission approval of a final master plan.

1. Application for Final Approval

After zoning a Planned Development District, the landowner may make application to the Planning Commission for approval of a final master development plan, provided that the proposed master development plan and other elements associated with the planned development are in substantial compliance with the substance of the preliminary approval of the Planning Commission. The application shall include all aspects of the preliminary application, the proposed final master development plan, other required drawings, specifications, covenants, easements, and conditions and forms of bonds as were set forth by the Planning Commission's 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 non-profit association shall also be submitted. When appropriate, this application shall contain the stage development schedule.

2. 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 development.

3. Final Master Development Plan

The final master plan of a planned development, or as submitted in stages if authorized, shall be substantially consistent with the approved preliminary master plan and in addition must show the following:

- (a) Detailed building plans including the use and architectural design of each building. Architectural design including the location and approximate dimensions of structures, other than one and two family dwellings including the architectural features of the buildings to determine design of the development and to ensure compatibility with surrounding properties. Example of architectural features includes: building height and bulk roof slopes, building orientation, porches and exterior materials.
- (b) Plan book for one and two-family dwellings, with typical building elevations, details of building materials and building floor plans.
- (c) Landscaping plans prepared by a Landscape Architect.
- (d) Location of gas, water, sewerage, and drainage facilities,
- (e) Details and locations of signs,
- (f) Plans for street and parking lot improvements,
- (g) Location common open space areas and recreation facilities, with a maintenance plan.
- (h) Grading and drainage plans showing existing and proposed topography, drainage structures, water features and erosion control measures. Plan will need to demonstrate that the plans meet all Federal and State regulations.
- (i) Additional information as determined by the Planning Commission to indicate fully the ultimate operation and appearance of the PUD.

E. Platting Procedure

After approval of the Final Master Plan any section of the development containing individual lots or any public improvements must submit all plats and plans required by the Subdivision Regulations for a typical subdivision.

F. Amendments and Additions to the Planned Unit Development

The terms, conditions of the approved and recorded final master and all supporting data shall control all development of the Planned Unit Development. The recorded final Master Plan and supporting data together

with all recorded amendments shall be binding on the applicants, their successors, grantees, and assigns and shall limit and control the use of premises and location of the structures in the Planned Unit Development. All proposed major and minor changes must be submitted with amended master plan, and all supporting documents that are affected by change. Changes in site engineering, unforeseen site conditions or changes in the target market must justify all amendments since the Master Plan was approved.

Major changes that will alter the concept or intent of the approved Planned Unit Development include the following:

1. Increase in density and intensity of the development exceeding a five (5) percent increase in the units per acre density.
2. Reduction in the amount of open space or the elimination of Common open space facilities.
3. Changes in the use or types of structures or the addition of structures not approved with the Final Master Plan.
4. Size of lots and building areas for Residential/ Commercial structures by more than ten (10) percent.
5. Alteration of the approved building elevations or materials.
6. Changes in the development schedule that would affect construction of recreational facilities or the dedication of common open space.
7. Changes by the developer of the final governing agreements and restrictive covenants.

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 Planned Unit Development or any adjoining properties.

Minor Changes

The Planning Commission may approve minor changes to the Preliminary/Final Master Plan and supporting documents which do not alter the concept or intent of the development are considered minor amendments.

Major Changes

Before Final Master Plan Approval: After receiving preliminary approval by the Planning Commission, if major changes are made to the Master Plan, the Planning Commission shall hold a Public Hearing to determine if the intent and concept of the development has changed. If it is determined that the intent and concept has changed then the Planning Commission may cancel the Preliminary Master Plan approval.

After Final Master Plan approval: If major changes are made to the approved Master Plan, the Planning Commission shall hold a Public Hearing to determine if the intent and concept of the development has changed. If it is determined that the intent of the development has changed, the Planning Commission shall require the Zoning Administrator to stop the issuance of building permits and revoke any permits issued that are in conflict with the approved Master Plan. All amendments and changes to the approved Master Plan are required to be recorded with the county register's office.

G. Cancellation of an Adopted Planned Development

In the event that actual construction has not begun within twenty-four (24) months from and after the date of the ordinance adopting or amending a planned development, (or after any period of extension officially authorized), the Planning Commission may conduct an official meeting with notice to the landowner, to review the zoning and feasibility of the Planned Development and may act to cancel or extend approval of the master plan depending on the circumstances of each case or any case where said Planned Development has:

1. Received Preliminary Master Plan Approval and the Rezoning Ordinance has been adopted and the Final Master Plan has not been submitted for approval within one year.
2. Received Final Master Plan approval and construction has not begun within one year. In this instance, the zoning administrator shall not issue new permits.
3. Received Final Master Plan approval and construction has lapsed for more than one year. In this instance, the zoning administrator shall not issue new permits and revoke existing permits.
4. Received Final Master Plan approval and construction of the development falls more than two (2) years behind schedule filed with the Final Master Plan. In this instance, the zoning administrator shall not issue new permits and revoke existing permits.

H. Building Permits

A building permit shall be issued for structures, buildings, activities, or uses as a part of a finally adopted planned development only in strict compliance with the master development plan of the particular planned development including the conditions of approval and only after the administrative procedure outlined in this section has been strictly adhered to. No building permit shall be issued until a final master development plan, restrictive covenants and final plat have been approved and recorded with the county register's office and the developer has obtained all state and federal permits.

I. Certificate of Occupancy

A use and occupancy permit shall be issued only when the building inspector determines that the structure, building, activity, or use conforms to the final master development plan as approved by the Planning Commission and meets all code requirements.

7-1.4 OPEN SPACE

Any common open space established by an adopted final Master Development Plan for a planned development shall be subject to the following:

- A. The location, shape, site, and character of the 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. Open space must be suitable for its intended uses but open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements, which are permitted in the open space, must be appropriate to the uses, which are authorized for the open space and must conserve and enhance the amenities of the 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 common open space, or any successor organization, shall at any time after the establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the adopted master plan, the codes director may serve written notice upon such organization and/or the owners or residents of the planned development and hold a public hearing. After thirty (30) days when deficiencies of maintenance are not corrected, the Planning Director shall call upon any public or private agency to maintain the common open space for a period of one year. When the Planning Director determines that the organization is not prepared for the maintenance for 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 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. In Phased Planned Developments the covenants and restrictions shall be for the entire development. The covenants and restrictions shall be recorded with the final master plan and final subdivision plat or site plan of the first phase. The provisions shall include, but not be limited to the following:
1. The homeowners association must be set up before the lot and/or homes are sold.
 2. Membership must be mandatory for each home buyer 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, open space 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. Developer voting rights: Developer shall have one vote per lot at the time 60% of the lots are in ultimate homeownership according to the approved and recorded final master development plan. The homeowners association must be funded and operational with elected board members at the time 60% of the lots are on private ownership according to the final master plan.
 8. Any area reserved for environmental open space shall be left undisturbed.
- G. A recreation plan shall be developed and presented with the Final Master Development Plan for any proposed residential planned development. This plan shall indicate the general demographic characteristics of the anticipated market being targeted by the proposed development. The plan shall indicate the recreation facilities proposed and the age groups these facilities are designed to serve, as well as provide the number and detailed specifications of each type of recreational equipment and facility proposed. The size of each type of recreational facility or type of recreational equipment shall be directly related to the age and number of the anticipated user population. These facilities may be devoted to either: (1) shared limited use facilities designed so as to assure privacy and control of access by and for the exclusive use of a specific residential clientele within the development or (2) shared general use recreation facilities which are available to all residents of the proposed development.
- H. Within any development subject to the provisions of this section, open space shall be provided that is adequate to:

1. Buffer both internal and external activities from objectionable or conflicting characteristics associated with such uses:
2. Assure adequate space, light and air along with visual and acoustical privacy:
3. Assure protection of steep slopes, floodable areas, wetlands and any area considered undesirable for building;

- a. Use of Common Open Space

All open space shown on a development plan of a Residential Planned Development shall be indicated as to its intended use. Common open space may consist of the following:

- i. Cultural and environmental open space.
- ii. Improved recreational open space.

- b. Cultural and Environmental Open Space

Except for those portions of a Residential Planned Development required for the installation of streets and utilities, the following areas shall be designated as environmental open space and no development shall take place thereon, these areas can only count as fifty (50) percent of the required open space for the development.

- i. Natural slopes of twenty (20) percent or greater.
- ii. Areas shown on a Flood Hazard Boundary Map.
- iii. Streams, creeks and major drainage ways.
- iv. Areas classified as wetlands.
- v. Sites of paleontology, prehistoric, historic or of archeological significance.
- vi. All areas which present geological hazards specifically those areas with unstable geological and karst formations; and
- vii. Areas presenting environmentally or ecological unique resources.

- c. Improved Recreational Open Space

A recreation plan shall be developed and presented with the Final Master Development Plan for any proposed residential planned development. This plan shall indicate the general demographic characteristics of the anticipated market being targeted by the proposed development. The plan shall indicate the recreation facilities proposed and the age groups these facilities are designed to serve, as well as provide the number and detailed specifications

of each type of recreational equipment and facility proposed. The size of each type of recreational facility or type of recreational equipment shall be directly related to the age and number of the anticipated user population. These facilities may be devoted to either: (1) shared limited use facilities designed so as to assure privacy and control of access by and for the exclusive use of a specific residential clientele within the development, (2) shared general use recreation facilities which are available to all residents of the proposed development or (3) non-common recreational open space that is restricted to the use approved by the Final Master Plan, but open to the general public. Minimum of five (5) percent of the gross area of every residential Planned Unit Development shall be devoted to improved recreational open space. These areas shall only count as fifty (50) percent of the required open space for the development.

d. Recreation Plan

In phased developments every phase shall have common open space proportioned to each phase and recreation improvements must be installed in each phase with the recreational improvements receiving approval before the next phase can begin or if the master plan includes the recreation improvements for the entire development in one phase then the recreational improvements must be completed and accessible to the first phase. All recreational improvements will need to be bonded with other improvements if not completed before the final subdivision plat of the phase is recorded. The recreation plan must be submitted with a site plan detailing landscaping, drainage, lighting, access, building locations and detailed plans of the recreational equipment. The recreational plan shall determine the percentage in which the dwelling units and commercial structures are to be constructed in relation to the construction of recreation improvements.

e. Open Space Maintenance Plan

The Planning Commission shall require a maintenance plan be submitted with the recreation plan. This plan shall detail the organization responsible for or other method of the maintenance of the common open space. Included in the maintenance plan shall be a program and financing for caring out the plan.

f. Open Space Drainage Design

No more than fifty (50) percent of designated drainage structures or drainage ways can be counted to the minimum required open space of the development. Any drainage designed as usable developed open space or other innovative design and use are exempt from this provision.

7-1.5 RESIDENTIAL PLANNED DEVELOPMENTS

A. Type of Developments

There are hereby created two (2) types of residential PUD's as follows:

Suburban Residential Planned Development	SRPUD
Neighborhood Center Residential Planned Development	NCRPUD

B. Purpose

The purpose of a SRPUD is to permit development of land which by reason of topography or floodable land contains some areas unsuitable for development and to permit the cluster of lots in order to leave the unsuitable land as permanent open space.

The purpose of a NCRPUD is to permit a variety of housing types within a totally planned environment.

C. Minimum Size

The minimum size of either residential PUD shall be five (5) acres. The Planning Commission and County Commission may, within their discretion, approve developments considered as an infill on less acreage.

D. Permitted Activities in a Residential PUD

The following activities listed in Table I may be permitted in a RPUD only when deemed appropriate by the Planning Commission and the County Commission as approved with the preliminary master plan. Other activities not listed below are prohibited.

E. Limitation on Commercial Activities

The commercial activities permitted in Table I, shall be limited to no more than five (5) percent in SRPUD's and no more than twenty (20) percent in NCRPUD's.

Table I

Permitted Uses and Structures

Residential Planned Development

Residential Activities

Districts

Permanent Residential

SRPUD

NCRPUD

Dwelling Attached	N	P
Dwelling One-Family Detached	P	P
Dwelling Two-Family Detached	P	N
Dwelling Semi-Detached	P	P
Dwelling Mobile Home	N	N
Dwelling Multi-Family	N	P

Semi-Permanent Residential	N	N
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Community Facilities Activities

Administrative Services	S	S
Community Assembly	S	S
Community Education	S	S
Cultural & Recreation Services	S	S
Essential Services	S	S
Personal & Group Care Facilities	N	S
Religious Facilities	S	S

Commercial Activities

Consumer Repair Services	P	P
Convenience Commercial	P	P
Entertainment & Amusement Services	P*	P*
Financial, Consultative & Administrative	P	P
Food & Beverage Services	P*	P*
General Business Services	P*	P*
General Personal Services	P*	P*
Medical and Professional Services	P	P
Transient Habitation	N	P*

Key to Interpreting Uses

P - May be considered as a permitted use.

N - Not permitted in the district.

S – Permitted as “Special Exception”

* May be considered only when the PUD contains 200 units or more.

F. Suburban Residential Planned Development

1. Density and Open Space Regulations

Maximum Density	—3.5 Units/Acre
Minimum Lot Size	7,500 sq. ft. per dwelling unit

The remaining area shall be left as common open space and used for designated purposes as approved by the Planning Commission. The minimum required ratio of dedicated common open space shall be in terms of the maximum density of the planned development. The percentage of the total acreage dedicated to open space shall be as follows:

<u>Maximum Density</u>	<u>Minimum Open Space %</u>
2.5 Units/Acre or Less	10
2.5 to 3.0 Units/Acre	15
3.0 to 3.5 Units/Acre	20

2. Yards

Minimum Front Yard	15 ft.
Minimum Side Yard	5 ft.
Minimum Rear Yard	5 ft.

A twenty-five (25) foot building setback consisting of dedicated open space or alternative buffering plan is required around the outside boundary of the development.

G. Neighborhood Center Residential Planned Development

1. Density, Bulk and Open Space Regulations for One Family Detached Dwellings

a. Density and Open Space Regulations

Maximum Density	5.5 Units/Acre
Minimum Lot Size	4,000 sq. ft. *

* The Planning Commission may vary this design where creative site and building design are proposed.

A minimum 100-foot building setback where a residential collector intersects a major collector or arterial shall be observed. This requirement may be waived for innovative/alternative designs.

The remaining area shall be left as common open space and used for designated purposes as approved by the Planning Commission. A minimum of five (5) percent of the site shall be improved recreational open space.

<u>Maximum Density</u>	<u>Minimum Open Space %</u>
3.0 to 4.0 Units/Acre	15
4.0 to 5.0 Units/Acre	20
5.0 Units/Acre or More	25

b. Yards

Minimum Front Yard	10 ft.
Minimum Side Yard	5 ft. or zero lot line
Minimum Rear Yard	5 ft.

A twenty-five (25) foot building setback consisting of dedicated open space is required around the outside boundary of the development.

2. Density, Bulk and Open Space Regulations for Multi-Family Dwellings

a. Density, Bulk and Open Space Regulations

The following requirements shall apply to multi-family dwellings within a high-density residential planned development:

Maximum Area per Dwelling Unit	3,000 Sq. Ft.
Minimum Required Open Space	30 percent
Minimum Developed Open Space	10 percent
Maximum Building Height	35 Feet

- b. The maximum overall densities shall be in terms of the number of dwelling units per gross acre of all the area within said development.
- c. The maximum floor area shall be in terms of a ratio of total floor area per total area within said development, as provided herein.
- d. Yard requirements are waived and the above minimum controls shall be applied with the following exception a twenty-five (25) foot building setback consisting of dedicated open space is required around the outside boundary of the development.
- e. The minimum total outdoor area (including all uncovered outdoor areas, such as streets, parking, lawn, landscaped areas, patios, recreation, as well as usable roofs and uncovered balconies) shall be provided at no less than a minimum ratio of outdoor area per total floor area, as provided herein.
- f. The minimum total living space (that part of the total outdoor area which includes lawn, landscaping, and recreation areas and excluding streets and parking) shall be provided at no less than a minimum ratio of living space area per total floor area, as provided

H. Limitation on Density

The Planning Commission and County Commission may, within their discretion, limit the density to a figure lower than the maximum permitted above. This type of limitation shall be exercised only if the character of the adjoining neighborhood is inappropriate for the proposed development or if the development would place an excessive burden on the existing street and utility system.

7-1.6 **COMMERCIAL PLANNED DEVELOPMENTS**

A. Type of Developments

There are hereby created four (4) types of commercial planned developments as follows:

Core Commercial Planned Development
Commercial Planed Development

CCPUD
CPUD

B. Purpose

The general purpose of Commercial PUD Districts is to provide for a wide range of activities developed for high quality and under controlled conditions.

C. Feasibility Study

The Planning Commission and/or the County Commission may require a feasibility study/market analysis for any proposed commercial planned development. The study will be utilized, among other things, to determine the impact of the proposed development on the long-range development of the commercial land use in the county, the timing of any proposed development to ascertain the effects of a proposed development upon lands used or zoned for commercial purposes, to form a basis for evaluating the estimated effects on traffic, the financial capability of the developer, and other purposes which assist in an understanding of the public interest pertinent in the evaluation of a proposed development. The study, if required, shall be provided by the landowner and the landowner shall provide any other economic data or analysis as may be reasonably requested by the Planning Commission and/or County Commission.

D. Minimum Size

The minimum size for each type Commercial PUD shall be as follows:

CCPUD	No minimum
CPUD	5 acres
GOPUD	5 acres
ROPUD	1 acre

E. Permitted Activities

The activities listed in Table II, may be permitted as a part of PUD only when such activities are approved as a part of the final master plan and deemed appropriate by the Planning Commission. A change in use may be granted by the building inspector only when the change is to a similar use or activity. Activities not listed are prohibited.

F. Bulk Regulations for Commercial PUD's

The building intensity, height, and open space requirements shall be as follows:

1. Maximum Floor Area Ratio

CCPUD	1.0
CPUD	1.0
GOPUD	2.5
ROPUD	1.5

2. Maximum Building Height

CCPUD	2 stories
CPUD	3 stories
GOPUD	3 stories
ROPUD	2 stories

3. Open Space Requirements

The following building setbacks and open space requirements shall be observed:

Front

CCPUD	30 ft.
CPUD	50 ft.
GOPUD	40 ft.
ROPUD	30 ft.

Side and Rear

CCPUD	10 ft.
CPUD	20 ft.
GOPUD	15 ft.
ROPUD	10 ft.

For a building in excess of two **(2)** stories, the side and rear yard requirement shall be increased five **(5)** feet for each story.

Provided further that permanent open, landscaped areas meeting the requirements of **Article III, Section 3.110**, shall be maintained. No buildings or parking areas shall be permitted in any required permanent open space.

