



HARTSVILLE/TROUSDALE COUNTY GOVERNMENT ZONING RESOLUTION

HTC PLANNING, CODES, & ZONING OFFICE



[DATE]

HARTSVILLE/TROUSDALE COUNTY GOVERNMENT
328 Broadway | Hartsville, TN 37074

HARTSVILLE / TROUSDALE COUNTY

ZONING RESOLUTION

Adopted _____

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ARTICLE I

ENACTMENT

SECTION

- 1.010 Authority
- 1.020 Title
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- 1.050 Repeal

1.010 Authority

A resolution, in pursuance of the authority granted by Sections 13-7-101 through 13-7- 119, 13-7-201 through 13-7-212, and 13-7-401 through 13-7-410, Tennessee Code Annotated, to regulate within Metropolitan Hartsville/Trousdale County, Tennessee, the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density and distribution of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, agricultural, forestry, soil and water conservation, public activities and other purposes including areas subject to flooding; to provide for the orderly and reasonable uses of solar energy in the interest of public health, safety and general welfare; to provide methods of administration of this resolution, and to prescribe penalties for the violation thereof.

1.020 Title

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

1.030 Enactment

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

WHEREAS, Section 13-7-101 through 13-7-119, 13-7-201 through 13-7-212, and 13-7-401 through 13-7-410 of the Tennessee Code Annotated, empowers Metropolitan Hartsville/Trousdale County to enact a zoning resolution and to provide for its administration, enforcement, and amendment, and

WHEREAS, the County Commission deems it necessary, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the County to enact such a resolution, and

WHEREAS, all the requirements of Section 13-7-101 through 13-7-119 and Sections 13-7-201 through 13-7-212 of the Tennessee Code Annotated, with regard to the preparation of the zoning plan by the Planning Commission and subsequent action of the County Commission have been met.

NOW THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSION OF HARTSVILLE/TROUSDALE COUNTY, TENNESSEE, THAT THE ZONING RESOLUTION OF TROUSDALE COUNTY, TENNESSEE ADOPTED JANUARY 23, 1995 AND THE ZONING ORDINANCE OF HARTSVILLE, TENNESSEE ADOPTED JANUARY 23, 1995, WITH ALL AMENDMENTS THERETO ARE HEREBY REPEALED AND ARE OF NO EFFECT AND THAT THE ZONING ORDINANCE HEREIN SHALL CONSTITUTE THE NEWLY ADOPTED ZONING ORDINANCE OF HARTSVILLE/TROUSDALE COUNTY, TENNESSEE.

1.040 Purpose

The purpose of this resolution is to promote the public health, safety, morals, convenience, order, prosperity, and general welfare by:

1. Enhancing the character and stability of residential, business, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas;
2. Preventing the overcrowding of land;
3. Conserving the value of land and buildings;
4. Minimizing traffic hazards and congestion;
5. Preventing undue concentration of population;
6. Providing for adequate light, air, privacy, and sanitation;
7. Reducing hazards from fire, flood, and other dangers;
8. Assisting in the economic provision, utilization, and expansion of all services provided by the public, including but not limited to roads, water and sewer services, recreation, schools, and emergency services;

9. Encouraging the most appropriate uses of land; and
10. Enhancing the natural, man-made, and historical amenities of Hartsville/Trousdale County, Tennessee.

1.050 Repeal

Any existing Zoning Ordinance of Hartsville, Tennessee, is hereby repealed. The adoption of this ordinance, 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 ordinance.

ARTICLE II

DEFINITIONS

SECTION

2.010 Scope

2.020 Definitions

2.010 Scope

For the purpose of this resolution and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. The word "shall" is mandatory.
4. The word "may" is permissive.
5. The words "used" or "occupied" include the words "intended," "designed," or "arranged to be used," or "occupied."
6. The word "lot" includes the words "plot" or "parcel."

2.020 Definitions

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this resolution. Terms not herein defined shall have their standard dictionary definitions or such as the context may imply.

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

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

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

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 structures, and any such advertising is a structure within the meaning of the word "structure" as utilized in this resolution.

ADVERTISING SIGN OR STRUCTURE: See Sign.

AGRICULTURAL USE: The use of a tract of land for all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided that all appropriate laws and regulations are complied with.

The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use, nor shall commercial feed lots, the raising of furbearing animals, fish or minnow hatcheries, riding stables, livery or boarding stables, or dog kennels be so considered.

AGRICULTURAL 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.

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

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

AUTOMOBILE WRECKING: The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof.

AUTOMOBILE WRECKING, JUNK, AND SALVAGE YARDS: A yard, field, or other area used as a space for the storage of four or more motor vehicles which are unserviceable, discarded, worn-out, junked, or which do not display a current license. A motor vehicle is defined as any self-propelled vehicle not operated exclusively on a track, including motorcycles.

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

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 elevations or when subdivided and used for commercial activities.

BOARD: The Hartsville/Trousdale County, Tennessee Board of Zoning Appeals.

BUFFER STRIP: A greenbelt planted strip not less than ten (10) 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 not spaced 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.

BUILDING: Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes or trailers, and similar structures whether stationary or movable.

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

BUILDING INSPECTOR: The building inspector or his/her authorized representative shall be appointed by the Hartsville/Trousdale County Mayor and approved by the County Commission.

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

BUILDING 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, or if an official future 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 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 allowable 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.

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

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

CLINIC: See Medical Facility.

CONDITIONAL USE (Special Exception): 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, 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 uses are made in this resolution. For the purposes of administration of this resolution, conditional uses shall be construed as being synonymous with special exceptions, as controlled by Sections 13-7-107 and 13-7-206, Tennessee Code Annotated.

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.

COUNTRY CLUB: A chartered, nonprofit, membership club with facilities catering primarily to its membership or social amenities, i.e., golf, riding, clubhouse, pool, dining facilities, lounge.

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

DAY CARE CENTER: Any place, home or institution, which receives eight (8) or more unrelated young children for general care, exercise, play or observation.

DAY CARE HOME: Includes day care in an occupied residence of not more than seven (7) children, including children living in the home.

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

DISTRICT: Any section or sections of the area lying within Trousdale County, Tennessee.

DWELLING: A building or part thereof used as a habitation under one of the following categories:

1. **Single detached dwelling** means a building and accessories thereto principally used, designed, or adapted for use by a single household and includes modular/manufactured.
2. **Duplex dwelling** means a building and accessories thereto principally used, designed, or adapted for use by two (2) households, the living quarters of each of which are completely separate.
3. **Apartment dwelling** means a building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more households each of which has separate living quarters.
4. **Rooming house or boarding house** means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants.
5. **Multi-family dwelling** means a building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more households each of which having separate living quarters.
6. **Prefabricated dwelling** means a 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 and/or sanitary or on-site systems, and such structures are distinguished from mobile homes as described elsewhere in this resolution when they 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.
7. **Mobile home or trailer** means a detached, one-family transportable structure built on a permanent chassis, designed for year-round occupancy, and designed to be used with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein. Recreational vehicles and travel trailers are not included in this definition of mobile homes.
8. **Townhouse** means a residential structure containing three (3) or more nondetached dwelling units separated by a common vertical wall.
9. **Condominium** means an apartment building or townhouse containing three (3) or more dwelling units separated by a common wall.

ESSENTIAL SERVICES: Services provided by public and private underground, surface, and overhead facilities, which includes the maintenance and operations of the following installations: electrical and gas substations, electric, gas, water, and sewer distribution and collection lines, pumping facilities for water and sewer systems, rights-of-way for transportation modes, and telephone switching facilities.

FAMILY: Two or more persons related by blood, lawful marriage, adoption or under legal guardianship living as a single housekeeping unit. The term "family" shall not be construed to mean a fraternity, sorority, club, or institutional group. The term family, as used in this resolution, shall be construed to include groups of eight (8) or fewer unrelated mentally retarded or physically handicapped persons and with two (2) additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally retarded or physically handicapped persons residing in the house. (See Chapter 24, of Title 13, Tennessee Code.)

FLOOR AREA: The total gross horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two (2) feet within the roof line of the building or portions thereof without walls, but excluding nonresidential facilities such as: arcades, porticoes, and similar open areas which are accessible to the general public, and which are not designed or used as sales, display, storage, service or production areas.

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

GASOLINE SERVICE STATION: Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil, or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

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

GROUP HOME FOR PHYSICALLY OR MENTALLY HANDICAPPED PERSONS:

Major means a dwelling shared by nine (9) or more handicapped persons, plus resident staff persons, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential.

As used herein, the term "handicapped" shall mean having:

1. A physical or mental impairment that substantially limits one (1) or more of such person's major life activities so that such person is incapable of living independently;
2. A record of having such an impairment; or
3. Being regarded as having such an impairment.

However, “handicapped” shall not include current illegal use of or addiction to a controlled substance. The term “group home for the handicapped” shall not include alcoholism or drug treatment centers, work release activities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration

Minor (see Family) means a dwelling shared by eight (8) or fewer handicapped persons, plus two (2) resident staff persons, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential.

As used herein, the term “handicapped” shall mean having:

1. A physical or mental impairment that substantially limits one (1) or more of such person’s major life activities so that such person is incapable of living independently;
2. A record of having such an impairment; or
3. Being regarded as having such an impairment.

However, “handicapped” shall not include current illegal use of or addiction to a controlled substance. The term “group home for the handicapped” shall not include alcoholism or drug treatment centers, work release activities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration

HEALTH DEPARTMENT: The Trousdale County Health Department.

HEIGHT OF BUILDING OR STRUCTURE: The vertical distance from the average ground elevation or finished grade at the building line, whichever is the higher, to the highest point of the building or structure.

HOME OCCUPATION: See Section 5.050.

HOSPITAL: See Medical Facilities.

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

LANDSCAPING: The planting and maintenance of trees, shrubs, lawns, and other ground cover or materials.

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

LIGHT INDUSTRY: Is defined, for the purpose of this resolution, on the basis of performance in terms of absence of objectionable noise, smoke, odor, dust, dirt, noxious gases, glare and heat; and of the creation of hazards to health and life by reason of fire, effects of industrial waste, psychological effects and generation of motor vehicle traffic.

LOADING SPACE: An area ten feet by forty feet (10' x 40') with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle. All such spaces are designed so as to not require trucks and other vehicles to back onto public streets.

LOT: A piece, plot, or parcel of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one or more principal buildings, or not more than three principal dwellings in the A-1 Zone, as provided in Section 4.020, of this resolution, and their accessory buildings, including the open space required under this resolution.

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 dimension of a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The boundary dividing a given lot from the 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 WIDTH: The width of a lot at the building setback line measured at right angles to its depth.

MARINA: A facility for the docking and servicing of boats.

MEDICAL FACILITIES:

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

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

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

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

MINI STORAGE FACILITIES: An enclosed storage facility of a commercial nature containing independent, fully enclosed and secured bays which are leased to persons exclusively for dead storage of their household goods or personal property. Such a facility shall be lighted, buffered from residential abutting properties, fenced in, secured and shall not be used for habitable space nor commercial activity, and shall be maintained and free from debris. There shall be no storage of flammable or other hazardous materials in such a facility.

MINI-WAREHOUSES: See Mini Storage Facilities.

MINIMUM FLOOR ELEVATION: The lowest elevation permissible for the construction, erection, or other placement of any floor, including a basement floor.

MOBILE HOME: A vehicular, portable structure built on a transportable chassis which remains intact, designed for year-round occupancy and designed to have no permanent foundation other than wheels, jacks, or skirtings, and which is capable of being moved, towed, or transported by another vehicle.

MOBILE HOME PARK: Any area, tract, site, or plot of land whereupon mobile homes as herein defined are placed, located, or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

NON-CONFORMING USE: A building, structure, or use of land existing at the time of enactment of this resolution which does not conform to the regulations of the district in which it is located.

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.

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

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

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

PARKING SPACE: An off-street space available for parking one (1) motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways giving access thereto and having access to a street or alley.

PLANNED DEVELOPMENT: A single planned area of land which: (1) has both individual building sites and common property such as a park; 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.

PLANNING COMMISSION: The Hartsville/Trousdale County Regional Planning Commission.

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

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

PRINCIPAL USE: The specific primary purpose for which land or a building is used.

PRIVATE WASTEWATER TREATMENT: Individual subsurface sewage disposal systems (i.e., septic tanks), package treatment plants, or individual aeration systems employed for the collection and treatment and/or disposal of wastewater, as approved by the county health department and the Tennessee Department of Health and Environment.

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

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

PUBLIC WASTEWATER SYSTEM: A municipal, community, or utility district sewerage treatment and disposal system of a type approved by the Tennessee Department of Health and Environment and the Tennessee Public Service Commission.

PUBLIC WATER: A municipal, community, or utility district water treatment and distribution system of a type approved by the Tennessee Department of Health and Environment and the Tennessee Public Service Commission.

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

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 Tennessee Department of Health and Environment.

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

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

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

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.

Billboard: 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.

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

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.

Ground Sign: A sign supported by a pole, uprights, or braces on the ground.

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

Indirect Illuminated Sign: Any illuminated non-flashing sign whose illumination is derived entirely from an external artificial source and is so arranged that no direct rays of light are projected from such artificial source into residence or streets.

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.

Off-Premises 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.

Pole Sign: A sign permanently affixed to the ground by means of one (1) or more poles, columns, uprights, or braces and not attached to a building.

Projecting Sign: Any sign that (a) is attached to a building wall in such a manner that its leading edge projects outward from the wall more than six (6) inches, or (b) is suspended from any structure that constitutes a covering or shelter such as a canopy, portico, or marquee. Usually, though not always, the face of a projecting sign will be perpendicular to or from a wide angle with the surface to which it is attached.

Roof Sign: A detached sign supported upon the roof or wall of a building.

Temporary Sign: Temporary sign shall include any sign, banner, pennant, valence, or advertising display constructed of wood, metal, cloth, canvas, light fabric, cardboard, wallboard, or other light material, with or without frames, where either by reason of construction or purpose the sign is intended to be displayed for a short period of time only.