Table II
Permitted Uses and Structures Within
Commercial Planned Development Districts

	<u>CCPUD</u>	<u>CPUD</u>	<u>GOPUD</u>	<u>ROPUD</u>
<u>Community Facility Activities</u>				
Administrative Services	P	P	P	P
Community Assembly	P	P	P	N
Community Education	N	N	N	N
Cultural & Recreation Services	P	N	P	N
Essential Services	P	P	P	P
Extensive Impact Facilities	N	N	N	N
Health Care Facilities	P	N	P	N
Institutional Care Facilities	N	N	N	N
Intermediate Impact Facilities	N	N	N	N
Personal & Group Care Facilities	P	N	P	N
Religious Facilities				
<u>Commercial Activities</u>				
Animal Care & Veterinarian Services	N	N	N	N
Automotive Parking	P	P	P	P
Automotive Repair & Cleaning	N	N	N	N
Automotive Servicing	P	N	N	N
Building Materials & Farm Equipment	N	N	N	N
Consumer Repair Services	P	P	P	P
Construction Sales & Services	N	N	N	N
Convenience Commercial	P	P	P	P
Entertainment & Amusement Services	P	P	N	N
Financial, Consultative & Administrative	P	P	P	P
Food & Beverage Services	P	P	P	P
Food Service Drive-In	P	P	N	N
General Business & Communication Service	P	P	P	N
General Personal Services	P	P	P	P
General Retail Trade	P	P	P	P
Group Assembly	P	N	N	N
Medical & Professional Services	P	P	P	P
Scrap Operations	N	N	N	N
Transient Habitation	P	N	P	N
Transport & Warehousing	N	N	N	N
Undertaking Services	P	N	N	N
Vehicular, Craft, & Related Equipment				
Sales, Retail & Delivery	P	P	P	N
Wholesale Sales	P	N	P	N

Key to Interpreting Uses

P - May be considered in the District Indicated
N - Not Permitted In the District

G. Off-street Parking, Loading, and Vehicular Access

1. Off-street parking and loading space shall be provided in accordance with the provisions for off-street parking contained in **Article IV**. Parking lot landscaping shall be provided in accordance with the landscaping provisions of **Article V**.
2. Vehicular Access Locations

Vehicular access locations shall be provided so those vehicles entering or departing a commercial planned development site shall do so only at such locations. Elsewhere along the property lines of said commercial planned developments site a physical separation between the said site and public rights-of-way shall be provided. A vehicular access location shall consist of such entrance and exit driveway openings so designed and located so as to minimize hazardous vehicular turning movements and traffic congestion. Such design and location shall be subject to the approval of the County Engineer working in conjunction with the Planning Commission.

- a. No vehicular access location serving a commercial planned development site shall be:
 - (1) Within twenty-five (25) feet of the intersection of street right-of-way lines, bounding, in part, the same commercial planned development site, and
 - (2) Within one hundred (150) feet of any interchange ramp, such distance shall be measured from a point where the centerline of the ramp intersects with the edge of the pavement of the travel way of the intersecting street.

H. Permitted Signs

Signs may be permitted in accordance with the provisions of the Robertson County Zoning Resolution. Sign locations and character shall be approved as a part of the final master plan.

I. Other Regulations

1. If an area is reclassified to any Commercial PUD and such area contains existing houses, then such house may not be converted into use as an office or commercial building, the intent being to encourage new construction and the aggregation of small parcels into a larger tract.

7-1.7 DESIGN AND DEVELOPMENT STANDARDS

A. Development Standards

1. Perimeter Requirements

Along the perimeter of the Planned Development, buildings shall be designed to harmonize in scale, setbacks, and mass with existing

adjacent areas. A minimum setback of twenty-five (25) feet shall be required around the perimeter of all residential planned developments. Perimeter landscaping shall also be required.

2. Landscaping Requirements

Every PUD shall be attractively landscaped. The site perimeter and parking lot, landscaping requirements of **Article III** shall apply and be included in the dedicated open space. All transitional buffers within single-family developments shall be in dedicated open space or within a Buffer Easement that will be maintained by the homeowners Association. All developments are required to have street trees along the right-of-way in the area reserved for them.

3. Parking and Storage

On-street parking shall be prohibited in all planned developments along on any arterial or collector road as identified on the Major Thoroughfare Plan of Robertson County. All parking lots and storage areas shall be enclosed or concealed by berms, buffers or through building design. Residential structures with garages facing the street are discouraged and garages that project out in front of the unit are prohibited. Developments with garages facing the street shall be limited to a maximum of twenty-five percent of the total number of dwelling units in the development and these lots shall be designated on the Final Master Plan as well as all Final Plats. Parking provided in alleys shall be a minimum of twenty (20) feet in addition to garages or carports. Lots of sixty (60) foot width or less are required to have alleys providing access to garages or parking areas.

4. Signs

The sign provisions contained in **Article IX** shall apply. Entry sign locations and designs shall be shown on or as a separate element of the final master plan and be consistent with the character of the development. Any sign located within a dedicated public right-of-way shall be perpetually maintained by the Homeowners

5. Building Design

- a. Architectural design shall be regulated, governed and enforced as architectural design standards by an association of property owners in order to ensure compatibility of building types and to relate new buildings to the to the building design of the region. These standards shall be contained in private covenants, declarations or restrictions of the property owners associations and shall be approved in concept by the Planning Commission at the time of approval of the Master Plan. Changes in architectural design standards may occur from time to time thereafter if approved by the Planning Commission and the property owner's association.
- b. Architectural design standards shall specify the materials and configurations permitted for walls, roof, openings, street furniture

and other elements. Architectural standards should encourage the following architectural compatibility among structures in the development, human scale design.

- c. All building foundations are restricted brick or stone and a minimum of sixty (60) percent of the exterior walls shall include brick, stone or other masonry materials excluding windows and doors. The use of vinyl siding materials is discouraged.

6. Street Design

- a. A street hierarchy should be established on the Master Plan shall specify standards for minimum pavement width, required right-of-way, presence of curbs, on-street parking, street trees, street furniture and sidewalks. Residential Collector Streets shall have limited access or have alternative/innovative methods of access incorporated into the plan. No individual driveway will be permitted within 100 feet of an entrance to the development.
- b. The network of streets, alleys and pedestrian ways shall be designed to connect with other streets in the development and to existing or proposed thoroughfares outside the development. Cul-de-sacs are not permitted except where natural features such topography or water bodies prohibit connection. Where it is likely that a street may be extended in the future a stub street may be required.
- c. Streets shall be designed for pedestrian safety by having the street width, and pattern to reduce speed and encourage pedestrian safety. To accomplish this street may vary from the Subdivision Regulations or provisions of this ordinance to control traffic and add aesthetics to the development.
- d. All multifamily and townhouse developments as well as single family lots with lot widths of sixty (60) feet or less shall be served with alleys to the rear of buildings.
- e. Sidewalks or pedestrian paths (minimum five (5) feet in width recommended) shall be provided on at least one side of the street. In developments with over five (5) units per acre, residential collectors or commercial areas a sidewalk should be provided on both sides of the all streets.

7. 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-ways, curbs, and other standards may 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 Planning Commission as a part of its review 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 by the Planning Commission of the master plan.

8. Street Improvements

Within any residential PUD, streets may be public or private provided that streets in a low density PUD shall be public. If the developer requests that the streets be dedicated to the public, specifications and procedures of the subdivision regulations shall apply. Streets may be privately constructed and maintained either by the landowner/developer or deeded to the homeowners association and subject to the following standards.

a. All streets shall be designed to comply with the construction standards established in the Robertson County Subdivision Regulations.

b. Minimum Pavement widths shall be as follows:

Residential Collector Street	22 ft.
Access Street -	20 ft.
Access Lane	18 ft.
One Way Street	16 ft.
Alleys	16 ft.

c. Dead-end streets where permitted by street design shall be provided with adequate turn-around space and shall not exceed five hundred (500) feet in length.

9. Utilities

The development shall be serviced with public sanitary sewerage systems. The water systems shall be capable of providing needed fire flows for the development as well as domestic water supply. All buildings will provided water flows capable sprinkling all buildings within the development.

All Planned Developments are required to have all electric power; telephone service and cable televisions located underground.

10. Waste Disposal

If any central waste disposal containers are provided, they shall be completely enclosed and screened from view.

11. Development Standards for Multi-Family Projects

a. All multi-family buildings shall be designed to meet The Design Standards established as part of the Preliminary Site Plan.

b. The spacing of all buildings in multi-family developments shall be designed to meet existing Robertson County Building Codes.

- c. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise.
- d. Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts or garages and for convenient circulation and access to all facilities.
- e. 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 the screen out objectionable features. The planting plan shall be submitted with the site development plan.

Existing trees, shrubs, evergreens and ground cover shall be retained to the extent that they enhance the project, are effective as a screen planting or are useful in protecting slopes.

- f. 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.

- g. Access and circulation shall adequately provide for firefighting equipment, service deliveries, and furniture moving vans and refuse collection.
- h. Off-street parking shall be screened using buffers, berms or building design, whether adjacent to streets or in the interior of blocks. Such parking areas shall generally be located in close proximity to the dwelling units they are designed to serve. At least one parking space per dwelling unit shall be located so as to provide a maximum walking distance of two hundred (200) feet from the nearest entrance of the dwelling unit the space is to serve. Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Parking shall comply with **Article V**. Screening of parking and service areas shall be in accordance with the landscape requirements of the approved landscaping plan for the development. Within each development a minimum of one visitor parking space shall be provided for each five (5) dwelling units. Visitor parking can be provided by designated areas or with on street parking.

12. Development Standards for Attached or Semi-detached Dwellings

- a. The minimum lot required for any individual attached dwelling shall be as required to meet other provisions of these regulations. Individual attached dwellings may exceed the maximum lot coverage provisions established for the area in which such site is located. However, in no instance shall the aggregate site coverage of all dwellings, attached or otherwise, exceed the coverage provisions established for the PUD district in which such site is located.
- b. Minimum width for the portion of the lot on which the town house is to be constructed shall be twenty-two (22) feet.
- c. Not more than eight (8) contiguous town houses shall be built in a row with the same or approximately the same front line, and not more than twelve (12) town houses shall be contiguous.
- d. The spacing of buildings containing attached dwellings shall be as required by **Article IV, Section 4-5**, and standards in Zoning Resolution.
- e. Yards
 - (1) For units located along the periphery of a site containing attached dwellings. The yard provisions established for the district within which the attached dwelling is located shall apply along the periphery of any site on which attached dwellings may be located.
 - (2) For units located entirely within a site. No side or rear yard as such is required in connection with any attached dwelling located entirely within a site containing attached dwellings but each such unit shall on its own lot have one yard containing not less than seven hundred fifty (750) square feet. This yard shall be reasonably secluded from view from streets or from neighboring property and shall not be used for off-street parking or for any accessory building.
 - (3) The minimum front yard shall in all cases be no less than twenty-five (25) feet.
- f. No attached dwelling shall exceed two (2) stories in height.
- g. No development shall be approved which contains less than ten (10) dwelling units.
- h. Parking shall be provided as required in **Article V**. However, attached dwellings may be constructed with parking space required in bays either adjacent to the streets where allowed by design standards or in the interior accessed by alleys, all parking shall be screened using buffers, berms or building design. Where

appropriate, common driveways, parking areas, walks and steps shall be provided, maintained and lighted for night use. Screening of parking and service areas shall be encouraged through ample use of trees, shrubs, hedges, and screening walls. Within each development a minimum of one visitor parking space shall be provided for each five (5) dwelling units. Visitor parking can be provided by designated areas or with on street parking.

- i. Each dwelling unit shall be provided with reasonable visual and acoustical privacy. Fences, walks, and landscaping shall be provided for the protection and aesthetic enhancement of the development and privacy of the occupants, screening of objectionable views or uses and the reduction of noise.
- j. Street sidewalks and on-site walks shall be provided for convenient and safe access to all living units from streets, driveways, parking courts or garages and for convenient circulation and access to all facilities.

13. Quality Use and Improvement of Common Open Space

Common open space must be for amenity or recreational purposes. No open area may be accepted as common open space under the provisions of this section unless the location, shape, size and character of the common open space is appropriate to the scale and character of the development considering its size, density, expected population, topography, and the number and type of dwellings to be provided. Open space can consist of either improved or unimproved land.

Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation, steep slopes, or floodplains may be left unimproved. In this regard, the Planning Commission may permit only fifty (50) percent of stream areas, bodies of water and slopes in excess of twenty (20) percent to be counted as required open space. Any buildings, structures, and improvements, which are permitted in the common open space, must be appropriate to the uses, which are authorized for the common open space having regard to its topography and unimproved condition.

No common open space may be put to any use not specified in the approved site master plan, unless such plan has been amended and approved by the Planning Commission. However, no change authorized may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.

If the master plan provides for buildings, structures, and improvements a recreation plan must be prepared, if the common open space improvements have a value in excess of ten thousand dollars (\$10,000), the developer must provide a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The Planning Commission shall release the bond or other assurance when the buildings, structures, or improvements have been completed

according to the development plan. Any development aimed at a certain demographic shall supply this information when developing the plan.

The minimum open space for an entire development shall total not less than one acre. No open space area, other than area reserved for a trail system, shall have dimensions less than fifty (50) feet; areas reserved for trail systems shall have a width of twenty-five (25) feet.

B. Design Standards

All Final Master Plans shall include a Design Plan containing the following:

1. Statement of Intent and Use
2. Street Design and Streetscapes
3. Pedestrian way layout
4. Sitting of Buildings
5. Massing, Facades and Roofs and examples of buildings
6. Parking Orientation and Layout including the sitting of garages
7. Open Spaces, Landscaping and Buffering
8. Lighting and Utilities
9. Building Materials and percentages

7-2 FLOODPLAIN DISTRICT REGULATIONS (Amended by Resolution No. 012521007).
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7-2.2 GENERAL PROVISIONS

A. Application

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

B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Robertson 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 47147C0050C, 47147C0065C, 47147C0090C, 47147C0095C, 47147C0120C, 47147C0140C, 47147C0175C, 47147C0180C, 47147C0185C, 47147C0190C, 47147C0195C, 47147C0205C, 47147C0215C, 47147C0218C, 47147C0219C, 47147C0235C, 47147C0237C, 47147C0238C, 47147C0239C, 47147C0245C, 47147C0255C, 47147C0260C, 47147C0265C, 47147C0270C, 47147C0280C, 47147C0330C, 47147C0335C, 47147C0340C, 47147C0355C, 47147C0357C, 47147C0360C, 47147C0376C, 47147C0380C,

47147C0381C, 47147C0382C, 47147C0384C, 47147C0405C, 47147C0410C, and 47147C0415C, dated April 16, 2008, and 47147C0365D, 47147C0370D, 47147C0390D, 47147C0395D, 47147C0450D, 47147C0455D, and 47147C0460D, 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 Robertson 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 Robertson County, Tennessee from taking such other lawful actions to prevent or remedy any violation.

7-2.3 ADMINISTRATION

A. Designation of Resolution Administrator

The Planning Director or a designee 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 7-2.4, A and B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- e. 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.
- f. 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, State NFIP Office, 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 7-2.3, 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 7-2.3, 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 7-2.3, 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 Robertson 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" x 3". Digital photographs are acceptable.

7-2.4 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 7-2.4, 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 7-2.4, 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) feet above the highest adjacent grade (*as defined in Section 2-2.3*). 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 2-2.3*). 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 7-2.3, 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.
 - 1) 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;
 - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. 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 7-2.3, 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:
 - 1) 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
 - 2) 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) feet in height above the highest adjacent grade *(as defined in Section 2-2.3)*.

- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Section 7-2.4, 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 either:
 - 1) Be on the site for fewer than 180 consecutive days;
 - 2) Be fully licensed and ready for highway use *(a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions)*, or;
 - 3) 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 7-2.4, 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 7-2.2, Section 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 fill, 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 practice 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 7-2.4, 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 7-2.4, 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 7-2.2, 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 7-2.4, 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 7-2.4, 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 7-2.2, 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 7-2.4, 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 2-2.3*). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Section 7-2.3, B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Section 7-2.4, 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 Robertson 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 7-2.4, A and B. Within approximate A Zones, require that those subsections of Section 7-2.4, 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 7-2.2, 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. In addition to Section 7-2.4, 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 7-2.4, 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 7-2.3, B, (1), (c) and Section 7-2.4, B, (2).
3. Adequate drainage paths shall be provided around structures on 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 7-2.2, 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 Section 7-2.4, A and 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 7-2.2, 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 7-2.3 and Section 7-2.4 shall apply.

I. Standards for Unmapped Streams

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

1. 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.
2. 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 Sections 7-2.3 and 7-2.4.
3. ONLY if Section 7-2.2, B, 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 7-2.4, A and B.

7-2.5 VARIANCE PROCEDURES

A. Board of Zoning Appeals

See Section 11-5, (Board of Zoning Appeals)

B. Variance Procedures

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

1. The Robertson County, Tennessee Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.
2. Variances may be issued for the repair or rehabilitation of historic structures 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.
3. 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.
- 4. Upon consideration of the factors listed above, and the purposes of this Resolution, the Regional Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Resolution.
 - 5. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

B. Conditions for Variances

- 1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Section 7-2.5, 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.

7-2.6 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 Robertson 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.

C. Effective Date

This Resolution shall become effective on February 26, 2021, the public welfare demanding it.

7-3 AIRPORT ZONING PROVISION

(Added by Resolution No. 081699111).

7-3.1 Statutory Authorization

This resolution shall be known and may be cited as the Springfield/Robertson County Airport Zoning Ordinance.

7-3.2 Definitions

As used in this resolution, unless the context otherwise requires:

AIRPORT – The Springfield/Robertson County Airport.

AIRPORT ELEVATION – Seven hundred-nine (709) feet above mean-sea-level.

APPROACH SURFACE – A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in **Subsection 7-3.4**, of this resolution. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES – These zones are set forth in **Subsection 7-3.3**, of this resolution.

BOARD OF APPEALS – The duly appointed Board of Robertson County Board of Zoning Appeals to hear and decide on issues related to adjustments, appeals, special exceptions or variances to the established zoning resolution. The Board of Appeals may also be referred to as the Board of Zoning Appeals.

COINCAL SURFACE – A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand (4,000) feet.

HAZARD TO AIR NAVIGATION – An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable air space.

HEIGHT – For the purpose of determining the height limits in all zones set forth in this resolution and shown on the zoning map, the datum shall be mean-sea-level elevation, unless, otherwise, specified.

HORIZONTAL SURFACE – A horizontal plane one hundred-fifty (150) feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

LARGER THAN UTILITY RUNWAY – A runway that is constructed for an intended to be used by propeller drive aircraft of greater than twelve thousand-five hundred (12,500) pounds maximum gross weight and jet powered aircraft.

NONCONFORMING USE – Any pre-existing structure, object of natural growth, or use of land that is inconsistent with the provisions of this resolution or an amendment, thereto.

NONPRECISION INSTRUMENT RUNWAY – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

OBSTRUCTION – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in **Subsection 7-3.4**, of this resolution.

PERSON – An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or similar representative of any of them.

PRECISION INSTRUMENT RUNWAY – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It, also, means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRIMARY SURFACE – A surface longitudinal centered on a runway. When the runway has a specifically prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The width and elevation of the primary surface is set forth in **Subsection 7-3.3**, of this resolution.

RUNWAY – A defined area on an airport prepared for landing and take-off of aircraft along its length.

STRUCTURE – An object, including a mobile object, constructed or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

TRANSITIONAL SURFACES – These surfaces extend outward at ninety (90) degree angles to the runway center line and the runway center line extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edge of the approach surface and at ninety (90) degree angles to the extended runway center line.

TREE – Any object of natural growth.

VISUAL RUNWAY – A runway intended solely for the operation of aircraft using visual approach procedures.

7-3.3 Airport Overlay Districts

In order to carry out the provisions of this resolution, there are, hereby, created and established certain zones that include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Springfield/Robertson County Airport. Such zones are to be included as overlay districts to the existing Official Zoning Atlas of Robertson County. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various airport overlay districts are, hereby, established and defined as follows:

A. Primary Surface Zone

Established as the imaginary surface five hundred (500) feet wide, longitudinally centered on the runway and extends a length of two hundred (200) feet beyond each end of the runway. The elevation of any point on the longitudinal profile on the primary surface coincides with the elevation of the center line of the runway. The highest determined elevation of the Springfield/Robertson County Airport is seven hundred-nine (709) feet above mean-sea-level.

B. Horizontal Zone

All the airspace that lies directly under an imaginary horizontal surface one hundred-fifty (150) feet above the established airport elevation, or a height eight hundred-fifty-nine (859) feet above mean-sea-level. The horizontal zone is, hereby, established as being an area defined by two semi-circles, each having a radius point located two hundred (200) feet beyond the runway ends and on the runway center line extended, the radius of each semi-circle being ten thousand (10,000) feet; and lines parallel with the runway center line connecting the semi-circles. The horizontal zone does not include the approach/departure zones and the transitional zones.

C. Conical Zone

All the airspace that lies directly under an imaginary surface extending upward and outward from the periphery of the horizontal surface at a slope of twenty to one (20:1) (*20 feet outward for each foot upward*) and extending to a height of three hundred-fifty (350) feet above the airport elevation (*or one thousand-fifty-nine (1,059) feet above mean-sea-level*).

D. Approach/Departure Zone (Runway 4, Non-precision)

An approach/departure zone is established at each end of the runway which shall have a width of five hundred (500) feet at a distance two hundred (200) feet beyond each end of the runway, widening, thereafter, uniformly to a width of three thousand-five hundred (3,500) feet at a distance of ten thousand-two hundred (10,200) feet beyond the end of Runway 4, its center line being the continuation of the center line of the runway. The approach/departure surface inclines upward from the base elevation at a slope of thirty-four to one (34:1) (*34 feet outward for each foot upward*) at the end of Runway 4.

E. Approach/Departure Zone (Runway 22, Visual)

An approach/departure zone is established at each end of the runway which shall have a width of five hundred (500) feet at a distance two hundred (200) feet beyond each of the runway, widening, thereafter, uniformly to a width of three thousand-five hundred (3,500) feet at a distance of ten thousand-two hundred (10,200) feet beyond the end of Runway 22, its center line being the continuation of the center line of the runway. The approach/departure surface inclines upward from the base elevation at a slope of thirty-four to one (34:1) (*34 feet outward for each foot upward*) at the end of Runway 22.

F. Transitional Zone

All the airspace which lies directly under an imaginary surface extending upward and outward perpendicular to the runway center line (and extended runway center line) at a slope of seven to one (7:1) from the sides of the primary surface and approach/departure surface until they intersect the horizontal surface.

7-3.4 Height Limitations

Except as, otherwise, provided in the resolution, no structure shall be erected, altered, or maintained and no tree shall be allowed to grow in any zone created by this resolution to a height in excess of the applicable height, herein, established for such zone. Such applicable height limitations are, hereby, established for each of the zones in question as follows:

A. Approach/Departure Zones

One foot in height for each thirty-four (34) feet in horizontal distance beginning at a point of two hundred (200) feet beyond and at the elevation of the end of the runway extending to a point ten thousand-two hundred (10,200) feet from the end of the runway.

B. Transition Zones

One foot in height for each seven (7) feet in horizontal distance beginning at a point two hundred-fifty (250) feet normal to and at the elevation of the center line of the runway extending two hundred (200) feet beyond each end, thereof, and extending to a maximum height of one hundred-fifty (150) feet above the established airport elevation which is seven hundred-nine (709) feet above mean-sea-level. In addition to the foregoing, there are established height limits of one foot vertical for each seven (7) feet horizontal distance measured from the edges of all approach zones extending upward and outward to the points where they intersect the horizontal surface.

C. Horizontal Zone

One hundred-fifty (150) feet above the established airport elevation or a maximum of eight hundred-fifty-nine (859) feet above mean-sea-level.

D. Conical Zone

One foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone extending to a height three hundred-fifty (350) feet above the airport elevation or one thousand-fifty (1,059) feet above mean-sea-level.

E. Except Height Limitations

Nothing in this resolution shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty (50) feet above the surface of the land.

7-3.5 Use Restrictions

Notwithstanding any other provisions of this resolution, no use may be made of land or water within any zone established by this resolution in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or, otherwise, in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

7-3.6 Nonconforming Uses

A. Regulations Not Retroactive

The regulations prescribed in this resolution shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as the effective date of this resolution, or, otherwise, interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change on the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this resolution and is diligently prosecuted.

B. Marking and Lighting

Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is, hereby, required to permit the installation, operation, and maintenance, thereon, of such markers and lights as shall be deemed necessary by the Springfield/Robertson County Airport Board to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Springfield/Robertson County Airport.

7-3.7 Administration

A. Future Uses

Except as specifically provided in A, B, and C, hereunder, no material change shall be made in the use of land, no structure shall be erected or, otherwise, established, and no tree shall be planted in any zone, hereby, created, unless a permit, therefore, shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations, herein, prescribed. If such determination is in the affirmative, the permit may be granted. No permit for a use inconsistent with the provisions of this resolution shall be granted, unless a variance has been approved by a Board of Appeals or adjustments in accordance with the provisions of the applicable Zoning Resolution of Robertson County.

1. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
2. In areas lying within the limits of the approach zones, but at a horizontal distance of four thousand-two hundred (4,200) feet or more from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such transition zones.
3. In areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction or alteration of any tree or structure in excess of any of the height limitations established by this resolution, the Robertson County Zoning Resolution.

B. Existing Uses

No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this resolution or any amendments, thereto, or than it is when the application for such a permit is made. Except as indicated, all applications for such a permit may be granted.

C. Permit Issuance

The Springfield/Robertson County Airport Board shall serve in an advisory capacity to the approving authority of zoning permit issuance on all new construction, and the alteration or maintenance of any existing tree or structure in the approach zones and transition zones requiring a permit under the provisions of this resolution. All permit applicants shall apply to the Robertson County Office of Planning and Zoning, which has zoning jurisdiction in the territory in question affected by the development or maintenance proposal. Permits shall be issued under the terms and requirements of the pertinent Zoning Resolution and the regulations, herein, prescribed. No permit shall be issued until the applicant has provided substantial information regarding the nature of the project, including the precise location, proposed use and height limitation of any and all structures or trees.

D. Enforcement

It shall be the duty of the Robertson County Building Commissioner duly appointed to enforce the zoning codes of each jurisdiction to administer, inspect, and enforce the provisions set forth in this resolution.

E. Appeals and Adjustments

Applicants may seek adjustments, appeals, special exceptions and interpretations to this resolution through the Board of Zoning Appeals in Robertson County, which has zoning jurisdiction over the territory in question. The Springfield/Robertson County Airport Board, the Springfield Municipal/Regional Planning Commission, and/or the Robertson County Planning Commission may make recommendations to the Board of Zoning Appeals.

F. Penalties

Any violation of this resolution or any regulation, order, or ruling promulgated, hereunder, shall be issued penalties as prescribed within the Robertson County Zoning Resolution, which has jurisdiction over the territory in question.

7-3.8 Validity and Interpretation

A. Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed in the resolution and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any matter, the more stringent limitation or requirement shall govern and prevail.

B. Severability

If any of the provisions of this resolution or the application, thereof, to any person or circumstances are held invalid, such invalidity shall not effect without the invalid provision or application, and to this end, the provisions of this resolution are declared to be severable.

ARTICLE VIII
SPECIAL EXCEPTION REGULATIONS

SECTION

8-1 ORGANIZATION

8-1.1 Principal Uses and Activities

8-1.2 Accessory Uses

8-1.3 Temporary Uses

8-2 DEVELOPMENT STANDARDS FOR CONDITIONAL USES AND ACTIVITIES

8-2.1 Agricultural Uses

8-2.2 Residential Uses

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8-2.4 Governmental, Educational and Institutional Uses

8-2.5 Business, Professional and Personal Services

8-2.6 Retail Trade

8-2.7 Wholesale Trade

8-2.8 Transportation, Warehousing and Utilities

8-2.9 Manufacturing and Industrial Uses

8-2.10 Temporary Uses

8-2.11 Accessory Uses

8-1 ORGANIZATION

8-1.1 Principal Uses and Activities - An activity which fulfills a primary function of an establishment, institution, household, or other entity.

8-1.2 Accessory Uses - A structure or use that: (1) is subordinate in area, extent and purpose to the principal use; (2) contributes to the comfort, convenience or necessity of the principal use; and (3) is located on the same lot and in the same zoning district as the principal use, except as provided for under the provisions of accessory off-street parking.

8-1.3 Temporary Uses - Those land uses and/or structures that are needed or are in place for only short periods of time.

8-2 DEVELOPMENT STANDARDS FOR CONDITIONAL USES AND ACTIVITIES

8-2.1 Agricultural Uses

A. Agricultural Chemicals, Pesticides, and Fertilizers (Wholesale)

1. Setback: All structures, buildings, mechanical equipment, or enclosed areas used for the operation shall be a minimum of one hundred (100) feet from all property lines.
2. Noise: Equipment producing noise or sound in excess of seventy (70) decibels shall be located no closer than one hundred (100) feet to the nearest residence.
3. Dust: All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.
4. Security Fencing: Security fencing, a minimum of six (6) feet in height, shall be provided around all outside storage areas.

B. Agricultural Production (livestock)

1. Types of Livestock Permitted: Horses, cows, sheep, goats, and other livestock (*with the exception of hogs*); poultry; and bees.
2. Setback: Fencing and shelters for such animals shall be not less than fifty (50) feet from any property line.
3. Minimum Area: The minimum lot size shall be five (5) acres.

C. Animal Feeder/Breeder

1. Setback: All structures, buildings, or enclosed areas used for housing poultry, hogs, cattle or other livestock shall be a minimum of one hundred (100) feet from all property lines.
2. Operation: Any violation of County Health Department regulations concerning the operation of the feeder/breeder shall be considered a violation of this Resolution.
3. Noise: Mechanical equipment producing noise or sound in excess of seventy (70) decibels shall be located no closer than one hundred (100) feet to the nearest residence.

D. Riding Academies and Commercial Stables

1. Minimum Area: The minimum area required for a riding stable shall be fifteen (15) acres.
2. Setback: There shall be a minimum one hundred (100) foot distance between manure storage areas, barns, or stables and any adjacent residentially zoned property.
3. Dust: All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

8-2.2 Residential Uses

A. Bed and Breakfast Home:

1. Bed and breakfast residences shall be established only within preexisting single family residences.
2. Bed and breakfast residences shall continuously maintain current licenses and permits as required by local and state agencies.
3. Bed and breakfast residences shall be solely operated by members of the family residing in the residence.
4. The only meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.
5. No food preparation or cooking for guests shall be conducted within any bedroom made available for rent.
6. Rooms used for sleeping shall be part of the primary residential structure and shall not have been specifically constructed or remodeled for rental purposes.
7. Bed and breakfast residences shall be limited to a single on-premises sign which shall be no greater than eight (8) square feet in size, and shall be located no closer to the street, right-of-way line than fifteen (15) feet.
8. One off-street parking space shall be provided for each rental room in addition to the required two (2) spaces required for the single-family residence. All such spaces shall be screened from view from adjoining property and shall not be located within any required front yard.
9. If food is prepared or cooked, a menu made available, and a price is charged therefore, a food server's license must be obtained from the Tennessee Department of Health.
10. A smoke detector shall be installed in each sleeping room, and a fire extinguisher (ABC) ten (10) pounds in size or larger shall be installed and made easily accessible on the floor or story.
11. An evacuation plan must be approved by the county's building/fire official prior to the issuance of a use and occupancy permit for a bed and breakfast residence.
12. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood, and the intent of the zoning district in which it is located.
13. Prior to the issuance of a certificate of occupancy for the establishment of any bed and breakfast residence not connected to a public sewerage system, certification shall be provided by the county health department approving the subsurface disposal system as being adequate to serve the total number of bedrooms occupied.

B. Child Care Homes, Child and Child Care Centers, Child

1. Child Care Homes, Child (*Home Occupation*):
 - a. Maximum Number of Attendees: A child day care home with fifteen (15) or fewer attendees may be operated as a home occupation subject to the development standards for a home occupation.
 - b. Open Space and Recreation: Play space and open space requirements shall be provided in accordance with the regulations of the Tennessee Department of Human Services.
 - c. Security Fencing: Outdoor activity area(s) for children shall be enclosed as required by the Tennessee Department of Human Services.
2. Child Care Centers, Child: A child day care center with sixteen (16) or more attendees shall be operated as a principal use and subject to the following development standards:
 - a. Where Required: In all residential and all nonresidential districts.
 - b. Minimum Area: An indoor activity area shall be provided equivalent to at least twenty-five (25) square feet per attendee.
 - c. Open Space and Recreation: Play space and open space requirements shall be provided in accordance with the regulations of the Tennessee Department of Human Services.
 - d. Security Fencing: Outdoor activity area(s) for children shall be enclosed as required by the Tennessee Department of Human Services.
 - e. Location: Centers on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street.

C. Day Care Centers, Adult

1. As a Home Occupation:
 - a. Where Required: Residential districts.
 - b. Maximum Number of Attendees: An adult day care center with five (5) or fewer attendees may be operated as a home occupation subject to the development standards for a home occupation.
2. As a Principal Use: An adult day care center with six (6) or more attendees shall be operated as a principal use and subject to the following development standards.
 - a. Where Required: All residential, **C-2** and **C-3** districts
 - b. Minimum Area: An indoor activity area shall be provided equivalent to at least twenty-five (25) square feet per attendee.

- c. Location: Centers on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street.

D. Group Care Facilities

- 1. Property Separation: No such facility shall be located within one-quarter (1/4) mile of an existing group care facility or a shelter for the homeless.
- 2. Operation: The facility shall be limited to not more than thirty (30) persons in an **R-40**, **R-30** and **R-20** District and not more than forty (40) persons in an **AG-1**, **AG-2** and **RP-80** District.

E. Manufactured Dwelling (*Mobile Home*) Parks and Recreational Vehicle Parks or Campsites

- 1. General Requirements: The following requirements apply to both Manufactured Dwelling Parks and Recreational Vehicle Parks.
 - a. Site Plan Required: It shall be unlawful for any person to construct a new park or to make an additional or alteration to an existing park, unless a site plan for the park has been approved by the Zoning Administrator.
 - b. Compliance with Subdivision Regulations: A Manufactured Dwelling Park (*but not a Recreational Vehicle Park*) shall be considered a group development and shall be subject to all procedures and standards of Robertson County Subdivision Regulations.
 - c. Minimum Tract Area: The minimum park size shall be five (5) acres.
 - d. Number of Spaces: There shall be a minimum of fifteen (15) spaces and a maximum of three hundred (300) spaces.
 - e. Setback: All spaces shall be located a minimum of fifty (50) feet from all public streets and property lines.
 - f. Number of Dwellings and Vehicles per Space: No more than one manufactured dwelling or recreational vehicle may be parked or set up on any space.
 - g. Access:
 - i. No space shall have direct vehicular access to a public street.
 - ii. All spaces shall directly abut a private street constructed to the standards of Robertson County Subdivision Regulations with a minimum width of twenty (20) feet, unless more is deemed necessary because of topographical conditions or street curvature.

- h. Recreational Areas and Facilities: Recreational areas and facilities to serve the needs of the anticipated population of the park shall be provided and shall consist of at least the following:
 - i. A play lot for pre-school children, containing a minimum size of twelve hundred (1200) square feet, shall be located within five hundred (500) feet of every space.
 - ii. One or more playgrounds for school-age children and adults, containing a minimum size of one acre per one hundred (100) spaces, shall be provided.

These recreation areas shall not be in an area utilized for septic tank fields.
- i. Manufactured Dwelling and Recreational Vehicle Sales: The sales of manufactured dwellings or recreational vehicles on a commercial basis shall not be permitted in any park.
- j. Drainage and Grading of Spaces:
 - i. All spaces shall be located on ground above the one-hundred-year flood elevation and graded to prevent water from ponding.
 - ii. Each space shall be graded and grassed to prevent erosion and provide adequate storm drainage away from the manufactured dwelling or recreational vehicle pad.
 - iii. The slope of the surface of the stand or pad shall not exceed three percent (3%).
- k. Garbage and Refuse Disposal:
 - i. Containers: All refuse shall be stored in conveniently located, leak proof containers with tight-fitting lids. Containers shall be provided in sufficient number and capacity for proper storage of all refuse.
 - ii. Collection: All refuse shall be collected at least twice weekly or more often if the need is indicated.
- l. Registration: It shall be the duty of the operator of the park to keep an accurate register containing a record of all occupants. The register shall contain the following information:
 - i. Name, address, and space number of each occupant.
 - ii. The date the manufactured dwelling or recreational vehicle entered the park; and
 - iii. The license number of each recreational vehicle and/or car, truck, etc. with state of issuance, make and type of vehicle.

The operator shall keep the register available at all times for inspection by the Enforcement Officer, law enforcement officials, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register.

- m. Park Manager Residence: A single family detached dwelling may be constructed for the manager of the park.
 - n. Pre-existing Dwellings: Pre-existing dwellings on the site may remain provided that they occupy approved spaces.
2. Manufactured Dwelling Park Requirements: The following design requirements apply only to Manufactured Dwelling Parks:
- a. Minimum Manufactured Dwelling Space Size: A manufactured dwelling space shall consist of a minimum of five thousand (5,000) square feet and shall have a width of at least forty-five (45) feet at the location of the manufactured dwelling stand. Every manufactured dwelling space shall be clearly established on the ground by permanent monuments or markers.
 - b. Each manufactured dwelling space shall meet the following minimum requirements:
 - i. Provision of a manufactured dwelling stand consisting of a properly graded and compacted surface no less than thirteen (13) feet by sixty (60) feet.
 - ii. Provision of a patio space constructed of concrete, brick, flagstone, or other hard surface material a minimum of two hundred and forty (240) square feet in area.
 - iii. Provision of a minimum two (2) foot wide walkway of a dustless, all-weather surface leading from the patio to the parking spaces.
 - c. Building Location:
 - i. The manufactured dwelling shall be set back a minimum of twenty (20) feet from the edge of private street pavement.
 - ii. A minimum thirty (30) foot separation shall be maintained between stands. For purposes of measuring separation and setbacks, a foundation shall be deemed equivalent to a stand.
 - iii. No manufactured dwelling shall be placed closer than five (5) feet to another manufactured dwelling or closer than three (3) feet to the boundary of the designated space.
 - d. Manufactured Dwelling Additions: Prefabricated structures specifically designed by the manufacturer as extensions and any other additions meeting the Robertson County Building Code may be added to any manufactured dwelling, provided that the setback

within the space and the thirty (30) foot separation between stands can be met and a building permit is obtained from the County.