Wall Sign: A type of building mounted sign that (a) is attached to a wall (including parapet wall) or other structure that supports a roof, including any sign that is part of or attached to a canopy or awning, and any sign attached to any side face of a marquee, or that (b) does not project outward more than twelve (12) inches from the surface to which it is attached, and (c) in which the sign face is parallel to the plane of the surface to which it is attached.

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

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 of 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 the 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.

STRUCTURE: Anything constructed, assembled or erected, the use of which requires permanent or semi-permanent location on the ground or attachment to something having a permanent or semi-permanent location on the ground including, but not limited to, buildings, stadiums, radio or other transmission towers, sheds, storage dens, fallout shelters, swimming pools, mobile and manufactured homes and signs. "Structure" shall not include fences, pavement or similar surface treatment.

SUBDIVISION: The division of a tract or parcel of land into two (2) or more parts or parcels.

TOXIC MATERIALS: Materials (gaseous, liquid, solid, or particulate) which are capable of causing injury to living organisms even when present in relatively small amounts.

TRAVEL TRAILER: A vehicular, portable structure designed as a temporary dwelling for travel, recreation, and vacation uses only. A travel trailer shall not be used as a permanent dwelling, principal structure or accessory structure under any circumstance. This definition also includes the term "recreational vehicle."

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

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.

WATERCOURSE: Any depression serving to give direction to a flow of water, having a bed and well-defined banks, where the drainage area above the same is twenty-five (25) acres or more in extent. The flow of water need not be on a continuous basis but may be intermittent resulting from the surface runoff of precipitation.

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 nearest part of the principal building or structure, including porches, and the front lot line.

YARD, REAR: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the rear lot line.

YARD, SIDE: The required space unoccupied except as herein provided, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.

ARTICLE III

USE CLASSIFICATION

SECTION

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

3.010 General Classification Rules

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

3.020 Listing of Activity Classifications

All activities are hereby classified into the following activity types:

1. Residential Activities:
 - Dwelling, one-family detached
 - Dwelling, two-family detached (duplex)
 - Dwelling, multi-family
 - Dwelling, mobile home
 - Mobile Home Park
 - Boarding and Rooming Homes
2. Community Facilities Activities:
 - Administrative Services
 - Community Assembly
 - Community Education
 - Cultural and Recreation Services
 - Essential Services
 - Extensive Impact
 - Governmental and Utility Services
 - Health Care
 - Intermediate Impact
 - Personal and Group Care Facilities
 - Religious Facilities

3. Commercial Activities:
 - Adult Oriented Establishment
 - Animal Care and Veterinarian Services
 - Automotive Parking
 - Automotive Repair and Cleaning
 - Automotive Servicing
 - Bottling or Packaging Spring Water
 - Building Materials and Farm Equipment
 - Commercial Campgrounds and RV Parks
 - Consumer Repair Services
 - Construction Sales and Services
 - Convenience Commercial
 - Entertainment and Amusement Services
 - Financial, Consultative, and Administrative
 - Food and Beverage Service
 - Food Service Drive-in and Drive Thru
 - General Business and Communication Services
 - General Personal Service
 - General Retail Trade
 - Junk, Automobile Wrecking and Scrap Operations
 - Medical and Professional Services
 - Mini-Warehousing/Self-Storage Units
 - Scrap Operations
 - Transient Habitation
 - Transport and Warehousing
 - Undertaking Services
 - Vehicular, Craft, and Related Equipment Sales, Rental and Delivery
 - Wholesale Sales
 - Wireless Communications Facilities
4. Manufacturing Activities:
 - Limited
 - Intermediate
 - Extensive
5. Agricultural, Resource Production, and Extractive Activities:
 - Agricultural Services
 - Crop/Animal Raising
 - Forestry/Nurseries
 - Commercial Feed Lots and Stockyards
 - Mining and Quarrying

3.030 Accessory Uses

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

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

1. Off-street parking and loading serving a principal activity, whether located on the same zone lot or on a different zone lot, but only if the facilities involved are reserved for the residents, employees, patrons or other persons participating in the principal activity.
2. Home occupations accessory to a residential activity shall be carried on within a dwelling unit, or rooming unit, or by one or more occupants of the dwelling unit or rooming unit subject to further restrictions contained in Article V, Section 5.050. Customary Incidental Home Occupation shall not include the manufacture and repair of transportation equipment or any similar type of operation where clientele or patrons are served on the premises.
3. Child care for eight (8) or less pre-teenage children. The dwelling unit in which this activity occurs shall meet all applicable state and local regulations.
4. Child care for pre-teenage children when operated by a health care, commercial or industrial activity where the care is provided solely for the children of their employees. The facility shall be located on the same zone lot as the principal activity and meet all applicable state and local regulations for a day care center for children.
5. Residential occupancy in connection with a principal nonresidential activity on the same zone lot.
6. Operation of a cafeteria for employees, residents, patrons or others participating in the principal activity by an organization engaged in a community facility activity on the same zone lot. Where the principal activity is permitted by conditional use only, an accessory cafeteria must be approved as a part of the action granting said permit.
7. Sale of goods on the same zone lot as a principal community facility activity, but only if such goods are available only to persons participating in the principal activity.
8. Production of goods for sale by a firm engaged in a principal commercial activity on the same zone lot, but only if:
 - A. All goods so produced are sold at retail by the same firm either on the same or other zone lots;

- B. Such production does not occupy more than forty-nine (49) percent of the total floor area and open sales, display, storage and service area occupied by such firm on the zone lot;
 - C. Such production does not in any case occupy more than two thousand (2,000) square feet of such floor area; and
 - D. Such production only be permitted in an enclosed building.
9. Storage of goods sold by a principal commercial activity engaged in by the same firm on the same zone lot, and such storage does not occupy more than forty-nine (49) percent of the total floor area.
10. Operation of an administrative office of a firm engaged in a principal manufacturing or commercial activity on the same zone lot, but only if such office does not occupy more than forty-nine (49) percent of the total floor area and open sales, display, storage, production, and service area occupied by the same firm on the same zone lot.
11. Temporary construction, grading, and demolition activities which are necessary and incidental to the development of facilities on the same zone lot, or on another of several zone lots being developed at the same time.
12. Temporary conduct of a real estate sales office which is necessary and incidental to, and located on the site of, a subdivision being developed into ten (10) or more zone lots.
13. Storage of flammable and combustible liquids and gases, provided that:
- A. The provisions of this section regulate the above ground storage of flammable and combustible liquids and gases when such storage is an accessory to another principal, residential or commercial activity on the same zone lot.
 - B. In agricultural districts, no more than one thousand (1,000) gallons of gasoline or diesel fuel, as an accessory activity, may be stored above ground on a single zone lot.
 - C. In all zoning districts, no more than five hundred (500) gallons of home heating oil or liquefied petroleum gas (LPG) per dwelling unit, up to a total of five thousand (5,000) gallons on a single zone lot, may be stored above ground as an accessory activity to a residential activity.
 - D. In all zoning districts other than the agricultural districts above, no more than twenty-five (25) gallons or water gallon equivalents of any other flammable or combustible liquid or gas may be stored above ground on a single zone lot as an accessory activity to a residential activity.

- E. In all zoning districts where the sale of fuel for motor vehicle occurs as an accessory use to convenience sales and service or to automotive servicing, no more than five thousand (5,000) gallons of gasoline, diesel fuel or liquefied petroleum gas (LPG) may be stored above ground on the same zone lot as a part of such accessory sales.
- F. In any and all zoning districts where retail sales are permitted, flammable and combustible liquids and gases may be stored, displayed and conveyed in the amounts and containers customarily associated with such sales.
- G. In any and all zoning districts, up to five thousand (5,000) gallons of heating oil or liquefied petroleum gas (LPG) may be stored above ground for heating nonresidential buildings.
- H. In any and all zoning districts, no aboveground storage tank, container or vessel in which flammable or combustible liquids or gases are kept may be located in any required front, rear or side yard. Further, the location, construction and installation of all such tanks, containers or vessels must meet the provisions of the most current International Building Code and the most current NFPA Standard.

3.040 Classification of Combinations of Principal Activities

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

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

3.050 Residential Activities

Permanent Residential

The occupancy of living accommodations on a monthly or longer basis with none of the living units under the same ownership or management on the same zone lot being occupied on a less-than-monthly basis. This shall not include institutional living arrangements involving the provision of any kind of special care or forced residence such as nursing homes, orphanages, asylums, half-way houses or prisons, except as provided by general law of the state. The following dwelling types as defined by this resolution are permanent residential activities, however, only those dwelling types as indicated by individual district regulations may be permitted therein.

Dwelling – one family detached

Dwelling – two family detached (duplex)

Dwelling – multi-family

Dwelling – mobile home

Bed & Breakfast Homestay

Mobile Home Park

Boarding and Rooming House

3.060 Community Facility Activities

1. Administrative Services

The activities typically performed by public, utility, and nonprofit private administrative offices. These activities would include:

City, County, State, and Federal Offices

Civil Defense Facilities

Court Buildings

Fire Department Facilities

Police Department Facilities

Post Offices

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

Civic, Social, Fraternal, and Philanthropic Associations

Private (nonprofit) Clubs, Lodges, Meeting Halls, and Recreation Centers

Temporary Nonprofit Festivals

3. Community Education: includes the activities of an educational nature typically performed by the following institutions:

Kindergarten, Primary, and Secondary Schools

Public and Private Nursery Schools

4. Cultural and Recreational Services: includes the activities of a cultural or recreational nature which are either owned by, or operated for the use and enjoyment of, the general public. This does not embrace such facilities which are privately owned and operated for profit. These activities would include:

Art Galleries
Libraries
Museums
Parks, Playgrounds, and Playfields
Planetariums and Aquariums
Recreational Centers and Gymnasiums
Swimming Pools and Beaches
Zoological and Botanical Gardens

5. Essential Services
Includes the maintenance and operations of the following installations:

Electrical and Gas Substations
Electric, Gas, Water, and Sewer Distribution and Collection Lines
Pumping Facilities for Water and Sewer Systems
Rights-of-Way for Transportation Modes
Telephone Switching Facilities

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

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

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

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

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

Centers for Observation or Rehabilitation
Convalescent Homes
Hospitals
Medical Clinics

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

Bed and Breakfast Establishments (Added by Resolution No. 99-1, January 25, 1999)
Cemeteries, Columbariums, and Mausoleums
Colleges, Junior Colleges, and Universities, but Excluding Profit-Making Business Schools
Commercial Boat Docks and Marinas
Country Clubs
Golf Courses
Radio and TV Transmission Facilities
Telecommunication Facilities (see Standards for Telecommunication Antennas and Towers)
(Added by Ordinance 101-2014-8, April 28, 2014)
Water Storage Facilities
Water and Sewage Treatment Plants

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

Assisted Living Facilities
Associations for Physically or Mentally Handicapped Persons
Child Care Facilities
Day Care Centers
Nursing Homes
Orphanages
Retirement or Rest Homes

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

Chapels
Churches
Convents or Monasteries
Sanctuaries
Synagogues
Temples

3.070 Commercial Activities

1. Adult Oriented Establishment
2. Animal Care and Veterinarian Services: includes the provision of animal care, treatment, and boarding services.

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

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

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

Auto Cleaning and Detailing Services
Auto Engine Repair and Replacement Shops
Auto Glass Repair and Replacement Shops
Auto Inspection and Diagnostic Services
Auto Paint Shops
Auto Towing Services
Auto Transmission Repair Shops
Car Washes
Radiator and Muffler Shops
Tire Retreading and Repair Shops
5. Automotive Servicing: includes the sale, from the premises, of goods and the provision of services which are generally required for the operation and maintenance of motor vehicles and fulfilling motorist's needs. Activities include:

Gasoline Service Stations, excluding fuel services for trucks over ten thousand (10,000) pounds in gross vehicle weight
Lubricating Services
Performance of Minor Repairs (brakes, tune-up and similar service)
Sale and Installation of Tires, Batteries, Accessories, and Replacement Items
Wheel Alignment
6. Building Materials and Farm Equipment: includes the retail and wholesale sales and storage of materials used in the construction of buildings and other structures as well as the retail and wholesale sale and storage of implements, equipment, feed and seed used in agricultural pursuits:

Farm Equipment and Supplies
Feed Milling and Sales
Heating, Plumbing, and Electrical Supplies
Lumber and Other Building Materials Dealers
Seed Storage and Sales
7. Commercial Campgrounds and RV (Recreational Vehicle) Parks: includes facilities for temporary camping or recreational vehicle parking and related outdoor activities. Limited to facilities with less than one-hundred fifty (150) camping or recreational vehicle parking sites. The owner or operator of the campground or recreational vehicle park shall not maintain or allow to be maintained on any site within the facility, campers, tents, recreational vehicles, trailers, cabins or other lodgings which are available for rental to or for use by guests of the facility. No person shall be permitted to be a guest of the facility for more than forty-five (45) days in any calendar

year. The facility may contain one permanent residential structure for occupancy by the operator or staff member (and family) of the facility.

Commercial Camp Grounds
Commercial (Recreational) Resorts
Recreational Vehicle Parks

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

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

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

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

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

Bakeries
Barber Shops
Beauty Shops
Drug Stores

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

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

Art Galleries (Commercial)
Batting and Golf Driving Ranges
Bowling Alleys and Billiard Parlors
Coin Operated Amusement Arcades
Exhibition Halls and Auditoriums
Motion Picture Theaters (excluding adult entertainment as defined)
Skating Rinks
Theaters – Legitimate
Theatrical Producers, Bands, Orchestras and Entertainers

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

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

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

Bars
Brew Pubs
Restaurants

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

Drive-In Restaurants
Restaurants with Drive-Thru Service

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

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

Research and Development Laboratories
Telegraph Offices and Message Centers
Telephone Exchanges and Relay Towers
Television and Recording Production Studios
Trading Stamp Services

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

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

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

Antique and Second Hand Merchandise Stores
Automotive Parts (No exterior storage)
Bakeries
Bathing Suit Stores
Bedding and Linen Stores
Book and Stationery Stores (excluding adult bookstores)
Camera Stores
Candy, Nut and Confectionery Stores
Children's and Infant's Stores
Convenience Markets including gasoline and diesel fuel sales for cars and trucks