- e. Construction and Design of Private Streets: Private streets shall meet the minimum design standards of Robertson County Subdivision Regulations.
- f. Park Access Points: If a park has more than one direct access to a public street, such access points shall be no less than two hundred (200) feet apart and no closer than three hundred (300) feet to a public street intersection.
- g. Parking:
 - i. Two (2) parking spaces shall be provided within each manufactured dwelling space.
 - ii. All parking spaces shall be paved or covered with four (4) inches of crushed stone.
 - iii. No parking will be allowed on private streets less than twenty-six (26) feet in pavement width.
- h. Landscaping: Landscaping shall be provided throughout the park with ample trees and shrubs to provide shade and break up open areas. All banks and open areas shall be grassed.
- i. Dwelling Setup: Each manufactured dwelling shall be set up in accordance with the standards established by the TN Department of Insurance and a Certificate of Compliance shall be obtained.
- j. Utilities:
 - i. All utilities shall be installed underground except where extreme physical conditions make this requirement unreasonable.
 - ii. Installation of water and sewer services for each manufactured dwelling stand shall comply with the Building Code for Plumbing.
 - iii. Minimum electric service of two hundred (200) ampere, one hundred and twenty (120)-two hundred and forty (240) volt single phase shall be provided to each manufactured dwelling stand. The service panel and its location, as well as all wiring shall be in accordance with the National Electrical Code.
 - iv. Each manufactured dwelling shall be required to connect to the utilities provided at each space.
 - v. Each park shall obtain water from a public water supply when available, and when unavailable, from a source approved by the County Health Department. The water supply and pressure shall be adequate for the park requirements. Water for drinking, cooking, laundry, and general sanitary uses for

each individual manufactured dwelling shall be obtained only from faucets or other plumbing connections located within each manufactured dwelling.

- vi. Each park shall be provided with an adequate sewage disposal system, either by connection to a public sewer or a septic tank constructed in compliance with the regulations of the County Board of Health. All sewage wastes from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water-using appliances not herein mentioned shall be piped into the park sewage disposal system.
 - k. Fuel Oil Drum: Each manufactured dwelling that requires the use of fuel oil shall be furnished with an oil drum (minimum capacity of one hundred fifty (150) gallons) set upon a painted, prefabricated metal stand.
 - l. Recreational Vehicles: No recreational vehicles is permitted on manufactured dwelling spaces in a Manufactured Dwelling Park.
3. Recreational Vehicle Park Regulations: The following design requirements apply only to Recreational Vehicle Parks:
- a. Minimum Space Requirements:
 - i. Each space shall consist of a minimum of two thousand (2,000) square feet.
 - ii. Each space shall be designated on the ground by permanent markers or monuments.
 - b. Setbacks: All structures, buildings, and sewage facilities shall meet the setback requirements for the district in which they are located.
 - c. Driveways: The park shall have all-weather driveways that directly abut all spaces and meet the minimum design standards of Robertson County Subdivision Regulations.
 - d. Parking: An all-weather surface area with sufficient dimensions to accommodate at least one automobile and camping vehicle shall be constructed within each space.
 - e. Utilities:
 - i. The installation, alteration, or use of all utilities including, but not limited to, electrical service, plumbing fixtures, and sewage disposal systems shall conform to all applicable codes.
 - ii. Water Supply:
 - Each park shall obtain water from a municipal water supply when available and, when unavailable, from a source approved by the Robertson County Health

Department. The water supply and pressure shall be adequate for the park requirements.

- Areas around faucets or drinking fountains shall be properly drained.

iii. Sanitary Facilities:

- Each park shall have a central structure or structures that will provide separate toilet and bathing facilities for both sexes.
- The minimum number of facilities per sex to be provided shall follow the schedule below:

Toilets: 1 per 15 spaces

Urinals: 1 per 30 spaces

(male facilities only)

Lavatories: 1 per 15 spaces

Showers: 1 per 15 spaces

- All toilet, shower, lavatory, and laundry facilities shall be provided and maintained in a clean, sanitary condition and kept in good repair at all times. They shall be safely and adequately lighted. Facilities shall be easily accessible to all persons and conveniently located.

iv. Sewage Disposal: Each park shall be provided with an adequate sewage disposal system, either by connection to a public sewer or a septic tank constructed in compliance with the regulations of the Department of Environment and Conservation. All sewage wastes from the park, including waste from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water-using appliances not herein mentioned, shall be piped into the park's sewage disposal system.

- f. Insect and Rodent Control Measures: Insect and rodent control measures to safeguard the public health shall be used in the park
- g. Retail Sales: The park may contain a retail sales counter or coin operated machines for the park residents' use only, provided they are enclosed within a structure and there is no exterior advertising.
- h. Permanent Sleeping Quarters: Permanent sleeping quarters for guests shall not be permitted within the park.
- i. Manufactured Dwelling in Recreational Vehicle Parks: It shall be unlawful for a person to park or store a manufactured dwelling in a Recreational Vehicle Park, except that one manufactured dwelling may be located within the park for exclusive use by the park manager or operator. This manufactured dwelling shall be located in an area designated on the site plan and approved by the Zoning Administrator.

F. Migrant Labor Housing

1. Minimum Area: Each site shall contain a minimum of two (2) acres of land. An additional two thousand (2,000) square feet of land shall be required for each worker in excess of twenty (20) people.
2. Setback:
 - a. The minimum street setback shall be one hundred (100) feet.
 - b. The minimum interior setback shall be fifty (50) feet.
3. Operation:
 - a. Not more than ten (10) people shall be housed in any one room or compartment for sleeping purposes. Rooms or compartments for sleeping shall contain a minimum of thirty-nine (39) square feet of floor space for each person.
 - b. Separate toilet and shower facilities shall be provided for male and female workers. A minimum of one toilet and one shower shall be provided for each ten (10) workers.
 - c. A laundry room shall be required with one wash sink of at least ten (10) gallons capacity for each ten (10) workers. Adequate clotheslines shall be provided.
 - d. Dining and food service facilities shall be provided and shall contain at least twelve (12) square feet of floor space per worker and shall be approved by the County Health Department.
 - e. All water, sewer, and sanitary facilities shall be approved by the County Health Department.
 - f. All garbage and refuse shall be stored in water-tight and fly-tight receptacles. It shall be the responsibility of the title holder of the property to insure that all garbage and refuse is regularly disposed of in a sanitary manner acceptable to the County Health Department.

G. Accessory Apartments and Buildings *(Amended by Resolution 061812045 June 18,2012)*

1. Minimum Area: Each site shall meet the minimum lot size for the district it is located in plus an additional 20,000 square feet for Level IV Accessory Apartments.
2. Size of apartment: Each accessory dwelling shall have a minimum of 650 square feet and shall not exceed 1,000 square feet or fifty (50) percent of the first floor of the primary dwelling, whichever is greater; the structure may be dwelling only or may combine dwelling with garage, workshop, studio, or similar use.

3. Setback:

- a. The accessory dwelling shall be located in a required rear yard behind the primary dwelling.
- b. The accessory dwelling shall meet the required side and rear setbacks for the district that it is located in.
- c. The accessory dwelling shall be separated by no more than thirty-five (35) feet from the primary dwelling. If the structure is attached to the dwelling, it shall be connected by roof line that conforms to architectural features of the dwelling and meet all residential building codes for attached or semi-attached dwellings.

4. Sanitary Facilities:

- a. The accessory dwelling will be served by a public water supply and meet all requirements for two-family dwelling established for water utility.
- b. The accessory dwelling may be connected to the existing subsurface sewage disposal system provided the system is adequate for the total number of bedrooms in both structures. This shall be verified in writing from the Tennessee Department of Environment and Conservation.

5. Access: The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling.

6. Ownership: The accessory dwelling shall be owned by the same person as the principal dwelling.

7. Lot Coverage: The primary structure and all accessory structures shall not exceed the maximum lot coverage established for the district.

8. Code Compliance: The accessory apartment shall be constructed in compliance with all applicable building codes adopted by Robertson County, including the conversion of existing accessory buildings.

9. Fees: The property owner is responsible for the payment of all fees associated with the construction of a new residential housing unit.

10. Number of Accessory Apartments: No more than one accessory apartment shall be permitted on a single deeded lot or parcel in conjunction with the principal dwelling unit.

8-2.3 Recreational Uses

A Athletic Fields

1. All public athletic fields shall have primary access to collector or thoroughfare streets.
2. Outdoor lighting associated with the use shall not shine directly into yards of a residential use nor into the windows of a residential structure.

3. All service areas will be separated by an opaque screen from the view from any street and from abutting properties; chain link and similar fencing materials, if used, shall be planted on the exterior side.

B. Country Clubs or Golf Courses

1. Minimum Area: The minimum area shall be two (2) acres in addition to the golf course(s).
2. Setback: There shall be a one hundred (100) foot minimum setback between clubhouses, swimming pools, lighted tennis courts or athletic fields and adjacent residentially zoned property.
3. Security Fencing: Outdoor swimming pools shall be protected by a fence, or equal enclosure, a minimum of four (4) feet in height, and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.

C. Golf Driving Ranges

1. Minimum Area: The minimum distance from the tees to the end of any open-air driving area shall be one thousand (1,000) feet. The minimum distance may be reduced if the end of the driving area is controlled with netting or other measures to prevent golf balls from leaving the driving area.
2. Security Fencing: Fencing, netting, trees, berms or other control measures shall be provided around the perimeter of the driving area to prevent golf balls from leaving.

D. Swim and Tennis Clubs

1. Minimum Area: The minimum area shall be two (2) acres; it shall be one acre if in an **R-30** or **R-20** District or located on common area within a development.
2. Setback: There shall be a fifty (50) foot minimum setback between clubhouses, swimming pools, lighted tennis courts or athletic fields and adjacent residentially zoned property.
3. Security Fencing: Outdoor swimming pools shall be protected by a fence, or equal enclosure, a minimum four (4) feet in height, and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.
4. Parking: In the **R-30** and **R-20** Districts, parking shall not occur within a front street setback or side street setback.

E. Swimming Pools

1. Setback: Pools shall be located to comply with the minimum setback requirements for accessory buildings, and structures Permitted in Required Setbacks).

2. Use Separation: Pools which are not an integral part of the principal building shall be located a minimum of ten (10) feet from the principal building.
3. Security Fencing: Swimming pools shall be protected by a fence or equal enclosure, a minimum of four (4) feet in height, and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.

F. Special Conditions for Entertainment and Group Assembly

1. No such facility shall be permitted on a zone lot, unless it contains sixty thousand (60,000) square feet.
2. The location, size and design of such facility shall be situated so that it will be compatible with the development within the surrounding area, thus reducing the impact upon such area.
3. No facility shall have a capacity for over one hundred (100) persons.
4. Each facility shall maintain a twenty (20) foot buffer strip between any residential area.
5. Any site lighting shall be indirect that will not illuminate the surrounding property.
6. Any proposed sign shall be limited to a monument sign no more than five (5) feet in height and twenty-five (25) square feet in surface area.
7. All off-street parking requirements of this resolution shall apply.
8. Any such facility may be considered an appropriate accessory use and structure to an existing residence so long as the existing residence serves as living quarters for persons regularly employed to provide catering and management services to the facility. The facility may be located in a separate building.

8-2.4 Governmental, Educational and Institutional Uses

A. 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.
5. The site and architectural plans shall be approved by the planning commission.

B. Development Standards for Cemeteries

1. The following standards shall be imposed upon the development and construction of cemeteries in Robertson County:
2. 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.
3. Any new commercial cemetery shall be located on a site containing not less than twenty (20) acres.
4. 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.
5. 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.
6. All required yards shall be landscaped and maintained in good order in accordance with state and local regulations.

C. Clubs or Lodges

1. Access: Except in the **AG-1**, **AG-2** and **RP-80** District, clubs or lodges shall have primary access to a collector or thoroughfare street.
2. Operations: Clubs or lodges shall not be open after 12:00 midnight when located adjacent to residentially zoned property.

D. Recycling Processing Centers

1. Use Separation: No such facility shall locate within a five hundred (500) foot radius of any residentially or public-institutionally zoned property.
2. Outside Storage: No outside storage of materials shall be permitted.
3. Operation: The facility shall be operated in a wholly enclosed building except that loading to a flatbed railcar may take place outside the building provided no materials remain on the loading area for more than twenty-four (24) hours.
4. Dust: All unpaved areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

E. Religious Facilities

1. No such facilities shall be permitted on a zone lot unless it contains double the minimum lot size except in the **AG-1** and **AG-2** Districts.
2. Location: The size and design of such facilities shall be situated on the lot so that the proposed facility will be compatible with the development within the surrounding area thus reducing the impact upon such area.

3. Setbacks: All required setbacks of the district shall be met and, in some instances, additional setbacks may be required to protect the integrity of the district.
4. Parking: Parking shall not occur within a required front yard setback. All off-street parking requirements of this resolution shall be met.
5. Accessory Use: Only one accessory building shall be allowed and it shall be set back a minimum of twenty (20) feet from any property line.
6. Access: Churches seating five hundred (500) or more persons shall have primary access to a collector or arterial street; however, churches in existence prior to the adoption of this provision are exempt from this requirement.

8-2.5 Business, Professional and Personal Services

A. Adult Entertainment Business

1. No establishment shall be located within one thousand (1,000) feet (measured property line to property line) of any church, school ground, college campus or park.
2. All establishments shall be located at least five hundred (500) feet measured property line to property line) of any other adult entertainment business.
3. No establishment shall be located within one thousand (1,000) feet (measured property line to property line) from any residential zoned property.
4. Prohibition of Sleeping Quarters: Except for an adult motel, no sexually oriented business may have sleeping quarters.
5. Restriction of Uses on the Same Property or in the Same Building: There shall not be more than one sexually oriented business in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any sexually oriented business.
6. Be in compliance with all provisions of the **Tennessee Code, Sections 7-51-1101 through 7-51-1121.**

B. Amusement Facilities Outdoor

1. Minimum Area: Minimum lot size shall be five (5) acres.
2. Setback: No principal buildings or structures shall be located within fifty (50) feet of any property line.
3. Security Fencing: Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of the park activities.

4. **Use Separation:** No amusement equipment, machinery, or mechanical device of any kind may be operated within two hundred (200) feet of any developed residentially or public and institutionally zoned property.

C. Automobile Towing and Storage Services

1. **Maximum Automotive Storage:**
 - a. In the **C-3** Restrictive Commercial District no more than twenty (20) motor vehicles shall be stored on the premises at any one time.
 - b. In the **C-4** Highway Service District no more than one hundred (100) motor vehicles shall be stored on the premises at any one time.
2. **Screening:** The automotive storage area shall be surrounded by a minimum six (6) foot high opaque fence.
3. **Operation:** No outdoor disassembly or salvaging shall be permitted.

D. Banks, Savings and Loans, or Credit Unions

1. **Maximum Floor Area:** The gross floor area shall not exceed three thousand (3,000) square feet in the **C-2** Neighborhood Commercial District. The total direct customer service floor space shall not exceed four thousand (4,000) square feet in the **C-3** Restrictive Commercial District.
2. **Drive-Thru Teller Services:** Drive-thru teller services shall be prohibited in the **C-2** Neighborhood Commercial District. In the all other commercial districts, the point of service for window tellers, remote tellers, or automated teller machines (ATMs) shall be located no closer than seventy-five (75) feet to residentially zoned property.

E. Bars

1. **Property Separation:** No such establishment shall be located within one thousand (1,000) feet of a church, elementary or secondary school, public park, or residentially zoned property.
2. **Frontage:** The main entrance of the building shall be toward a street zoned predominantly for nonresidential uses.
3. **Screening:** A minimum six (6) foot high opaque fence shall be erected adjacent to the property line of abutting residences.
4. **Parking:** Parking areas related to the establishment shall be located no closer than thirty (30) feet to the property line of abutting residences.

F. Car Washes

1. **Setback:** Building(s) shall be not less than one hundred (100) feet from any interior side or rear property line which adjoins residentially zoned property.

2. Screening: A minimum six (6) foot high opaque fence shall be provided adjacent to all residentially zoned property.
3. Operation:
 - a. All washing operations shall be contained in a building.
 - b. Specific areas shall be provided for the manual drying, waxing, polishing, and vacuuming of automobiles and other motor vehicles when these services are offered on the site. These areas shall not conflict with on-site circulation patterns.
 - c. Hours of operation shall be between 7:00 a.m. and 10:00 p.m. when the property adjoins developed residentially zoned property.
 - d. Adequate provisions shall be made for the safe and efficient disposal of waste products.

G. Group Assembly Activities

1. 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.
2. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
3. 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.
4. The site plan for such facilities shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facilities.
5. 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.
 - a. The minimum size site shall be twenty-five (25) acres.
 - b. The minimum setbacks of all structures from all public roads shall be one hundred (100) feet.
 - c. 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.
 - d. 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.

- e. Off-street parking shall be provided at a minimum of one 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.
- f. Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property.
- g. 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. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities.
- h. 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.

H. Shooting Ranges, Outdoor

- 1. Setback: No portion of the range shall be closer than three hundred (300) feet to any exterior property line.
- 2. Access: Access shall be controlled to prevent unregulated entrance to the firing area.
- 3. Security Fencing: Security fencing, a minimum of six (6) feet in height, shall be provided around the perimeter of the range.
- 4. Berms: Berms shall be of sufficient height and thickness to stop all rounds fired downrange. Elevation control is required along the shooting stands to prevent rounds from being fired over the berm.

8-2.6 Retail Trade

A. Automobile Wrecking, Junk and Salvage yards

- 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-Street Parking: As regulated in **Article V**.
6. Ingress and Egress: The number of vehicular access driveways permitted on any single street frontage shall be limited to:
 - a. One 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 Robertson County, except where a more stringent state or Federal law applies.

B. Convenience Stores (with fuel pumps)

1. Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.
2. Outside Storage: No outside storage of materials shall be permitted.
3. Fuel Service Islands/Pumps: There shall be no more than one fuel service island containing no more than four (4) fuel pumps.
4. Property Separation: In the **C-2** Neighborhood Commercial District, no such use shall be located within three-quarters ($\frac{3}{4}$) mile of another such use.

C. Convenience Stores (without fuel pumps)

1. Maximum Area: A maximum of three thousand (3,000) square feet of gross floor area shall be permitted per establishment.
2. Outside Storage: No outside storage of materials shall be permitted.

D. Flea Markets, Outdoor

1. Setback: No building, structure or sales area shall be located in any required setback.
2. Operation:
 - a. Off-street parking shall be provided as required in **Article V**, (Parking Requirements) for retail sales.
 - b. No more than twenty-five percent (25%) of the stalls or sales areas shall be used for the sale of goods at retail by businesses or individuals who are generally or traditionally engaged in retail trade.