Cookware Stores
Custom Tailors
Cutlery Stores
Dairy Products Stores
Department Stores
Direct Selling Organizations
Drapery, Curtain, and Upholstery Stores
Drug Stores and Proprietary Stores
Family Clothing Stores
Floor Covering Stores
Florists
Fruit Stores and Vegetable Markets
Furniture Stores
Furriers and Fur Shops
Gift Shops
Glassware and China Shops
Grocery Stores
Hardware Store
Hobby, Toy, and Game Stores
Household Appliance Stores
Jewelry Stores
Lamp and Shade Shops
Lawn and Garden Supplies, Retail Nurseries
Liquor Stores
Luggage Shops
Mail Order Houses
Meat and Seafood Markets
Men's and Boy's Clothing and Furnishing Stores
Miscellaneous Apparel and Accessory Stores
Miscellaneous General Merchandise Stores
Miscellaneous Home Furnishings Stores
Music Stores
News Stands
Paint and Wallpaper Stores
Radio and Television Stores
Retail Bakeries
Sewing and Piece Goods Stores
Shirt Shops
Shoe Stores
Sporting Goods Stores
Sports Apparel Stores
Tobacco Shops
Uniform Stores

Variety Stores
Women's Accessory and Specialty Stores
Women's Ready-to-Wear Store

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

Chiropractors Offices
Consulting Scientists
Dental Offices and Laboratories
Optometrists
Physicians' Offices and Clinics (Out Patient Services only)
Psychologists and Psychotherapists

19. Mini-Warehouse/Self-Storage Units

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

Automobile Junk Yards
Salvage Operations

21. Transient Habitation: includes the provision of lodging services for transient guests.

Hotel
Motel

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

Bus and Truck Maintenance and Repair
Food Lockers
General Warehousing
Household Goods Storage
Packing and Crating Services
Refrigerated Warehousing
Truck Stops with Facilities for Fueling, Parking and Washing
Truck Terminals and Freight Handling Services
Wrecker Services

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

Cemeteries
Funeral Homes
Undertakers

24. Vehicular, Craft, and Related Equipment: includes the retail or wholesale sale or rental from the premises of watercraft, vehicular and related equipment with incidental maintenance.
- Boat and Motor Dealers
Mobile Home Dealers
Motor Vehicle Dealers
Motor Vehicle Leasing
Motorcycle Dealers
Recreational Vehicles, including all-terrain vehicles (ATV) and Utility Trailer Dealers
25. Waste Disposal Facilities: includes sanitary landfills which serve municipal, institutional, and/or rural populations and are used or are to be used for disposal of domestic wastes, commercial wastes, institutional wastes, municipal solid wastes, bulky wastes, landscaping and land-clearing wastes, industrial wastes, construction/demolition wastes, farming wastes, shredded automotive tires, dead animals, and special wastes.
- Solid Waste Landfills
Waste Incinerators including Hospital and Medical Waste
26. Wholesale Sales: includes the storage and sale from the premises of goods to other firms for resale, as well as the storage of goods and their transfer to retail outlets; but exclude sale or storage of motor vehicles, except for parts and accessories. These would include such uses as:
- Apparel, Piece Goods, and Notions
Automotive Parts and Supplies
Beer, Wine, and Distilled Alcoholic Beverages
Chemicals and Allied Products
Drugs, Drug Proprietary, and Sundries
Electrical Goods and Appliances
Farm Products Raw Materials
Farm Supplies
Furniture and Home Furnishings
Groceries and Related Products
Hardware, Plumbing, and Heating Equipment and Supplies
Lumber and Other Construction Materials
Machinery, Equipment, and Supplies
Metals and Minerals
Paints, Varnishes, and Supplies
Petroleum and Petroleum Products
Sporting, Recreational, Photographic, and Hobby Goods
Tobacco and Tobacco Products
Toys and Supplies
27. Wireless Communications Facilities

3.080 Manufacturing Activities. Manufacturing activities include the on-site production of:

1. Limited Manufacturing Activities: includes the following operations:

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

Apparel and Apparel Accessories

Art Objects

Bakery Goods

Beverages

Dairy Products

Instruments for Medical, Dental, Engineering, Scientific, and Other Professional Purposes

Optical Instruments and Lens

Printed Matter

Signs

- B. Activities and operations which includes the following:

Book Binding

Cabinets and Similar Products

Data Processing Service

Photocopying

Photoengraving

Precision Machining of Dies, Jigs, and Fixtures

Printing

Publishing

Record Pressing

Schools for Instruction of Industrial Processes such as Welding, HVAC, etc.

Upholstering

Welding

2. Intermediate Manufacturing Activities: includes the following operations:

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

Cotton Seed Oil

Explosives

Fireworks

Organic Fertilizers

B. Other activities and operations except for the following:

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

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

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

3.090 Agricultural, Resource Production, and Extractive Activities

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

Crop Drying, Storage, and Processing
Crop Planting, Cultivating, and Protection Services

Fisheries and Related Services
Horticultural Services
Livery Stables
Riding Stables
Soil Preparation Services
Veterinary Services for Large Animals

2. Crop and Animal Raising: includes the raising of tree, vine, field, forage, and other plant crops intended to provide food or fiber, as well as keeping, grazing, or feeding animals for animal products, animal increase, or value increase, but specifically excluding commercial feed lots and facilities for the processing, packaging, or treatment of agricultural products:

Dairies
Farms
Raising of Plants, Animals, and Fish
Truck Gardens

3. Forestry Activities and Related Services including Nurseries: includes the cultivation for sale of horticultural specialties, such as flowers, shrubs, and trees, intended for ornamental, landscaping, or tree planting purposes:

Forestry Nursery
Plant Nursery

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

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

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

ARTICLE IV

GENERAL PROVISIONS

SECTION

- 4.010 Scope
- 4.020 Only One (1) Principal Structure On Any Residential Lot
- 4.030 Lot Must Abut a Public Street
- 4.040 Reduction in Lot Area Prohibited
- 4.050 Obstruction to Vision at Street Intersection Prohibited
- 4.060 Access Control
- 4.070 Accessory Use Regulations
- 4.080 Plot Plan Requirements
- 4.090 Buffer Strips
- 4.100 Rear Yard Abutting a Public Street
- 4.110 Corner Lots
- 4.120 Future Road Line

4.010 Scope

For the purpose of the zoning resolution, there shall be certain general provisions which shall apply, except as specifically noted, to the city as a whole.

4.020 Only One (1) Principal Structure On Any Residential Lot

Only one (1) principal building and its accessory structures may hereafter be erected on any zone lot. This provision shall not apply to group housing developments and mobile home parks as permitted in this resolution. On lots used for agricultural purposes which exceed twelve (12) acres, up to two (2) additional dwellings 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.

4.030 Lot Must Abut a Public Street

No building shall be erected on a lot which does not continuously abut at least one public street for at least fifty (50) feet; the lot must be a minimum of fifty (50) feet in width to the building setback line. This section shall not apply to properties abutting a cul-de-sac, which shall abut the street for at least thirty (30) feet in width from the street to the building setback line. This section shall not apply to a lot of record with an easement of at least thirty (30) feet in width to a public street from and after the time of adoption of this ordinance.

4.040 Reduction in Lot Area Prohibited

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

4.050 Obstruction to Vision at Street Intersection Prohibited

On a corner lot in any district, within the area formed by the center line of intersecting streets and a line joining points on such center lines at a distance of ninety (90) feet from their intersection nothing shall be erected, placed, planted, or allowed to be grown in such a manner as materially to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the center line grades of said intersecting streets. This section shall not be deemed to prohibit any necessary retaining walls.

4.060 Access Control

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

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

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

2. There shall be no more than two (2) points of access to any one (1) public street for each four hundred (400) feet of lot frontage, or fraction thereof, provided, however, that lots less than one hundred (100) feet in width shall have no more than one (1) point of access to any one (1) public street.
3. No point of access shall be allowed within twenty (20) feet of the right-of-way line of any public intersection.
4. No curbs, or shoulders on public streets or rights-of-way shall be cut or altered without approval of the Hartsville/Trousdale County Road Superintendent, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.
5. The clear distance between any two (2) driveways fronting on a street shall not be less than twenty-five (25) feet.
6. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly onto a public street.

4.070 Accessory Use Regulations

The use of land, buildings, and other structures permitted in each of the districts established by this resolution are designated by listing the principal uses. In addition to such principal uses, accessory uses such as garages and small out buildings in residential area, etc., which are customarily incidental to the permitted principal uses are also permitted in each district (see definition of accessory use). Each accessory use shall:

1. Be customarily incidental to the principal use established on the same lot.
2. Be subordinate to and serve such principal use.
3. Be subordinate in area, intent, and purpose to such principal use.
4. Contribute to the comfort, convenience, and/or necessity of users of such principal use.
5. In the Urban Services District, not use trailers, vans, mobile homes, buses, truck bodies, or automobiles for storage.

4.080 Plot Plan Requirements

1. Proposals (plans) for the construction or location of one or more principal structures on a lot (with the exception of single-family and two-family dwellings) shall be submitted no later than fifteen (15) days prior to the next regularly scheduled planning commission meeting, at a scale no smaller than 1"=100', showing contours at two (2) foot intervals, and must exhibit required automobile storage areas, servicing utilities with reference to location, availability, and compatibility, loading and unloading spaces, maneuvering areas, openings for ingress and egress to public streets, a proposed drainage plan, the density of development or the required open space, the number of stories (all residential and commercial structures three or more stories in height must have their plans approved by the State Fire Marshall's Office), the number of dwelling units per acre if applicable, all required building setbacks and other yard requirements, as well as a location map showing the relationship of the proposal to scale, to other development, land uses, and streets.
2. Proposals for mobile home parks shall also follow provisions outlined in Article V, Section 5.090, in this resolution.
3. The above applications must be supported by any other information or data as might be deemed necessary by the Hartsville/Trousdale County Regional Planning Commission.

4.090 Buffer Strips

In the General Services District, where a use is developed in areas zoned (C-1 or M-1) which abuts at any point upon property zoned (A-1, R-1, and R-2), the developer of said use shall provide a buffer strip as defined herein at the point of abutment. (See definitions section.)

In the Urban Services District, where a use requiring a site plan to be filed in accordance with Article IX, Section 9.030 Zoning Compliance Permit (Building Permits) 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 which shall consist of a solid fence no less than seven (7) feet tall and landscaping, including trees, the intent of which is to create an opaque screen between the new development and existing development(s). Buffers are required between industrial and commercial districts. (See definitions section.) The buffer strip shall be no less than ten (10) feet in width.

4.100 Rear Yard Abutting a Public Street

When the rear yard of a lot abuts a public road, all structures built in that rear yard shall observe the same setback as required for adjacent properties which front on that road. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that road.

4.110 Corner Lots

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

4.120 Future Road Line

For purposes 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 Hartsville/Trousdale County Major Thoroughfare Plan.

ARTICLE V

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

- 5.010 Off-Street Parking Requirements
 - 5.010.1 Certification of Minimum Parking Requirements
 - 5.010.2 Combination of Required Parking Spaces
 - 5.010.3 Remote Parking Space
 - 5.010.4 Requirements for Design of Parking Lots
- 5.020 Off-Street Loading and Unloading Requirements
- 5.030 Parking for Tractor Trailers and Commercial Buses
- 5.040 Temporary Use Regulations
- 5.050 Customary Incidental Home Occupations
- 5.060 Gasoline Service Station Restrictions
- 5.070 Development Standards for Group Housing Projects
 - 5.070.1 Procedure for Submission and Review
 - 5.070.2 Required Development Standards
- 5.080 Standards for Signs, Billboards, and Other Advertising Structures
- 5.090 Development Standards for Mobile Home Parks
- 5.100 Development Standards for Automobile Wrecking, Junk, and Salvage Yards
- 5.110 Development Standards for Cemeteries in the Urban Services District
- 5.120 Development Standards for Private Campgrounds
- 5.130 Development Standards for Mining Activities and Related Services
- 5.140 Development Standards for Self-Service Storage Facilities (Mini-Warehouses)
- 5.150 Development Standards for Outdoor Firearms Training Facilities (excluding skeet shooting)
- 5.160 Standards for Telecommunication Antennas and Towers
- 5.170 Swimming Pool Restrictions

5.010 Off-Street Parking Requirements

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One vehicle space shall be two hundred (200) square feet in size (10'x20') and such space shall be provided with vehicular access to a street or alley. Unobstructed driveways shall suffice for the required parking spaces in relation to single detached dwellings, prefabricated houses, duplexes, and mobile homes on individual lots. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

1. Single Detached Dwelling and Duplex. Not less than two (2) space for each dwelling unit.
2. Apartment, Townhouse, and Condominium. Not less than two (2) spaces per dwelling unit.
3. Boarding Houses and Rooming Houses. Not less than one (1) space for each one (1) room to be rented.

4. Mobile Home Parks. Not less than two (2) spaces for each mobile home space.
5. Other Dwelling Units. Not less than two (2) spaces per dwelling unit.
6. Hotels, Motels, and Other Tourist Accommodations. Not less than one (1) space for each room to be rented plus one (1) additional space for each two (2) employees.
7. Any Auditorium, Church, Stadium, or Other Place of Public Assembly. Not less than one (1) space for each four (4) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one space for each two hundred (200) square feet of floor space devoted to that particular use shall be provided.
8. Manufacturing, Industrial, or Wholesaling Use. Not less than one (1) space for each two (2) employees anticipated during maximum production, with a minimum of five (5) spaces provided for any establishment. For establishments maintaining space for the sale of products at retail, there shall be provided one (1) parking space for each five hundred (500) square feet of floor area devoted to retail sales.
9. Office and Professional Buildings. Not less than one (1) parking space for each two hundred fifty (250) square feet of office space or fraction thereof, plus one (1) parking space for every three (3) employees.
10. Retail Sales and Service Establishments. Not less than one (1) parking space for each two hundred (200) square feet, or fraction thereof, of sales space in general commercial districts and the rural center districts.
11. Medical or Dental Clinic. Not less than four (4) spaces per doctor, plus one (1) additional space for each employee.
12. Roadside Service Facilities (Service Stations, Repair Shops, or Similar Uses). Not less than five (5) spaces for grease rack or service bay, or one (1) space for each fifteen hundred (1,500) square feet of lot area or fraction thereof, whichever is greater, plus one (1) space for every two (2) employees.
13. Restaurants. Not less than one (1) space per one hundred fifty (150) square feet of floor area, plus one (1) space for each two (2) employees. For drive-in restaurants, one (1) space per one hundred (100) square feet of floor area, plus one (1) space for each employee.
14. Shopping Centers. Five point five (5.5) parking spaces for each one thousand (1,000) square feet of gross floor area.
15. Other. For building and uses not listed, the off-street parking requirements shall be determined by the Board of Zoning Appeals.