8-2.7 Wholesale Trade

A. Petroleum and Petroleum Products (wholesale)

1. Setback:
 - a. Storage tanks protected by either an attached extinguishing system approved by the Fire Marshal, or an approved floating roof, shall not be located closer to an exterior property line than a distance equal to the greater dimension of either the diameter or height of the tank, except that such distance need not exceed one hundred and twenty (120) feet.
 - b. Storage tanks not equipped as indicated in 1) above shall not be located closer to an exterior property line than a distance equal to one and one-half ($1 \frac{1}{2}$) times the greater dimension of either the diameter or height of the tank, except that such distance need not exceed one hundred and seventy-five (175) feet.
2. Use Separation: Storage tanks and loading facilities shall be located a minimum of five hundred (500) feet from any existing residence or residentially zoned property.
3. Access: Gravel or paved roadways shall be provided to all storage tanks.
4. Security Fencing: Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of such facilities.
5. Dikes:
 - a. Tanks or groups of tanks shall be diked to prevent the spread of liquid onto other property, waterways, or drainage ways. The volumetric capacity of the diked area shall not be less than the capacity of the largest tank within the diked area.
 - b. Dikes or retaining walls shall be of earth, steel, concrete, or solid masonry designed and constructed to be liquid-tight and to withstand a full hydraulic head. Earthen dikes three (3) feet or more in height shall have a flat section at the top not less than two (2) feet in width. The slopes shall be consistent with the angles or repose of the material of which the dikes are constructed. Dikes shall be restricted to an average height of not more than six (6) feet above the exterior grade unless means are available for extinguishing a fire in any tank. Dikes enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave. A flareback section shall not be required for dikes and walls enclosing approved floating roof tanks. No loose combustible material, drums, or barrels shall be permitted within the diked area.
 - c. Where provision is made for draining rainwater from diked areas, such drains shall normally be kept closed and shall be designed so that when in use they will not permit flammable liquids to enter

natural watercourses, public sewers or public drains. Where pumps control drainage from the diked area, they shall not be self-starting.

6. Tank Maintenance:

- a. All storage tanks shall be maintained in a leak-proof condition with an adequately painted, rust-free exterior surface.
- b. A firm substrate shall be constructed under each storage area to eliminate differential subsidence and to prevent the product from seeping.

7. Operation: The product shall be sold in the same form as received and shall not be altered, except that two (2) or more products may be blended. Any other alteration of the product shall be deemed a manufacturing use, requiring approval of a Special Use Permit.

8. Storage: All storage facilities shall comply with the latest edition of the "Flammable and Combustible Liquids Code, NEPA 30" of the National Fire Protection Association.

8-2.8 Transportation, Warehousing and Utilities

A. Airports

1. Minimum Area: Fifty (50) acres for Basic Utility Stage 1 airport with two thousand (2,000) foot runway. More area is required for larger airports. Airport size and layout shall conform to current *FAA* requirements.
2. Use Separation: There shall be a minimum one hundred (100) foot distance between any airport building and the nearest property line.
3. Security Fencing: Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum six (6) feet in height.
4. Any proposed runway or landing strip shall be situated so that any structures, high voltage power lines, towers, chimneys, and natural obstructions within the approach zones shall comply with regulations for height restrictions in airport approach zones of the Federal Aviation Agency, Division of Aeronautics, or a municipal or other airport authority qualified by law to establish hazard zoning regulations.
5. There shall be sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the Federal Aviation Agency. If air rights or easements have been acquired from the owners of abutting properties in which approach zones fall, proof thereof shall be submitted with the application.
6. Off-street parking required: one space for every plane space within the hangars, plus one space for every tie-down space, plus one for every two (2) employees. Any airport in existence at the time of enactment of this provision shall be exempt from this provision.

7. All repair of airplanes and machinery shall be done inside hangars.
8. Residential uses shall not be located within the approach path or the noise cone as defined by the Tennessee Department of Transportation.

B. Transmission and Communication Towers and Stations

1. All towers with a height of one hundred fifty (150) feet (*from base to top*) or more shall be constructed in accordance with Electronic Industries Association (“EIA”) Standard 222E-1991, utilizing a wind rating of eighty (80) miles per hour plus ice loading for Robertson County, Tennessee. Each application for a building permit shall be accompanied by a certification by a professional engineer licensed in the State of Tennessee and competent in such design.
2. A site plan in compliance with **Article XI, Sections 11-3.3**, shall be approved by the Planning Commission prior to the issuance of a building permit.
3. All towers shall be set back from all property lines by a distance that is equal to:
 - a. for a guyed tower, twenty (20) percent of the height, and
 - b. for a self-supporting tower, fifty (50) percent of the height.
4. All applications for permits to build towers in Robertson County must be accompanied with a “Determination of No Hazard” from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.
5. The entire tract containing the tower and equipment shall be enclosed with a fence no shorter than six (6) feet in height. Access gates will be locked at all times when the site is not occupied.
6. Where the tower site abuts or is contiguous to any residential district, there shall be provided a continuous, solid screening, and it shall be of such plant material as will provide a year-round evergreen screening. Screening, as required herein, shall not be less than four (4) feet in height at the time of planting, and shall be permanently maintained.
7. All towers that require marking or lighting shall be done in compliance with Federal Aviation Administration regulations, but no tower shall be lighted from dusk to dawn by any form of white flashing light unless required by the Federal Aviation Administration.

C. Solar Energy Systems (Major) *(Amended by Resolution 122021139, December 20, 2021)*

1. Minimum Lot Area: Solar Energy System shall be located on sites that contain a minimum of ten (10) acres in either one tract or combination of sites.
2. Setbacks: No portion of a solar energy system shall be located closer than **150** feet from adjoining property lines that are not part of the site.

3. Buffering: Each site shall provide a landscape buffer strip as defined in *Section 2-2 of this Resolution* adjacent to all residential land uses. The buffer strip shall be shown on all site plans presented to the Planning Commission and Board of Zoning Appeals. Any alternative screening plan will need approval from the Planning Commission and Board of Appeals.
4. Light Reflection: It is recommended that all photovoltaic (PV) systems use nonreflective glass that are designed to absorb rather than reflect light. All plans for (SES) must include a *Visual Impact Analysis* of the site on the surrounding area.
5. Site Vegetation: All site plans shall include vegetation plan for the entire site detailing the type of ground cover to be used on the site. Large scale removal of existing mature trees on the site is discouraged, and any plans for this type of removal shall include a mitigation plan approved by the Planning commission. It is recommended that any vegetation not used for crop production or pasturing be planted with native perennial vegetation.
6. Fencing: All sites are required to have a minimum eight (8) foot fence surrounding the solar panels and all other equipment associated with the facility. Signage marking the facility must be clearly visible on all sides of the fence.
7. Power and Communication Lines: All power and communication lines on the site shall be located underground. Alternative plans may be approved by the Planning Commission where topography, geological conditions or other elements make compliance not feasible. In approving an alternative plans site aesthetics shall be considered.
8. Stormwater Management: Each site shall provide a stormwater management plan as part of the required site plan approval process. For the purpose of this provision the solar panel collector surface shall not be considered as an impervious surface providing that the area under the panels is planted with vegetation.
9. Height Requirements: Solar panels shall not exceed twenty (20) feet in height when oriented at maximum tilt.
10. Lighting: All lighting on the (SES) shall be for security and safety purposes only.
11. Code Compliance: All (SES) shall comply with all state and local adopted building codes and well as the National Electrical Code.
12. Decommissioning Plan: a decommissioning plan shall be filled with the County that ensures the facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not used for twelve (12) consecutive months. The plan shall include provisions for the removal of all structures, foundations electrical equipment and internal or perimeter access roads to a depth of four (4) feet, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. The applicant

shall submit a financial guarantee in the form of a **non-cancelable bond** in favor of the County equal to one hundred twenty-five (125) percent of the cost to meet the requirements of the decommissioning plan.

D. Solar Energy Systems (Accessory) *(Amended by Resolution 122021139, December 20, 2021)*

1. Limit: No lot or tract shall contain more than one Solar Energy System (SES).
2. Height: Building or roof mounted (SES) shall not exceed the maximum allowed height for the district it is located in. Ground or pole mounted SES shall not exceed twenty-five (25) feet in height.
3. Location: No (SES) shall be located in a front yard and comply with Accessory Building requirements for side and rear yards.
4. Code Compliance: All (SES) shall comply with all local adopted building codes and well as the National Electrical Code.
5. Approved Solar Components: Electric solar system components must have documentation that the products have been independently tested for compliance to a Nationally Recognized Electric Code.
6. Utility Notification: No grid-intertie photovoltaic system shall be installed until evidence has been given to the Department that the owner has notified the utility company of the customer's intent to install an interconnected customer-owned generator.

E. Small Wind Energy Systems (SWES): *(Amended by Resolution 122021139, December 20, 2021)*

SWES shall be a permitted use by right in all zoning districts, subject to the requirements set forth in this Section. Small energy systems include both pole and roof mounted systems.

1. Wind Turbine Height: Height shall be limited to a maximum height of 100 feet for tower mounted turbines. Roof mounted turbines are allowed a maximum height of fifteen (15) feet above the maximum height allowed in the zoning district.
2. Setback: No wind turbine shall be located closer than 1,000 feet from adjoining property lines and setback one hundred fifty (150) feet from any public maintained road.
3. Permit Requirements: A zoning compliance permit and building permit is required for all (SWES). Applications shall be accompanied by standard drawings of the wind turbine structure, including the tower, base and footings. All drawings shall be stamped by a licensed Tennessee professional engineer.
4. Compliance with FAA Regulations: All (SWES) shall comply with all applicable FAA regulations and the provisions established in *Section 7-3 Airport Zoning Provisions* of this Resolutions.

5. Utility Notification: No (SWES) shall be permitted until evidence is provided that local utility provider has been informed of the owner's intent and approved such plans. Systems that will not be connected to the grid are exempt from this requirement.
6. Visual Appearance: Towers shall not be painted in colors that would draw attention or stand out from the surrounding environment. No wind tower shall have any signage, writing, drawings or pictures on the tower at any time. In addition, no flags, streamers or decorative items may be attached to the tower or turbine at any time.
7. Removal of Defective or Abandoned Systems: Any wind energy system that is not functional shall be repaired or removed by the owner. A system is considered abandoned if it is not functional or operated for a period of six (6) months.

F. Large Wind Energy Systems (WES): (Amended by Resolution 122021139, December 20, 2021)

Large wind energy systems may be permitted in the **AG-1, AG-2, I-1, I-2 and I-3** zoning districts as a "*Special Exception*". All proposed systems shall receive approval from the Board of Appeals prior to presenting a Site Plan in compliance with *Section 11-3.3* for approval by the Planning Commission.

1. Total Height: Total height of the WES is measured at the highest point, above ground level, reached by a rotor tip or any other part of the system. All (WES) must be less than 200 feet in total height unless a variance is granted by the Board of Zoning Appeals. The rotor blades must maintain a twenty-five (25) foot clearance between the lowest point and the ground.
2. Setback: No wind turbine shall be located closer than 1,000 feet from adjoining property lines and setback from any public maintained road a minimum of the height of the (WES) plus fifty (50) feet.
3. All parts of the system meet accepted design
 - a. All (WES) must be designed by an accepted Tennessee licensed engineer that shall certify that certifies that the system meets all accepted professional standards.
 - b. All structures using a tower as the support structure must be designed against unauthorized climbing. The first twelve (12) feet shall be unclimbable by design and enclosed by an eight (8) foot high fence with secured access.
4. Compliance with FAA Regulations: All (WES) shall comply with all applicable FAA regulations and the provisions established in *Section 7-3 Airport Zoning Provisions* of this Resolutions.
5. Noise: The (WES) shall provide a Noise Impact statement detailing the noise generated at the property line of the facility. In cases where the system is located near developed residential and commercial areas noise abatement may be required by the Planning Commission.

6. Feeder Lines: All feeder lines used to collect power from individual turbines and associated communication lines shall be buried underground.
7. Visual Appearance: Towers shall not be painted in colors that would draw attention or stand out from the surrounding environment. No wind tower shall have any signage, writing, drawings or pictures on the tower at any time. In addition, no flags, streamers or decorative items may be attached to the tower or turbine at any time.
8. Decommissioning: All applications for approval of a (WES) shall be accompanied by a decommissioning plan to ensure that the facilities are properly removed after their useful life or should the facility be phased out or closed. A (WES) shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the County outlining the steps and schedule for returning the (WES) to service. The decommissioning plan shall be completed within one hundred twenty (120) days and include provisions for removal of all structures, foundations and the restoration of soil and vegetation. A cost estimate prepared by a competent party acceptable to the county shall be filled prior to the start of any construction. At the time the (WES) is approved by the Planning Commission it may require that the posting of a bond, letter of credit or the establishment of an escrow account to ensure that adequate funds are available to ensure proper decommissioning.
9. Compliance with State and Local Regulations: In addition to the provisions established above all (WES) shall comply with *Tennessee Code Annotated, Title 65 Public Utilities and Carriers, Chapter 17 Wind Energy Facility Siting*.

8-2.9 Manufacturing and Industrial Uses

A. Ammunition, Small Arms

1. Use Separation: No such facility shall locate within a five hundred (500) foot radius of any residentially or public and institutionally zoned property.
2. Security Fencing: Security fencing shall be provided along the entire boundary of such a facility.
3. Operation: The facility and its operation shall observe all Fire Prevention and Protection requirements.

B. Asphalt Plants

1. Setback: Any asphalt plant operations shall be located at least fifty (50) feet from any property line.
2. Security Fencing: Security fencing, a minimum of six (6) feet in heights, shall be provided around the perimeter of the operation.
3. Rehabilitation:

- a. Within one year after the cessation of production, all equipment and stock piles incidental to such operation shall be dismantled and removed by and at the expense of the owner.
 - b. The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public drainage ways, not to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course.
- 4. Dust: All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.
- 5. Access:
 - a. Access roads leading to any part of the operation shall be constructed with a gravel or asphalt stone surface and maintained in a dust-free manner.
 - b. Access roads shall be located no closer than fifteen (15) feet to any property line other than a railroad right-of-way line.
 - c. A plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic. Such routes shall be adhered to.

C. Mining and Quarrying Activities

- 1 The location of such an activity shall be in an area sparsely developed .during the length of time the mining or quarrying activity is anticipated:
- 2. Any permit issued hereunder shall be based on a site plan or other documents submitted with an application which shall provide for the following:
 - a. Existing contours of the site and up to one hundred (100) feet beyond the site boundary. Contour intervals shall be at two (2) foot intervals.
 - b. Location of the area in which the proposed quarrying activity is to be conducted.
 - c. Location of all proposed buildings, crusher and screening equipment, roadways and other facilities proposed on the site.
 - d. Proposed method of drainage of the quarry area.
 - e. Proposed fencing of the quarry area. Fencing shall be provided around all open excavations.
 - f. Methods proposed for blasting. Open blasting commonly referred to as "pop shots" shall be prohibited.

- g. Methods proposed to control noise, vibration and other particulate matter.
 - h. Finished contours of the site after the quarrying operation have been terminated. The site shall be graded and/or filled so as to be in substantial conformity with the topography of the surrounding lands. All fill material shall be nontoxic, nonflammable, and noncombustible solids. All areas that are backed-filled shall be left so that adequate drainage is provided.
- 3. Approval for mining and quarrying activity may also include accessory concrete batching plants, asphalt cement mixing plants and/or rock crushing activities on the same zone lot or adjoining zone lots which may have directly opposing frontages on the same public street. If such accessory activities are included on the quarry site, the total site must meet all the special condition requirements for mining and quarrying activities; however, in conditions of multiple zone lots, the outer perimeter of the site shall be considered the lot line.
 - 4. Before issuing a permit the Board shall require the owner of the quarry facility to execute a bond in an amount to be determined by the planning commission per acre of active quarry throughout a five (5) year period to restore the lands in the manner prescribed herein, including the removal of all structures and machinery.
 - 5. Any permit issued hereunder shall not be for a period exceeding five (5) years. After the expiration date of such special permit, the Board may review and grant an extension of time in the manner and procedure as prescribed for an original application.
 - 6. The site plan is first approved by the planning commission taking into account the above conditions as well as any other factors related to the use and operation of such facilities.

8-2.10 Temporary Uses

A. Asphalt Plants

- 1. Setback: Any asphalt plant operations shall be located at least fifty (50) feet from any property line.
- 2. Security Fencing: Security fencing, a minimum of six (6) feet in heights, shall be provided around the perimeter of the operation.
- 3. Rehabilitation:
 - a. Within one year after the cessation of production, all equipment and stock piles incidental to such operation shall be dismantled and removed by and at the expense of the owner.
 - b. The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public drainage ways, not to appreciably increase the

turbidity of any natural water course, or to occlude any existing drainage course.

4. Dust: All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.
5. Access:
 - a. Access roads leading to any part of the operation shall be constructed with a gravel or asphalt stone surface and maintained in a dust-free manner.
 - b. Access roads shall be located no closer than fifteen (15) feet to any property line other than a railroad right-of-way line.
 - c. A plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic. Such routes shall be adhered to.

B. Temporary Dwelling Unit in Cases of Special Hardship

1. In any residential district, a temporary use permit may be issued to place a mobile home temporarily on a lot where the principal structure was destroyed by fire, explosion or natural phenomena. The purpose of such temporary placement shall be to provide shelter for only the residents of the principal structure during the period of reconstruction and to prevent an exceptional hardship on the same. Placement of such temporary structure must not represent a hazard to the safety, health, or welfare of the community.
2. An applicant for a temporary use permit as provided under this subsection must produce a written statement from the appropriate regulatory authority approving the water supply and sewage disposal systems of the temporary structure. Such a 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 twenty-four (24) months.

8-2.11 Accessory Uses

A. Accessory-Agricultural Occupations

1. Property must be located in an Agricultural District and meet minimum lot size and dimensional requirements for the district.
2. No proposed use shall occupy more than one accessory building with a total square footage not to exceed three thousand (3,000) square feet.
3. Accessory buildings may not be altered so that the character of agricultural function is not maintained.

4. Any site within one hundred (100) feet of any residential structure on any adjoining lot shall maintain a twenty-five (25) foot buffer between the residential structures.
5. Provide an adequate parking area in compliance with **Article V**, of this resolution.
6. Any proposed sign shall be limited to one ground graphic no more than five (5) feet in height and twenty (20) square feet in setback, a minimum of eight (8) feet from the right-of-way.
7. No outside storage of goods or materials shall be visible from any public road. Uses involving the storage, transfer or disposal of hazardous materials shall not be permitted.
8. All automobiles or trucks parked on the site are required to have a current registration and license plates.

B. Group Assembly Activities

1. 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.
2. The traffic generated by such facility shall be safely accommodated along major streets without traversing local minor streets.
3. 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.
4. The site plan for such facilities shall be approved by the planning commission taking into account the above conditions as well as any other pertinent factors related to the use and operation of such facilities.
5. 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.
 - a. The minimum size site shall be twenty-five (25) acres.
 - i. The minimum setbacks of all structures from all public roads shall be one hundred (100) feet.
 - ii. 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.
 - iii. 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.

- iv. Off-street parking shall be provided at a minimum of one 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.
- v. Any lighting provided at such facilities shall be designed so that no direct light falls on adjacent residential property.
- vi. 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. Such uses may include food sales, beverage sales, gift or souvenir shops, and similar activities.
- vii. 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.

C. Home Occupation.

Home occupations may be conducted in any single-family dwelling unit provided that all of the following criteria are met:

- 1. The home occupation shall be conducted only inside the dwelling and one accessory building or garage on the site.
- 2. The business shall be conducted by a resident of the dwelling, and no more than one other person shall be employed in the business.
- 3. No more than twenty-five (25) percent of the total floor area of the dwelling shall be used for the home occupation.
- 4. The residence used for home occupation shall not be a storage facility for a business conducted elsewhere, nor shall any products be manufactured on the site other than arts or crafts produced by hand.
- 5. No activity, materials, goods, or equipment incidental to the home occupation shall be externally visible.
- 6. Only one sign, which shall not be over two (2) square feet, may be used to advertise a home occupation provided, however, that there shall be no sign advertising a home occupation in a platted subdivision. Said sign shall not be located within a right-of-way.
- 7. The use of the dwelling for a home occupation shall in no way destroy or be incompatible with the residential character of the dwelling or the neighborhood.
- 8. No more than one home occupation shall be carried on in a single residence.