5.010.1 Certification of Minimum Parking Requirements

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.

5.010.2 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.

5.010.3 Remote Parking Space

If the off-street parking space required by this resolution cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within two hundred (200) 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 provisions of parking space, meeting the requirement of this resolution, has been made for the principal use.

5.010.4 Requirements for Design of Parking Lots

1. Except for parcels of land devoted to one (1) and two (2) 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 onto a public street to obtain egress.
2. Each parking space shall be no less than two hundred (200) square feet in area.
3. Ingress and egress for all off-street parking lots shall comply with the requirements of Section 4.060, of this resolution.
4. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.
5. Lights illuminating parking lots shall be directed or screened so as not to encroach upon adjacent or nearby residential districts.
6. Parking lots containing five (5) or more spaces shall be suitably paved with an all-weather wearing surface or dustless material.

5.020 Off-Street Loading and Unloading Requirements

Every building or structure hereafter constructed and used for industry, business, or trade involving the receiving or distribution of vehicles, materials, or merchandise shall provide suitably paved 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:

<u>Total Usable Floor Area for Principal Building</u>	<u>Spaces Required</u> (See Article II - Definitions)
0 to 4,999 sq. ft.	One (1) space
5,000 to 9,999 sq. ft.	Two (2) spaces
10,000 to 14,999 sq. ft.	Three (3) spaces
15,000 to 19,999 sq. ft.	Four (4) spaces
Over 20,000 sq. ft.	Four (4) space 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.

5.030 Parking for Tractor Rigs and Commercial Buses

1. A truck tractor, used as motor power for drawing a semi-trailer, shall not be parked on any street right-of-way, except temporarily while in attendance by the driver and while attached or unattached to a companion semi-trailer being loading or unloaded; a truck trailer shall be parked in a residential zoning district overnight only in a driveway so designed or in a backyard as defined in this resolution.
2. A semi-trailer of any type as defined in this resolution shall not be parked in a residential zoning district or on public street right-of-way in any zoning district except while in attendance by the driver and temporarily attached or unattached for purposes of loading or unloading; a semi-trailer shall not be parked in a residential zoning district overnight, whether loaded or unloaded or whether attached or unattached to motor power.

5.040 Temporary Use Regulations

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 inspector. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking spaces for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow, and to the regulations of any district in which such use is located.

1. Carnivals, Festivals, Fairs, Rodeos or Circuses. May obtain a Temporary Use Permit in the TA-1, TC-1, TC-2, HC-1 and HC-2 Districts; however, such permit shall be issued for a period of no longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided.
2. Limited Duration Goods and Merchandise. May obtain a thirty (30) day Temporary Use permit for the display and sale of limited duration goods and merchandise on open lots in any district.
3. Christmas Tree Sales. May obtain a thirty (30) day Temporary Use Permit for the display and sale of Christmas trees on open lots in any district.
4. Temporary Buildings. In any district, a Temporary Use Permit may be issued for contractor's temporary office and equipment shed(s) incidental to a construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six-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.
5. 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 Hartsville/Trousdale 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.
6. Religious Tent Meetings. In any district, except the TM-1, General 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.
7. 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. Structures utilized for such sales shall be able to be removed, if necessary, when not in use. The permit shall be issued for a six (6) month period. All structures must be set back from the right-of-way. (Amended by Ordinance Dated May 24, 2004)

8. Temporary Dwelling Unit in Cases of Special Hardship. In any residential district, a Temporary Use Permit may be issued to place a mobile home (double-wide excluded) temporarily on a lot in which the principal structure was destroyed by fire, explosion or natural phenomena or during the period in which a permanent residence is being constructed. The purpose of such placement temporarily shall be to provide shelter for only the residents of the principal structure during the period of construction or reconstruction and to prevent an exceptional hardship on same. Placement of such temporary structure must not present a hazard to the safety, health, or welfare of the community. An applicant for a Temporary Use Permit as provided under this subsection must produce a written statement from the Trousdale County Health Department and/or the Utilities System approving the water supply and sewage disposal systems of the temporary structure. Such a permit may be initially issued for twelve (12) months. A permit may be renewed for up to six months at a time, the total time for all permits not exceeding a total of eighteen (18) months.
9. Temporary Manufacture of Road Materials: In any district, except the residential districts, a Temporary Use Permit may be issued upon approval by the Hartsville/ Trousdale 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 ordinance.

Such a permit may be issued initially for a twelve (12) month period. A permit may be renewed for up to six (6) months at a time, the time for all permits not to exceed a total of twenty-four (24) months.

5.050 Customary Incidental Home Occupations

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. The use of the dwelling unit or approved accessory building for the home occupation shall be clearly incidental and subordinate to residential purposes of the land. This section classifies all home occupations as "Minor Home Occupations" or "Major Home Occupations" and subject to the respective limitations prescribed. All other uses that are not considered under one of these classifications is prohibited under these regulations.

1. Minor Home Occupations

A minor home occupation is a limited accessory 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 or appliance repair, cabinet making and upholstery shops, dance or music studios with more than four (4) students at a time, or any similar use shall not be considered as minor home occupations. Due to the small scale of operation, minor home occupations are not required to obtain approval from the Board of Zoning Appeals. However, in order to assure that such

activities remain within the limited scope of this provision, a use permit shall be obtained from the Building Inspector by the owner of the premises, or the renter provided prior consent in writing from the owner. The effective period for the use permit shall not exceed three (3) years. At the end of the period, renewal shall be granted upon receipt of properly documented certification that the minor home occupation continues to be operated within the limitations as described below.

- A. A minor home occupation shall be conducted within a dwelling and shall be clearly incidental to the use of the structure as a dwelling. No more than twenty-five (25) percent of the floor area of the dwelling may be utilized by the minor home occupation.
- B. In no way shall the appearance of the structure be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by use of colors, materials, construction, lights, signs, or the emission of noise or vibration. Signs for minor home occupations are prohibited.
- C. No traffic shall be generated by such minor home occupation by persons other than the occupants of the dwelling and any limited off-street parking as a result of the conduct of such home occupation.
- D. Deliveries and pickups are permitted only by parcel post, United Parcel Service, or similar local delivery service trucks.
- E. No minor home occupation shall involve the on-site use or storage of tractor trailers, semi-trucks, buses or heavy construction equipment.
- F. No equipment or process shall be used in any minor home occupation that creates noise, vibration glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or processes shall be used which creates visual or audible interference in any radio or television receivers off the premises.
- G. No outdoor display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.
- H. No home occupation shall require internal or external alterations or involve construction features or the use of mechanical or electrical equipment that would change the fire rating of the structure or the district in which the structure is located.
- I. No more than one (1) person other than residents of the dwelling shall be employed at the location in the conduct of a minor home occupation.