D. Special Conditions for Small Animal Boarding and Housing

- a. No facility shall be permitted in Agricultural district that does not meet minimum lot size or in a Residential district that contains less than 60,000 square feet.
- b. No building for housing or boarding animals shall be located no closer than three hundred (300) feet from any adjacent residential structures.
- c. The location, size and design of such facility shall be situated so that it will be compatible with the development within the surrounding area, thus reducing the impact upon such area. The Board shall have the authority to require that any building used for these purposes be soundproofed to building code requirements.
- d. All kennel buildings shall be connected to some type of sanitary sewage disposal system which shall include all outdoor runs.
- e. All outdoor runs shall have a minimum six (6) foot fence with a cover or netting that prohibits escape or entrance. These runs shall have a hard surface that will allow for easy cleaning.
- f. Each facility shall maintain a thirty (30) foot buffer strip between any developed residential lot and when deemed appropriate by the board provide a tight evergreen buffer.
- g. Any site lighting shall be indirect that will not illuminate the surrounding property.
- h. Any proposed sign shall be limited to a monument sign no more than five (5) feet in height and ten (10) square feet in surface area.
- i. All off-street parking requirements of this resolution shall apply and the parking areas shall be constructed to meet ADA requirements.
- j. Any such facility may be considered an appropriate accessory use and structure to an existing residence so long as the existing residence serves as living quarters for persons regularly employed to provide catering and management services to the facility. The facility may be located in a separate building.

(Article VIII, Deleted and Replaced with New Article VIII, Resolution No. 052002058, May 20, 2002)
(Article VIII renumbered Article X, Resolution 06211044, June 21, 2010)

ARTICLE X

EXCEPTIONS AND MODIFICATIONS

SECTION

10-1 SCOPE

10-2 NONCONFORMING USES

10-2.1 Provisions Governing Nonconforming Uses

10-3 BULK AND LOT SIZE NONCOMPLIANCE

10-4 EXCEPTIONS TO HEIGHT LIMITATIONS

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10-6 EXCEPTIONS TO SETBACK REQUIREMENTS

10-7 ABSOLUTE MINIMUM LOT SIZE

ARTICLE X

EXCEPTIONS AND MODIFICATIONS

10-1 SCOPE

ARTICLE X, of this Resolution, is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided in **ARTICLE VI** and **ARTICLE VII**.

10-2 NONCONFORMING USES

The districts established in this Resolution (*as set forth in district regulations in **ARTICLE VI***) are designed to guide the future use of land in Robertson County, Tennessee, by encouraging the development of desirable residential, commercial, and industrial areas with appropriate groupings of compatible, and related uses and thus promote and protect the public health, safety, and general welfare.

As a necessary corollary, in order to carry out such purposes, nonconforming uses which adversely affect the development of such areas must be subject to

certain limitations. The provisions governing nonconforming uses set forth in this article are, therefore, established to contain the existing undesirable conditions resulting from such incompatible nonconforming uses, which are detrimental to the achievement of such purposes. While such uses are generally permitted to continue, this Resolution is designed to restrict any expansion of such uses beyond the site, which the use occupied upon the effective date of this Resolution.

In the case of buildings or other structures not complying with the bulk regulations of this Resolution, the provisions governing noncomplying buildings or other structures set forth in this article are established in order to permit the continued use of such buildings or other structures, but to limit the creation of additional noncompliance or increase in the degree of noncompliance.

These provisions are, thus, designed to preserve the character of the districts established in this Resolution in light of their suitability to particular uses, and, thus, to promote the public health, safety, and general welfare.

10-2.1 Provisions Governing Nonconforming Uses

A. Applicability

The provisions of this article are applicable to all uses, which are not permitted within the districts in which they are located. Additionally, buildings and other structures located within the floodway are considered within the regulations of nonconforming uses.

B. Construction or Use Permit Approved Prior to Resolution Adoption

Nothing contained, herein, shall require any change in the overall layout, plans, construction, site or designated use of any development, building, structure, or part thereof where official approvals and required building permits have been granted before the enactment of this Resolution, or any amendment thereto, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Resolution and completion, thereof, carried on in a normal manner within the subsequent six (6) months period, and not discontinued until completion except for reasons beyond the builder's control.

In the event that the activity or construction of such building or other structures is not substantially underway and being diligently pursued within the six (6) month period following the issuance of a building permit, then such permit shall automatically lapse and the provisions of this Resolution shall apply.

C. Repairs and Alterations

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

D. Zone Lot Containing Nonconforming Use

A zone lot containing a nonconforming use shall not be reduced in area except to comply with *Section C*.

E. Continuation of Nonconforming Use

Any nonconforming use which existed lawfully at the time of enactment of this Resolution and which remains nonconforming under the provisions contained herein or any use which shall become nonconforming upon enactment of this Resolution, or any subsequent amendments, thereto, may be allowed to continue in operation and be permitted provided that no change in use is undertaken.

F. Change of Nonconforming Use

1. General Provisions

For the purpose of this article, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

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.

2. Land with Incidental Improvements

In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall be changed only to a conforming use.

3. Nonconforming to Conforming Use

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

G. Expansion of Nonconforming Uses

1. General Provisions

Any nonconforming use which shall become nonconforming upon enactment of this Resolution, or any subsequent amendments thereto, may be allowed to expand operations and construct

additional facilities which involve an actual continuance and expansion of the nonconforming use provided that any such expansion shall not violate the provisions as set out below.

2. Land with Incidental Improvements

In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be allowed to expand through the addition of buildings or other structures.

3. Adequate Space for Expansion

No expansion or any nonconforming use shall infringe upon, or increase the extent of any infringement existing at the time of adoption of this Resolution, upon any open space required by this Resolution. All required yard setback requirements must be adhered to in any such expansion project.

4. Expansion Limited

Any expansion of a nonconforming use permitted under the provisions of this section shall take place only upon the zone lot(s) on which said use was operating at the time the use became nonconforming. Nothing within this provision shall be construed so as to permit expansion of any nonconforming use through the acquisition and development of additional land.

5. Expansion upon Land Subject to Flood

No expansion of any nonconforming use shall violate the provisions of *Section 7-2*.

H. Damage or Destruction

1. General Provisions

Any nonconforming use which shall become nonconforming upon enactment of this Resolution, or any subsequent amendments thereto, may be permitted to reconstruct damaged or destroyed facilities which involve any actual continuance of the nonconforming use provided that any such reconstruction shall not violate the provisions set out below.

2. Change in Use Prohibited

No reconstruction of damaged or destroyed facilities may occur which shall act to change the nonconforming use (*as regulated in Section G, above*) to other than a permitted use.

3. Land with Incidental Improvements

In all districts, when a nonconforming building or other structure or improvements located on "land with incidental improvements" (as defined by this Resolution) is damaged or destroyed to the extent of twenty-five (25) percent or more of the assessed valuation of all buildings, and other structure or other improvements located thereon (*as determined from the assessment rolls effective on the date of damage or destruction*), such nonconforming use shall terminate and the tract of land shall therefore be used only for a conforming use.

4. Infringement upon Open Space Restricted

No reconstruction of damaged or destroyed facilities utilized by a nonconforming use shall increase the extent of any infringement upon any open space required by this Resolution.

5. Reconstruction of Flood Damaged Property

The provisions of *Section 10-3*, shall apply to the reconstruction of all buildings and structures associated with any nonconforming use located within a floodway district.

I. Discontinuance

When a nonconforming use of land or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land is discontinued for a period of one year, then the land or building or other structure shall thereafter be used only for conforming use. Intent to resume active operations shall not affect the foregoing provision.

10-3 BULK AND LOT SIZE NONCOMPLIANCE

A. General Provisions

The provisions of this article shall control buildings and other structures 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.

B. Continuation of Use

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

C. Repairs and Alterations

Repairs, incidental alterations, or structural alterations may be made in noncomplying buildings or other structures subject to the provisions of *Section 10-3, D, through 10-3, F.*

D. 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 any portion of a building or other structure or parcel.

E. Buildings Noncomplying as to Lot Area

If a building does not comply with the applicable district regulations on lot area per dwelling unit (*lot area being smaller than required for the number of dwelling units on such zone lot*) such building may be converted (*except when in the floodway district*), provided that the deficiency in the required lot area is not thereby increased (for example, a noncomplying building on a lot of thirty-five hundred (3,500) square feet, which before conversion required a lot area of five thousand (5,000) square feet and was, therefore, deficient by fifteen hundred (1,500) square feet, can be converted into any combination of dwelling units allowed in the zoning district in question requiring a lot area of no more than five thousand (5,000) square feet).

F. Damage or Destruction of Noncomplying Uses

A noncomplying building which is damaged or destroyed may be reconstructed, provided that the reconstruction will not either create a new noncompliance or increase the degree of noncompliance of a building or structure or parcel or portion, thereof.

10-4 EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations of this Resolution shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, transmission towers, windmills not in residential zones, chimneys, smokestacks, conveyors, flag poles, public and semi-public radio towers, masts and aerials. Heights exceptions for radio towers and windmills in residential zoning districts shall be allowed only when approved by the Planning Commission.

10-5 LOTS OF RECORD

The following provisions shall apply to all existing lots of record:

- A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this Resolution does not

own sufficient land to enable him to conform to the yard or other requirements of this Resolution, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this Resolution. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as possible in the opinion of the Board of Zoning Appeals.

- B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this Resolution, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.
- C. Where two (2) or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

10-6 EXCEPTIONS TO SETBACK REQUIREMENTS

The front setback requirement of this Resolution for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

10-7 ABSOLUTE MINIMUM LOT SIZE

In no case shall the Building Commissioner or the Board of Zoning Appeals permit any zone lot in a residential district to be used as building site which is less than six thousand (6,000) square feet in total area and thirty (30) feet in width at its narrowest point, or has a front setback of less than fifteen (15) feet and a side setback of less than five (5) feet, with the exception of officially approved planned developments.

ARTICLE XI

ADMINISTRATION AND ENFORCEMENT

SECTION

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ARTICLE XI

ADMINISTRATION AND ENFORCEMENT

11-1 ZONING ADMINISTRATION

11-1.1 Zoning Administrator

Primary responsibility for administering and enforcing this Resolution may be assigned to one (1) or more individuals by the Chief Administrative Officer. The person or persons to whom these functions are assigned shall be referred to in this Resolution as the "Zoning Administrator". The term "Staff" or "Planning Staff" is sometimes used interchangeably with the term "Zoning Administrator" hereafter referred to as the Administrator. Any function or responsibility assigned by this Resolution to the Administrator may be delegated by such person to another employee or agent acting under the Administrator's control or at his direction, unless such delegation is prohibited.

The Administrator shall enforce, conduct reviews, ensure zoning compliance, and manage the development approval procedures set forth in this article for Robertson County.

A building permit and a certificate of occupancy are required for uses permitted by right, under prescribed conditions, or subject to an approved conditional district or special use permit, and all uses and structures accessory thereto.

A certificate of occupancy is required for changes in the use of property. Zoning compliance, under these regulations, is required for the issuance of building permits, certificates of occupancy, sign permits, and zoning use permits.

11-2 ENFORCEMENT OF THE RESOLUTION

11-2.1 Administration and Enforcement Procedure

If an application for a Building Permit or Certificate of Occupancy is denied because of non-compliance with these regulations, the Administrator shall provide notification of the denial and of the reasons therefore.

11-2.2 Right of Appeal

If a request for a zoning compliance permit is disapproved or if a ruling of the Administrator is questioned, any aggrieved party may appeal such ruling to the Robertson County Board of Zoning Appeals as provided in **Section 11-5.4 (Appeals to the Board)**. An appeal to the Board of Appeals, lawfully and completely filed within 30 working days of the date of the decision, shall stay enforcement action and penalties until a hearing has been held and a decision rendered by the Board of Appeals.

11-2.3 Penalties

In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this Resolution, an action for injunction, mandamus, or other appropriate action or proceeding to prevent such violation may be instituted by the Administrator or other authority designated by the Board of County Commissioners as enforcement agent(s) for this Resolution. Penalties and remedies are as follows:

A. 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**. Each day of violation shall be considered a separate offense, provided that

the violation of this Resolution is not corrected within thirty (30) days after notice of said violation is given.

B. Equitable Remedy

The Administrator may apply to a court of competent jurisdiction for any appropriate equitable remedy to enforce the provisions of this Resolution. It is not a defense to the Administrator's application for equitable relief that there are other remedies provided under general law or this Resolution.

C. Injunction

Enforcement of the provisions of this Resolution may also be achieved by injunction. When a violation occurs, the Administrator may, either before or after the institution of other authorized action, apply to the appropriate Court for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.

D. Orders of Abatement

In addition to an injunction, the Administrator may apply for and the court may enter into an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions:

1. Buildings or other structures on the property be closed, demolished, or removed;
2. Fixtures, furniture or other moveable property are temporarily moved or removed entirely;
3. Improvements, alterations, modifications or repairs be made; or
4. Any other action that is taken necessary to bring the property into compliance with this Resolution.

E. Execution of Court Decisions

If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt. The Administrator may execute the order of abatement and will have a lien on the property in the nature of a mechanic or material man's lien for the cost of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and by posting a bond for compliance with the order. The bond must be given with sureties approved by the appropriate court officer in an amount approved by the judge before whom the matter was heard and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

F. Stop-Work Order Issuance and Revocation of Permits

Whenever a building, structure or part thereof is being constructed, demolished, renovated, altered, or repaired in substantial violation of any applicable provision of this Resolution, the Administrator may order the specific part of the work that is in violation, or would be when the work is completed, to be immediately stopped. The stop work order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work.

The Administrator may revoke any permit (e.g., building, certificate of occupancy) by written notification to the permit holder when violations of this Resolution have occurred. Permits may be revoked when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this Resolution, or a permit has been mistakenly issued in violation of this Resolution.

G. Civil Penalty

In addition to the other remedies cited in this Resolution for the enforcement of its provisions the regulations and standards of this Resolution may be enforced through the issuance of civil penalties by the Administrator. Subsequent citations for the same violation may be issued by the Administrator if the offender does not pay the citation (except as otherwise provided in a warning situation) after it has been issued unless the offender has sought an appeal to the decision of the Administrator through the Board of Appeals. Once the ten (10) day warning period has expired, each day which the violation continues shall subject the violator to additional citations to be issued by the Administrator.

11-3 PERMITS REQUIRED

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 Commissioner.

No Building Permit shall be issued by the Building Commissioner 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.

11-3.1 General Application Requirements

A. Application for a Building Permit

1. Submission: All applications for permits under this Resolution shall be submitted by the ***owner of the property or his authorized agent***, unless otherwise specified. The Building Commissioner may require reasonable proof of agency from any person submitting an application as agent.
2. Form of Submission: An application for any permit under this Resolution shall be submitted in such form, number of copies, and format as required by the Building Commissioner issuing such permit, together with such fees as required.
3. Waiver of Submission Requirements: The Building Commissioner may waive submission of certain required information when such information is not necessary to review the application.
4. Processing: All applications for permits shall be submitted, reviewed, and processed in accordance with the requirements of this Resolution. The Building Commissioner may refuse to process an incomplete application.

B. Fee Schedule

The Robertson County Board of County Commissioners shall establish a schedule of fees and a collection procedure for Building Permits. The schedule of fees shall be available in the Office of the Building Commissioner. 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.

C. Flood Plain Development Permit

A Flood Plain Development Permit shall be obtained in conformance with the provisions of this Resolution prior to the commencement of any development activities in any identified flood hazard area. Where otherwise required, a grading permit or building permit may serve as the flood plain development permit. Development activities shall include, but not be limited to: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. The following information is required:

1. Lowest Floor Elevation: Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures.

2. Floodproofing Elevation: Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.
3. Base Flood Elevation Not Provided: Where base flood elevation data are not provided, the application for a development permit must show construction of the lowest floor at least two (2) feet above the highest adjacent grade.
4. Watercourse Alteration or Relocation: Where any watercourse will be altered or relocated as a result of proposed development in a flood hazard area, the application for a development permit shall include: a description of the extent of watercourse alteration or relocation; a report certified by a registered professional engineer on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects on properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation.
5. Certificate Required: A floor elevation (*Elevation Certificate*) or floodproofing certificate is required in accordance with **Section 7-2.3 C**, Certificate of Floor Elevation/Floodproofing. When a nonresidential structure is floodproofed, the applicant shall provide a certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria.

D. Grading Permit

(RESERVED FOR FUTURE USE)

E. Temporary Permits

1. Purpose: The purpose of this permit is to authorize a specific use for a defined period of time as authorized in this Resolution and to coordinate health, traffic, and other inspections necessary to the safe and healthful operation of the use.
2. Application: Application for a temporary event permit shall be made to the Zoning Administrator in the time prescribed for the specific use by this Resolution.
3. Permit Required: A temporary permit shall be obtained for nonpermanent facilities and activities with a duration prescribed by the specific use in this Resolution.
4. Requirements for Permit Issuance: A temporary event permit shall not be issued until evidence is shown that the following requirements have been or will be complied with:
 - a. An approved parking plan for the use that does not conflict with any permanent use that may be located on the property.
 - b. Written authorization from the property owner or his agent for the event to take place.

- c. An approved plan for the hours of operation that meets all requirements of this resolution.
- d. Licenses and/or permits required by other agencies have been obtained prior to the issuance of the temporary event permit.
- e. Adequate arrangements shall be demonstrated for collection of sanitary sewage and solid waste.

F. 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 and any other resolutions adopted by the *Board of County Commissioners*, the Building Commissioner shall issue a Building Permit for such excavation or construction. If an application for a Building permit is not approved, the Building Commissioner shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed a waiving of any provisions of this Resolution or any other resolution.

G. Permit Expiration

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.

11-3.2 Residential Plans Required

A. Site Plan Requirements

Site plans containing the information required for the particular use by his section must be submitted to the Building Commissioner at the time of an application for a building permit. It is specifically anticipated that the approval process for one and two-family detached houses and individual mobile homes shall be administratively approved by the Building Commissioner. All other uses shall only be approved in the manner set forth in **Section 11-3.3**, below.

B. Site Plans Required for One and Two-Family Detached Houses and Individual Mobile Homes

- 1. The actual shape, location, and dimensions of the lot to be built upon.
- 2. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot and the elevation of the building site.

3. The existing and intended use of all such buildings or other structures, upon it, including the number of dwelling units the building is intended to accommodate.
4. The size and location of all yards and open areas required by this resolution.
5. The dimension and location of all public water and sewer lines from which the property is to be served.
6. The location and approximate dimension of all points of access to a public street or road.
7. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this resolution are being observed.
8. Where subsoil sewage disposal is anticipated, certification from the county health department approving the lot for such use.

11-3.3 Site Plan Requirements

The purpose of this provision is to prevent undesirable site development which would unduly create inadequate circulation and unnecessary congestion: to obtain maximum convenience, safety, economy, and identify in relation to adjacent sites: and to provide maximum flexibility for expansion, change in use, and adapting to individual needs. Thus, applicants for building permits must submit fifteen (15) copies of the site drawings drawn to scale and prepared by a licensed surveyor, civil engineer, architect or landscape architect containing the following information:

1. General Location Sketch Map at a scale not smaller than 1"=2,000', showing:
 - a. The approximate boundaries of the site.
 - b. External public access streets or roads in relation to the site.
 - c. Surrounding development (i.e., general residential, commercial, and industrial areas) within the general vicinity of the site.
 - d. Any public water and sewer systems in relation to site.
2. Site plan drawn at a scale no smaller than 1"=100' showing:
 - a. The actual lot drawn with all dimensions along with the dimension of all rights-of-ways and easements adjacent to the property.
 - b. The shape, size, and location of all existing buildings or other structures on the lot.

- c. 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.
 - d. Site topographic features showing both existing and proposed contours at a vertical interval, no greater than two (2) feet.
 - e. Location of all driveways and entrances.
 - f. Location of all accessory off-street parking areas provided to serve use, all spaces shall be delineated on the plan showing the dimensions of all spaces along with traffic aisles.
 - g. Any required off-street loading areas with adequate space to access into and out of the berths.
 - h. Landscaping plan for the site showing all required landscaping and for Planned Unit Developments the existing trees on the site.
 - i. Plans for the buildings to be constructed showing building elevations, exterior materials and building heights.
 - j. Proposed ground coverage recap of the site including floor area of the building, square footage of all impervious areas and amount of open space provided.
 - k. Location of all areas designated for solid waste along with a sketch of the proposed screening for the area.
 - l. Location and dimensions of required buffer along with a cross section of buffer with the type of planting specified. In the advent that a fence or wall is proposed in lieu of a buffer the location of the fence shall be shown along with a sketch of the proposed fence or wall.
 - m. A site grading and drainage plan showing all on site structures, discharge points and the effect on adjacent properties and drainage ways. The location of any area subject to flooding mapped or unmapped shall be shown on the plan.
 - n. Site utility plan to serve the proposed site.
 - o. Show location, type, and size of proposed signs.
3. Site Plan Exempt from Planning Commission Approval Requirements

Building additions and accessory buildings 500 square feet or less, building additions 1,000 square feet or less, that do not

increase the capacity of the principal use and "Home Occupation" plans are exempt from submitting a complete site plan as required in **Section 11-3.3, 2** of this Resolution. In lieu of a site plan the owner or developer shall submit to the Planning Commission Staff a site sketch plan containing the following information.

The following information is required on a site sketch plan:

- a. General location map (no scale required).
- b. Map of the site drawn by a licensed surveyor or engineer showing existing or proposed plan-o-metrics in relation to property lines.
- c. Proposed location of the addition or accessory structure, drawn at a scale no smaller than 1"=100' showing property lines and the outline of the existing building in this area.
- d. A drainage plan will be required for any addition or accessory structure that disturbs soil structures or natural drainage areas.
- e. Location and size of any public utilities in area of construction.
- f. On sites located adjacent to residential areas a plan for screening and buffering will be required for commercial structures.
- g. A revised ground coverage recap of the site, if existing pervious area is disturbed.
- h. A review fee based on the Robertson County Planning and Zoning Fee Schedule will be assessed at the time plans are submitted.

4. The planning commission as reviewing body may:

- a. Recommend approval of the plan as submitted to the building inspector.
- b. Recommend disapproval of the plan.
- c. Recommend approval of the plan with conditions or recommendations for alterations.

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.

5. Site Development Agreement Required:

All developments that require site plan approval by the Robertson County Regional Planning Commission shall execute a "Site Development Agreement" between the developer and the county prior to a building permit being issued. A copy of the required agreement is part of this resolution and is provided in *Appendix A* of this resolution

11-4 CERTIFICATE OF COMPLINACE/OCCUPANCY

No Certificate of Compliance/Occupancy shall be issued for any building, structure, or development activity not in compliance with the provisions of this Resolution. A Certificate of Compliance shall be issued after completion of construction or alterations of such building, structure, or development activity after:

- A. Inspection by the Zoning Administrator to determine compliance with all applicable provisions of this Resolution; and
- B. Compliance with all applicable provisions of related health, building, and fire codes.

11-5 BOARD OF ZONING APPEALS

11-5.1 Creation and Appointment

County Board of Zoning Appeals is hereby established in accordance with ***Section 13-7-106 through 13-7-109, Tennessee Code***. The County Board of Zoning Appeals shall consist of five (5) members and have jurisdiction within the unincorporated area of Robertson County.

11-5.2 Members

Members of the Board shall serve for five (5) year terms or until their respective successors are appointed and qualified, 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

All members of the Board shall serve with such compensation as may be fixed by the County Commission and may be removed from membership on the Board for continued absence or just causes. Any member being so removed shall be provided, upon his request, a public hearing upon the removal decision. Vacancies of said Board shall be filled for the unexpired term of those members whose position has become vacant in the manner provided herein for the appointment of such member.

11-5.3 Procedure and Rules

All meetings of the Board of Appeals shall be held at an established location and shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, an indication of such fact. Final disposition of business before the Board shall be recorded in the minutes, indicating the testimony before the Board therefore, all of which shall become a part of the public record.

No discussion or action on a case shall be taken unless a quorum of the membership is present and voting. The Board shall operate under a set of rules of procedure adopted by the membership.

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.

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.

Any officer, agency, or department of the county or other aggrieved party may appeal any decision of the Board to a court of competent jurisdiction as provided for by State law.

Appeals will be assigned for hearing in the order in which they appear on the calendar thereof, except that appeals may be advanced for hearing by order of the Board, good, and sufficient cause being shown.

At the public hearing of the case before the Board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption from the other.

Every application for a hearing before the Board of Zoning appeals shall pay a fee as required in the Robertson County Planning and Zoning Fee Schedule to assist in covering the cost of review, processing, advertising and administration of each case. The applicant shall also be responsible for obtaining a notification sign from the Planning Office and placing it on the property fifteen (15) days prior to the hearing by the Board of Appeals.

11-5.4 Appeals to the Board

An appeal to the Robertson County Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by a decision of the zoning administrator based in whole or in part upon the provisions of this resolution. Such appeal shall be taken by filing with the Board of Zoning

Appeals a notice of appeal specifying the grounds, thereof of the appeal. The zoning administrator shall transmit to the board all papers constituting the record upon which the action appealed was taken.

The Board shall fix a reasonable time for the hearing of the application or appeal; shall give at give at least fifteen (15) day notice, of the time and place of the hearing in a newspaper of general circulation in County and to the parties in interest and adjacent property owners. At the hearing, any person or party may appear in person, by agent, or by attorney.

11-5.5 Powers of the Board

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, requirements, permit, decision, determination, or refusal made by the building commissioner or other administrative official in the carrying out or enforcement of any provisions of this resolution.

B. District Boundary Determination

To determine the location of zoning district boundaries, when it is alleged that an error, an omission or other condition has resulted in an indeterminate boundary condition.

C. Special Exceptions

To hear and decide in accordance with the provisions established in this resolution requests for special exceptions for which the Board of Appeals is authorized to consider.

D. Variances

To hear and decide applications for variances from the terms of this resolution, where by reason of exceptional narrowness, or shape of a specific piece of property at the time of the enactment of this resolution or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of such of such regulation will result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner in meeting the requirements. Such relief may be granted, provided that the granting of such relief without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Plan and Zoning Resolution.

11-5.6 Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Administrator certifies to the Board after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause eminent peril to life or property. In such instance, the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of competent jurisdiction on application, on notice to the Administrator, and on due cause shown.

11-5.7 Right of Entry Upon Land

Upon notice to property owners, the Board, its members and employees in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys.

11-5.8 Rehearing's

- A. No rehearing of the decision by the Board shall be had except:
 - 1. On motion to reconsider the vote; or
 - 2. On a written request for a hearing.
- B. If the motion to reconsider receives a majority affirmative vote, the Board of Zoning Appeals may vote on the motion to grant the request for a rehearing, subject to such conditions as the Board may, by resolution in each case, stipulate.
- C. No request to grant a rehearing will be entertained unless new evidence is submitted which could not reasonably be presented at the previous hearing.
- D. No rehearing for a variance shall be granted to 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.

11-5.9 Court Review

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Zoning Appeals may appeal the same to the Chancery Court of Robertson County. If upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a reference to take such evidence as it may direct. This evidence shall be reported to the court with findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.

11-6 VARIANCE PROCEDURE

11-6.1 Petition for Appeal or Variance

An appeal may be initiated by any aggrieved party or by any officer of the County.

A petition for variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

11-6.2 Filing of Notice of Appeal

A notice of appeal shall be filed with the Zoning Administrator or designated staff contesting any order, decision, determination, or interpretation within thirty (30) working days of the day the order, decision, determination, or interpretation is made or rendered by an administrative officer. The Board of Appeals may waive or extend the thirty (30) day deadline only upon determining that the person filing the notice of appeal received no actual or constructive form of notice of the order, decision, determination, or interpretation being appealed. The notice filed with the Zoning Administrator or designated administrator shall be accompanied by a nonrefundable filing fee as established by the County Commission and a list of adjoining properties including tax parcel numbers and the name and address of each owner. Failure to file timely notice and fee shall constitute a waiver of any rights to appeal under this chapter.

Upon receipt of a notice of appeal the Zoning Administrator or administrative officer shall transmit to the Chairman of the Board of Appeals copies of all administrative papers, records, and other information regarding the subject matter of the appeal.

The filing of such notice shall stay any proceedings in furtherance of the contested action, except the Zoning Administrator may certify in writing to the Board of Appeals that because of facts stated in the certificate, a stay imposes an imminent peril to life or property or would seriously interfere with the enforcement of these regulations. The Board of Appeals shall then review such certificate and may override the stay of further proceedings.

11-6.3 Filing a Variance Petition

A petition for variance, in the form prescribed by the Board of Appeals, shall be filed with the Zoning Administrator or designated administrator, accompanied by a non-refundable filing fee as established by the County Commission and a list of adjoining properties including tax parcel numbers and the name and address of each owner.

11-6.4 Notice and Hearing:

The Board of Appeals shall, in accordance with rules adopted by it for such purpose, hold public hearings on any appeal or variance petition that comes before it.

The Board of Appeals shall, prior to the hearing, mail written notice of the time, place, and subject of the hearing to the person or persons filing the notice of appeal or variance petition, to the owners of the subject property, and to the owners of property adjacent to the subject property.

11-6.5 Standards for Granting an Appeal:

The Board of Appeals shall reverse or modify the order, decision, determination, or interpretation under appeal only upon finding an error in the application of these regulations on the part of the officer rendering the order, decision, determination, or interpretation.

In modifying the order, decision, determination, or interpretation, the Board of Appeals shall have all the powers of the officer from whom the appeal is taken.

11-6.6 Standards for Granting a Variance:

Before granting a variance, the Board of Appeals shall have made the following findings:

That practical difficulties or unnecessary hardships, as defined in **(Subparagraph 2)** below, would result from the strict application of these regulations; and

That the variance is consistent with the objectives and policies of any adopted plan for the district or area covering the property, any other adopted written policies governing land development, and the construction and improvement of public facilities, and the general intent of these regulations; and

That the public safety and welfare have been protected and substantial justice done.

Only the following three conditions shall constitute a practical difficulty or unnecessary hardship and all must be met:

The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; and

The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties classified in the same zoning district and/or used for the same purposes; and

The difficulty or hardship resulting from the application of these regulations would prevent the owner from making a reasonable use of

the property. The fact that the property could be utilized more profitably or conveniently with the variance than without the variance shall not be considered as grounds for granting the variance.

The Board of Appeals shall not grant a variance which would allow the establishment of a use which is not otherwise permitted in the district, would result in the extension of a nonconforming use, or would change the zoning classification of any or all of the subject property. The existence of a non-conforming use of neighboring land, buildings, or structures in the same district or of permitted or non-conforming uses in other districts shall not constitute sufficient reason for granting the requested variance.

The fact that property may be utilized more profitably will not be considered adequate to justify the Board of Appeals in granting a variance.

11-6.7 Action by the Board of Appeals

The concurring vote of majority of the members present and voting shall be necessary to grant an appeal or request for a variance. The Board of Appeals shall grant or deny the variance or shall reverse, affirm, or modify the order, decision, determination, or interpretation under appeal by recording in the minutes of the meeting the reasons that the Board of Appeals used and the findings of fact and conclusions of law made by the Board of Appeals to reach its decision.

11-6.8 Effect of Variance, Reversal or Modification of Administrative Decision

After the Board of Appeals approves a variance, or reverses or modifies an order, decision, determination, or interpretation of an administrative officer, the appellant or petitioner shall be responsible for obtaining a building permit and/or certificate of occupancy, as applicable, in order to proceed with development of the subject property. All orders, decisions, determinations, and interpretations made by administrative officers under those procedures shall be consistent with the variance, reversal, or modification granted to the appellant or petitioner by the Board of Appeals.

11-6.9 Rehearing

The Board of Appeals shall refuse to hear an appeal or variance petition which has been previously denied unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

11-6.10 Appeal from Board of Appeals

A written copy of the Board's decision shall be delivered to the appellant either by personal service or by certified mail. Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals, or any agent of Robertson County, may appeal the decision of the Board within thirty days after said decision is filed in the

Office of the Board of Appeals or after a written copy thereof is delivered to the appellant, whichever is later. Appeal shall be in the form of a petition for review to the Superior Court.

11-7 SPECIAL EXCEPTION PROCEDURE

11-7.1 Purpose

This section provides the standards and procedures for locating uses that may be compatible with the purpose and intent of a given zoning district, but nonetheless have the potential for substantial impacts on other uses permitted in the same zoning district and the surrounding area. In order to ensure that these uses would not be detrimental to surrounding development, and in keeping with the purposes of the district in which they are proposed to be placed, they are not allowed to be established as a matter of right. Such uses may be established only after a review of the specific proposal and approval of a Special Exception Permit.

11-7.2 Application

A request for a Special Exception Permit will be considered only if requested by the owner or an authorized agent of the property owner. Applications for all Special Exception Permits or amendments to any approved special use permit must be filed in the office of the Zoning Administrator, accompanied by a fee established by the County Commission. Such application must include documentation as required by **Subparagraph A** (*below*) and as may be required by subparagraph B (*below*).

A. Application Content: A petition requesting a special use permit must be accompanied by a site plan, drawn to scale, and any necessary supporting text, which shall include all data specified in subparts 1 through 14 below. Where the type of use or scale of proposal makes providing any of the following items unnecessary or impractical, the Zoning Administrator may waive individual items.

1. A boundary survey and vicinity map showing the property's total acreage, zoning classification(s), general location in relation to major streets, railroads, and/or waterways, date, and north arrow;
2. Existing topography and the general nature of the proposed topography at five (5) foot contour intervals or less;
3. All existing easements, reservations, rights-of-way, and any other restrictions on the use of the land;
4. Number and general location of proposed structures;
5. Proposed use of all land and structures, including the

number of residential units or the total square footage of any nonresidential development;

6. All yards, buffers, screening, and landscaping required by these regulations;
7. Any proposed screening, buffers, and landscaping over and above that required by this Resolution, as well as proposed treatment of any existing natural features;
8. All existing and proposed points of access to public streets; the location of proposed new streets;
9. Delineation of areas within the regulatory flood plain as shown on the Official Flood Maps;
10. Proposed number and location of signs;
11. Proposed phasing, if any, and approximate completion time for the project;
12. The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development, for evaluation by the town's consulting engineer;
13. Traffic, parking, and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets, existing and proposed;
14. A listing of adjoining properties including tax parcel numbers and the name and address of each owner provided in digital form if possible.

B. Additional Information: In the course of evaluating the proposed use, the Zoning Administrator, Planning Commission or Board of Appeals may request additional information from the petitioner. Such requests shall stay consideration of the special use permit by the Planning Commission or Board of Appeals. Information requested may include the following:

1. The location of significant trees on the petitioned property;
2. Scale of buildings relative to adjoining properties, including sight lines;
3. Height of structures;
4. Exterior features of proposed development;
5. Any other information needed to demonstrate compliance with these regulations.

- C. Plans Part of Application: The site plan, building elevations, perspectives, sections, and any supporting text shall constitute part of the Special Exception Permit application for all purposes under these regulations.
- D. Copies of Petition: The Zoning Administrator shall determine the number of copies of each petition and accompanying documentation to be submitted by the petitioner so that copies may be circulated to all appropriate agencies for review and comment.

11-7.3 Withdrawal or Amendment of Special Use Permit Application

An application for a Special Exception Permit may be withdrawn or amended in the same manner as a proposed amendment to the zoning map, following the procedures of **Section 11-7.2, Application**.

11-7.4 Hearing, Findings, Recommendation and Decision

- A. Hearing:
 - 1. A Special Exception Permit hearing will be conducted as a quasi-judicial hearing before the Board of Appeals.
 - 2. The applicant has the burden of producing competent, material, and substantial evidence establishing that:
 - a. The proposed special use will comply with all of the lot, size, yard, and other standards established by this Resolution which applies to all uses permitted in the zoning district in which the property is located; and
 - b. The proposed special use will comply with all general and specific standards required by the appropriate section of this ordinance for the issuance of a Special Exception Permit for this use.
- B. Required Findings: The Special Use Permit shall be granted by the Planning Commission or Board of Appeals when each of the following findings has been made:
 - 1. That the use will not materially endanger the public health or safety if located where proposed;
 - 2. That the use will meet any restrictions imposed pursuant to **Section 11-7.6 (Greater Restrictions)**;
 - 3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

4. That the location and character of the use will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the County and its environs. If the Board of Appeals does not make these findings, and then the Special Exception Permit shall not be granted.

C. Recommendation and Decision:

1. In considering an application for a Special Exception Permit, the Planning Commission in an advisory capacity and the Board of Appeals, in a decision making capacity, shall consider, evaluate and may attach reasonable and appropriate conditions and safeguards to the location, nature, and extent of the proposed use and its relation to surrounding property, for the purpose of ensuring that the conditions of permit approval will be complied with and any potentially injurious effect of the special use on adjoining properties, the character of the neighborhood, or the health, safety, and general welfare of the community.
2. Any such conditions may relate to parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, intensity of site development, the timing of development, and other matters the Board of Appeals may find appropriate or the applicant may propose. The applicant will have a reasonable opportunity to consider and respond to any additional conditions or requirements prior to final action by the Board of Appeals.

11-7.5 Effect of Approval or Denial of Permit

- A. Effect of Approval: Approved applications for a special use permit along with all conditions which may be attached to the approval are binding on the property. Unless terminated by procedures established **Section 11-7.11** (*amendment to an Approved Special Exception Permit*), below, all subsequent development and use of the property must be in conformance with the special use permit and all plans, specifications, and conditions.
- B. Effect of Denial:
1. If an application for a special use permit is denied by the Board of Appeals, a reapplication for that special use on that property may not be instituted within one (1) year of the date of denial.
 2. The Board of Appeals may allow re-submission of the application within the one (1) year restricted period if it determines that, since the date of action on the prior application, one (1) of the following criteria has been met:
 - a. The Board of Appeals has adopted a new or amended plan for the area that changes public policy regarding

how the subject property and/or the general area affected by the special use permit should be developed; or

- b. Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred or is to occur in such a time frame as to serve the property and comfortably accommodate the type and intensity of development which would be allowed under the proposed special use permit; or
- c. There has been a substantial change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one-year restriction on resubmission of a special use permit application for the property; this shall not include a change in the ownership of the subject property nor a change in the scale or features of the development proposed in the prior application.

11-7.6 Greater Restrictions

In granting a Special Exception Permit, the Board of Appeals may impose more restrictive requirements, as it may deem necessary in order that the purposes and intent of this Resolution are served.

11-7.7 Permit Perpetually Binding

Unless expired or discontinued, any Special Exception Permit so authorized shall be perpetually binding upon the property unless subsequently changed or amended as provided for in this Article, or until a use otherwise permitted in the zoning district is established.

11-7.8 Compliance with Approved Permit

No permit shall be issued for any development activity on property subject to a Special Exception Permit except in accordance with the approved Special Exception Permit.

11-7.9 Submission of Site Plans

Site plans for any development made pursuant to any Special Exception Permit shall be submitted for review in the same manner as other development plans required by this Resolution.

11-7.10 Minor Modifications

In accordance with **Section 11-10.4** (*Minor Modifications of Conditions in Conditional Zoning Districts*) the Planning Commission may approve minor modifications of the conditions in the Special Use Permit where such modifications will result in equal or better performance, provided that the objective and purpose of the requirements and conditions of the Special Use Permit are maintained.

11-7.11 Amendment to an Approved Special Use Permit

- A. The owner of property which is subject to an approved special use permit may petition for an amendment of the special use permit and accompanying conditions by following the procedures applicable to initiation of new special use permits.
- B. Evidence presented at the hearing on the proposed amendment will be limited to the effect of the proposal on the original special use permit, any plans or conditions which were a part of the original special use permit, and the present standards and requirements in this zoning ordinance.
- C. The Board of Appeals may change or amend a Special Exception Permit in the same procedure as that required for the original issuance of the Special Exception Permit. No proposal to change or amend any Special Exception Permit shall be considered within one year after the date of the original authorization of such permit, or within one year after the hearing of any previous proposal to change or amend such permit.

11-7.11 Violation of Permit Conditions

Any violation of a condition in an approved Special Exception Permit shall be treated the same as any other violation of this Resolution and shall be subject to the same remedies and penalties as any such violation. The Board of Appeals may, after a hearing, revoke such permit on all or part of a development if it finds that the violation was intentional, was continued for an unreasonable time, or was substantially inconsistent with the purposes of the zoning district.

11-7.13 Expiration or Discontinuance

- A. Expiration of Permit: Authorization of a Special Exception Permit shall be void after two (2) years or such lesser time as the authorization may specify unless use of the property has begun and/or a footing inspection has been passed.
- B. Discontinuance of Permitted Activity: If any special exception is discontinued for a period exceeding eighteen (18) months or replaced by a use otherwise permitted in the zoning district, it shall be deemed abandoned and the Special Exception Permit shall be null and void and of no effect. The owner shall demonstrate that the special use has not been discontinued for a period exceeding eighteen (18) months or has not been replaced by a use otherwise permitted to maintain a valid Special Exception Permit.

11-7.14 Appeals

Any petition for court review shall be filed with the court clerk within thirty (30) days after a written copy of the decision of the Board of

Appeals is filed in the office of the Zoning Administrator and delivered to every aggrieved party who has filed a written request for such copy with the clerk at the time of the hearing of the case, whichever is later.

11-7.15 Recognition of Previously Approved Special Exceptions

Special Exceptions which have been previously granted by the Robertson County will be recognized for building permit and other administrative purposes for three (3) years following adoption of this Resolution. If after three (3) years construction of the development has not begun or there is no valid building permit in effect for the property, the special exception will be considered null and void. If a use approved as a special exception becomes nonconforming and discontinues operation for six (6) consecutive months, the use may not be resumed nor a building permit issued without approval of the appropriate zoning classification and Special Exception Permit required under the provisions of this ordinance.

11-8 AMENDMENTS TO THE ZONING TEXT

The approval of text amendments by the County Board of Commissioners shall be preceded by a finding that a change meets the needs for one of the following reasons:

- A. The use desired is not covered in the text of the Resolution but is acceptable because:
 - 1. The use proposed is in accordance with the purpose of the zoning district; and,
 - 2. There are similar uses in the district; and,
 - 3. The intensity of use proposed is consistent with other uses in the district. In demonstrating this, building volume ratios, site volume ratios, and landscape volume ratios of the proposed use and existing uses that are shall comparable. The County Board of Commissioners, upon recommendation by the Planning Commission, shall adjust the intensity, landscaping, and other criteria to ensure that consistency is maintained within the district.
- B. New conditions have arisen that have not been addressed in the Resolution. These new conditions must be one of the following:
 - 1. The Growth Plan has been amended, and the Zoning Resolution needs to be brought into conformity with the Plan.
 - 2. Changing market or other conditions require new forms of development or new procedures to meet these changing needs.
 - 3. New methods of development or providing infrastructure make it necessary to alter the Resolution to meet these new conditions.

4. Changing governmental finances requires amending the text of the Resolution to be in keeping with the needs of government to provide and afford new public services.
- C. After experience with the regulations, adjustments are needed to achieve the desired objectives. The amendment request must come either from staff recognized problems that need to be corrected or from developers or others experiencing trouble making the regulations work.

11-9 AMENDMENTS TO THE ZONING ATLAS (MAP)

11-9.1 General

Zone boundaries as shown on the Official Zoning Atlas (*Map*) may be amended, supplemented, changed, modified, or repealed according to the provisions of this Resolution by the Robertson County Commission.

The approval of zoning map amendments by the County Commissioners shall be preceded by a finding that the request meets one of the following requirements:

- A. The Growth Plan has been amended and the Zoning Atlas (Map) needs to be brought into conformance with the revised plan; or,
- B. A mistake was made in mapping the original Map. That is, an area is, and has been, developing in a manner and purpose different from that for which it was mapped. It must also be demonstrated that this result was not intended, since the County may have intended to stop an undesirable land use pattern from spreading; or,
- C. Conditions have changed, such as new roads or utilities investments, making another location more favorable for development; or,
- D. Growth rates have changed, thereby increasing the need for additional development land in the County.
- E. Public necessity, convenience, general welfare, or good zoning practice requires that a change be made.

11-9.2. PROCEDURE FOR MAP AMENDMENTS (Amended by resolution #122021139, December 20, 2021)

- A. Applications
 1. Applications for any change, either of district boundaries or classification of property as shown on the Zoning Map, shall be submitted to the County Planning Commission at its

public office or to the Springfield and White House regional Planning Commission Offices. Applications shall be on such forms, and shall be accompanied by such data and information, as may be prescribed for that purpose by the reviewing Planning Commission, so as to assure the fullest practicable presentation of facts for the permanent record.

- a. Any person or persons desiring a change in the zoning classification of property shall file with the application a statement giving the names and addresses of adjacent property owners to the Planning Commission.
 - b. Each application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application.
2. Applications for zoning map amendments are to be submitted on forms provided by the appropriate Planning Office.
 3. Applications for either map or text amendments shall not be withdrawn from consideration by the Planning Commission after notice has been given as required by Subsection D.

B. Documents

Each application for rezoning shall include the following information:

1. A letter from the owner stating the zoning district being requested and the reason the zoning map amendment is requested.
2. The name and address of the owner of the property at the time the application is being submitted along written designation of any person being designated by the owner to represent the request.
3. Written legal description of the area to be rezoned including the tax map and parcel number. A digital copy of the legal description in Microsoft Word shall be provided to the planning office a minimum of two (2) weeks prior to the request being considered by the Robertson County Planning Commission office. A printed copy of the legal description can be omitted if the digital copy is presented with the application.
4. Applicant shall provide to the Planning Commission at the time the zoning district amendment is requested, information from the water utility information on the location and size of the water line and whether adequate pressure exists for domestic use and the placement of fire hydrants on the line.

Requests that meet any of the following requirements are exempt from the fire hydrant requirement.

- a. Any zoning request or proposed subdivision that will create only one new lot or tract.
 - b. The subdivision or re-subdivision creates no additional building lots or tracts.
 - c. Divisions where there are existing principal structures on all proposed lots.
5. When deemed necessary by the Planning Commission a *“Traffic Impact Study”* will be required or for residential zoning requests that could allow more than seventy-five (75) lots or for commercial industrial requests exceeding forty (40) acres.
6. Applicant shall submit survey map of the area being requested for a zoning map amendment. This survey map shall be at a scale of no less than 1" = 100' and no larger than 1" = 30' feet. The use of smaller scales for large tracts is permissible provided the scale is approved by the Planning Office prior to submittal. The first submittal shall include, six (6) full sized copies and the second submittal requires, fifteen (15) copies (*five (5) full size copies and ten (10) reduced 11" x 17" copies*).
- . The survey map for zoning map amendments shall include the following:
- a. A survey map with a title, north arrow, graphic scale, date of the survey map, civil district, tax map and parcel number and the acreage of the property. If the entire parcel is not requested for a zoning change, then the acreage of the remaining portion of the property shall be included on the map.
 - b. The exact boundary of the as determined by a field survey or other means giving angles to the nearest minute and distances to the nearest one hundredth (1/100) of a foot.
 - c. Location, names and existing public right-of-way of all public roads that the property fronts on.
 - d. The location and width of any existing utility, drainage, access or other private easement that exists on the property.
 - e. Location and size of the water line providing service to the tract along with the location of the nearest fire hydrant.

- f. The location, size, type and current use any structure presently on the property.
- g. Names and address of all adjacent property owners including those on the opposite side of the road from the property shown in relation to the applicant's property.
- h. Each applicant is required to pay a fee established in established in the Robertson Count Planning and Zoning Fee Schedule. The Planning Office shall place a sign on the property stating that a Zoning Request is pending on the property prior to the Planning Commission considering the request and shall remain in place until final action by the Board of County Commissioners. All tracts proposed for a zoning map amendment in addition to the notification sign shall be clearly marked with stakes or pins and flagged.

C. Fees

Each application for an amendment to the Zoning Map shall be accompanied by either a fee, in the amount established in the Planning and Zoning Fee Schedule established by the County Board of Commissioners. This to cover the approximate procedural and review costs of the application. *Under no condition shall said fee be refunded for any reason.*

D. Planning Commission Public Meeting and Recommendations

Before submitting its recommendations on a proposed zoning map amendment to the County Commissioners, the Planning Commission shall consider the request at a public meeting. A notice of the request for a zoning map amendment will be mailed to all adjacent property owners as shown on the rezoning survey prior to the date of the hearing. The notice shall state the place and time of the Planning Commission and County Commission meetings. The Planning Commission will forward all positive recommendations, to County Commission. A requests that receive a negative recommendation from the Planning Commission shall not be forwarded to the County Commission unless requested in writing from the applicant.

The above provisions do not apply to provisions on properties located in the Springfield and White House Planning Regions are reviewed by those Regional Planning Commissions which are reviewed under their guidelines.

E. Board of County Commissioners and Public Hearing

After receiving the Planning Commission's actions and recommendations on a proposed amendment, but before adoption of such amendment, the County Commission shall hold a public hearing.

1. Notice of the time and place of the public hearing shall be given at least fifteen (15) days prior to that date in a newspaper of general circulation in the Robertson County as prescribed in *TCA 13-7-105, (b), (1)*.
2. The Planning Office shall place a sign on the subject property identifying the property requested for rezoning prior to consideration by the County Commission. This provision does not apply to request heard by the Springfield Regional Planning Commission and the White House Regional Planning Commission.
3. Neither an application for zoning map amendment nor the recommendations of the Planning Commission shall be withdrawn from consideration of the County Commission except in writing by the applicant a minimum of four (4) hours prior to the time of the meeting.

F. Decisions

After holding the public hearing, the County Commissioners shall consider such recommendations and vote on the adoption of the proposed amendment. The proposed amendment shall become effective with a favorable vote by a majority of the membership of the County Commission except in cases where the Planning Commission made a recommendation not to adopt the amendment which requires approval by a majority of the entire membership of the County Commission.

G. Failure to Notify

The intention of this Subsection is to provide due notice of proposed zoning amendments to all persons who may be interested in or affected by the changes. Failure to notify, as provided in **Subsections D and E** above, shall not invalidate any recommendation of the Planning Commission, provided that such failure was not intentional. The intention of this Subsection is to provide, as well as possible, due notice to persons substantially interested in a proposed change, that an application to make a change in the Zoning Maps or regulations set forth in this Resolution, is pending before the Planning Commission and County Commission.

H. Repeat Applications

Whenever any petition for an amendment, supplement, or change of the zoning or regulations herein contained (or subsequently established) has been denied by the County Commissioners, no new petition covering the same property for the same zoning classification can be filed with, or considered by, the County Commissioners for a period of six (6) months has elapsed from the date of the original filing.

11-10 LIABILITY OF BOARD MEMBER AND EMPLOYEES

Any board member, building inspector, or other employee charged with the enforcement of this ordinance, acting for Robertson County, within the scope of the responsibilities assigned him under this ordinance shall not thereby render himself liable personally, and he 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 inspector, or employee charged with the enforcement of any provision of this ordinance shall be defended by legal representatives furnished by the county, until the final termination of such proceedings.

11-11 REMEDIES

In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure, or land is used, in violation of this zoning ordinance, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

11-12 SEPARABILITY

It is hereby declared to be the intention of the County Board of Commissioners of Robertson County, Tennessee, that the several provisions of this ordinance are separable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this ordinance invalid, such judgment shall not affect any other provision of this ordinance not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provisions to any other property, building, or structure not specifically included in said judgment.

11-13 INTERPRETATION

11-13.1 Purpose

The provisions of this section are intended to provide a simple and expeditious method for clarifying ambiguities in the text of this Resolution, the Zoning Atlas (*Map*) which it incorporates, and the rules and regulations adopted pursuant to it. It is also intended to provide a simple, yet circumscribed procedure for overcoming the inadvertent rigidities and limitations inherent in the promulgation of finite use lists in a world characterized by infinite permutations of essentially similar uses.

11-13.2 Authority

The Planning Director or a designee may, subject to the procedures, standards, and limitations set forth in this Section, render interpretations of any provision of this Resolution or any rule or regulation issued pursuant to it, including interpretations of the various uses in any district not expressly mentioned in this Resolution.

11-13.3 Procedure for Interpretations

- A. All applications for an interpretation of any provision of this Resolution, the Zoning Atlas (Map), or any rule or regulation adopted pursuant to this Resolution shall be submitted in writing to the Planning Director or a designee on a form supplied by Robertson County. No fee shall be required in connection with any such request. Each application shall set forth the specific provision or provisions to be interpreted, the facts of the specific situation giving rise to the request of an interpretation, and the precise interpretation claimed by the applicant to be correct. Before rendering any interpretation, the Planning Director shall receive any further facts and information judged by the Planning Director to be necessary for a meaningful interpretation of the provision in question.

Since the information required for interpretations involving land uses is different from the information required to render other types of interpretation, additional information is required for land use interpretations. Land use interpretations are generally tied to a specific property and the specific land use proposed to be permitted; other interpretations are not tied to a specific piece of property, but should apply uniformly to all properties. Therefore, applications for a land use interpretation shall contain at least the following information and documentation, in addition to the information required above:

1. The applicant's name, address, and interest in the subject property.

2. The owner's name and address, if different from the applicant's and the owner's signed consent to the filing of the application.
 3. The names and addresses of all professional consultants advising the applicant with respect to the interpretation.
 4. The street address and legal description of the subject property.
 5. The zoning classification and present use of the subject property.
 6. A complete description of the proposed use.
 7. The uses permitted by the present zoning classification which are most similar to the proposed use.
 8. Documents, statements, and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.
 9. Any other information or documentation as the Planning Director may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.
- B. Within thirty (30) days following the receipt of a completed request or application for interpretation, the Planning Director shall mail a written copy of interpretation to the applicant. The Planning Director shall state the specific precedent, reasons, and analysis on which the interpretation is based. Failure of the Planning Director to render an interpretation within this time period, or a longer period of time as may be agreed to by the applicant, shall be deemed to be a rejection of the applicant's proposed interpretation. The Planning Director shall keep a copy of each interpretation on file and shall make a copy of each interpretation available for public inspection during reasonable hours.
- C. Appeals on interpretations rendered by the Planning Director pursuant to this Section may be taken to the Board of Zoning Appeals as provided in this Article.

11-13.4 STANDARDS FOR INTERPRETATIONS

- A. The following standards shall govern both the Planning Director and the Board of Zoning Appeals' decision on appeals from the Planning Director's interpretation:
1. No interpretation shall allow the establishment of any land use which was previously considered and rejected by the

Board of Zoning Appeals on an application for amendment to the Zoning Resolution or the Zoning Atlas (*Map*).

2. No interpretation shall permit a land use listed as a permitted or conditional use in another district if the use is not listed as permitted in the subject property's district.
 3. No interpretation shall permit a land use in a district unless evidence is presented which demonstrates that the land use will comply with each use limitation established for the particular district.
 4. No interpretation shall permit a land use in a particular district unless such use is substantially similar to other uses permitted in that same district and is more similar to such other uses than to uses either not permitted in the district or permitted or conditionally permitted in a less restrictive district.
 5. If the proposed land use is more similar to a land use permitted only as a conditional use in the subject property's district than to a permitted use, then an interpretation permitting such use shall be conditioned on the issuance of a conditional use permit pursuant to this Resolution.
 6. Any land use permitted or other interpretation rendered pursuant to this Section shall fully comply with all requirements and standards imposed by this Resolution.
- B. No interpretation finding a particular land use to be permitted or conditionally permitted in a specific district shall authorize either the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure. A favorable interpretation merely authorizes the preparation, filing, and processing of applications for any permits and approvals which may be required by the codes and ordinances of Robertson County or other governmental agencies having jurisdiction. These permits and approvals include, but are not limited to, zoning certificates, conditional use permits, special use permits, building permits, and certificates of occupancy.
- C. Limitations on Favorable Use Interpretations
1. No interpretation finding a particular use to be permitted or conditionally permitted in a specified district shall be valid for a period longer than one year from the date of issue unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period.
 2. An interpretation finding a particular use to be permitted or conditionally permitted in a specified district shall be deemed to authorize only that particular use at that

particular location for which it was issued. The interpretation shall not be deemed to authorize any allegedly similar use for which a separate interpretation has not been issued. A favorable interpretation shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of six (6) consecutive months or more.

- D. The Planning Director shall keep a record of each interpretation rendered and shall make an annual report of all interpretations to the *Robertson County Board of County Commissioners*. The report shall include any recommendations that this Resolution, the Zoning Atlas (Map), or any rules and regulations applying thereto, be amended to add new provisions or new uses to the various use lists established by this Resolution.

11-14 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 Robertson County Regional Planning Commission.

February 2, 1989
Date

Charles Eugene Federman
Charles Eugene Federman, Secretary

Approved and adopted by the County Commission of Robertson County, Tennessee.

March 20, 1989
Date

Emerson Meggs
Emerson Meggs, County Executive
Robertson County

ATTESTED BY:

Connie K. Swann
Connie K. Swann, Clerk
Robertson County

Caption and Summary published in the Robertson County Times, on March 23, 1989.