The Building Inspector shall have the discretionary review of all minor home occupations, including whether or not a proposed activity is minor or major in nature. Any applicant aggrieved by the decision of the Building Inspector shall have the prerogative to appeal the decision to the Board of Zoning Appeals as an Administrative Review per Article IX, Section 9.070 of this Resolution

2. Major Home Occupations

Uses classified as major home occupations are those accessory activities conducted on premises that exceed the standards for Minor Home Occupations. Major home occupations may cause an increase in the amount of neighborhood traffic which may be in the form of persons served by the home occupation or by deliveries or pick-ups from the premises. All major home occupations require approval of an application for a permit as an appeal made by the owner of the premises to the Board of Zoning Appeals prior to engaging in the activity, in the process described in Article IX, Section 9.070 of this Resolution, and subject to compliance with operational limitations imposed upon such use by virtue of being considered accessory to a principal use or activity as listed below. Major home occupations shall include barber and beauty shops, teaching of music and dance for over four (4) students at a time, small engine and appliance repair, upholstery shops, real estate offices, welding shops, woodworking shops, manufacturing or processing of garments, and other similar uses that in the opinion of the Board of Zoning Appeals would meet the criteria of a major home occupation.

The effective period for the major home occupation permit shall not exceed three (3) years. At the end of the period, renewal shall be granted upon receipt of properly documented certification that the major home occupation continues to be operated as originally approved by the Board of Zoning Appeals within the operational limitations below. Any act of noncompliance may result in revocation of the home occupation permit, unless a new review by the Board of Zoning Appeals holds that the variation maintains the spirit and intent of these conditions.

- A. The home occupation is to be conducted only by members of the family residing in the dwelling unit, plus no more than one (1) nonresident assistant or employee. Persons engaged in the building trades or similar fields, using their dwelling units or residential premises as an office for business activities carried on off-premises, may have more employees than the limitation set forth above, if such persons are not employed on the premises. Off-street parking for employees on premises should be incorporated within the proposal as described in K below.
- B. In no case shall a home occupation be open to the public at times earlier than 8:00 a.m., or later than 10:00 p.m.
- C. A home occupation shall be conducted within a dwelling and shall be clearly incidental to the use of the structure as a dwelling. No more than twenty-five (25) percent of the floor area of the dwelling may be utilized by the home occupation. An accessory structure may be used for the activity provided such structure meets the criteria for accessory structures as defined in this resolution.
- D. In no way shall the appearance of the dwelling or accessory structure be altered in a manner that would cause the premises to differ from its residential character either by use of colors, materials, construction, lights, signs, or the emission of noise or vibration. However, major home occupations are limited to one (1) sign and restricted to no greater than four (4) square feet in area.

- E. No equipment or process shall be used in any home occupation that creates noise, vibration, glare, fumes, odors or electrical interference detectable to the formal senses off-premises. In the case of electrical interference, no equipment or processes shall be used which creates visual or audible interference in any radio or television receivers off-premises.
- F. Products or goods produced or fabricated from raw materials, or items repaired on the premises as a result of the home occupation may only be sold and picked up from the premises.
- G. Deliveries and pickups are permitted only by parcel post, United Parcel Service, or similar local delivery service trucks.
- H. There shall be no storage of equipment, vehicles, bins, trailers, or supplies associated with the home occupation outside the dwelling or accessory building.
- I. There shall be no display of products visible in any manner from outside the dwelling, including any on-site use, storage, or repair of vehicles, various repair items and discarded parts, construction machinery, and any equipment related to the home occupation.
- J. No home occupation shall require internal or external alterations or involve construction features or the use of mechanical or electrical equipment that would change the fire rating of the structure. No use shall be permitted, which involves the manufacture or storage of products that are dangerous in terms of risk of fire, explosion, or hazardous emissions.
- K. Off-street parking shall be provided with each request, the number determined as adequate by the Board.
 - (1) Off-street parking can be provided on premises to accommodate the additional needs generated by the home occupation, including employees.
 - (2) Any added parking will not detract from the visual appearance of the residence nor adversely impact adjoining properties or the public street.

5.060 Gasoline Service Station Restrictions

The following regulations shall apply to all gasoline service stations:

1. There shall be a building setback from all street right-of-way lines of a distance not less than fifty (50) feet, except for canopies designed to cover the gasoline pump islands.
2. Gasoline pumps shall not be located closer than fifteen (15) feet to any right-of-way line.
3. Sign requirements as established in Article V, Section 5.080 shall be met.

5.070 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.

5.070.1 Procedure for Submission and Review

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

5.070.2 Required Development Standards

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

1. Location
 - A. The site shall comprise a single lot or tract of land, except where divided by public streets.
 - B. The site shall abut a public street.
2. Density and Dimension
 - A. The average number of dwelling units per acre of buildable land, not including streets, shall not exceed that permitted within the applicable district.
 - B. All yard requirements as established for the districts in which such use is permitted are applicable, except where buildings may be joined by common walls.

3. Design

- A. Internal Drives: The maximum grade on any drive shall be seven (7) percent unless an alteration is specifically approved by the Planning Commission.
- B. Where feasible, all drive intersections shall be at right angles.
- C. Minimum distance between buildings shall be thirty (30) feet at any point.

4. Public Street Access

- A. The minimum distance between access points along public street frontage, center line to center line, shall be two hundred (200) feet.
- B. The minimum distance between the center line of an access point and the nearest curb line or street line of a public street intersection shall be one hundred (100) feet.

5. Required Improvements

- A. Internal Drives: Specifications for drives in group housing developments shall conform to roadway specifications as specified by the Hartsville/Trousdale County Planning Commission Subdivision Regulations to which reference is hereby made and incorporated herein by reference.
- B. Utilities: The development shall be served with a public utility systems adequate to assure fire protection and removal of liquid waste via a central sewage collection and treatment facility.
- C. 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.
- D. Service Building: Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.

5.080 Standards for Signs, Billboards, and Other Advertising Structures

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

- 1. In any Zoning District, the following general regulations shall apply:

- 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 residential property in any Agricultural or Residential Zoning District, unless the illumination of such sign is so designed that it does not shine or reflect light onto such property.
- C. No billboard or ground sign shall be erected to exceed the maximum height limitation for the district in which it is located, not exceeding four hundred (400) square feet in area. No billboard shall exceed fifty (50) feet in length, and no double stacking of billboards is allowed, except by special review by the Board of Zoning Appeals. The bottom coping of every ground sign shall be at least three (3) feet above the ground or street level.
- D. Billboards and other similar outdoor advertising structures shall be erected or placed in conformity with the side, front, and rear yard requirements of the district in which located. However, no billboard shall be erected or placed closer than within one hundred (100) feet of any residential district.
- E. On the premises, outdoor advertising signs including flashing or intermittent illumination shall not intrude upon the public right-of-way.
- F. 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.
- G. Professional signs and signs for home occupations shall not exceed four (4) square feet in area in the residential districts.
- H. 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) No such signs shall be allowed in any residential zone.
 - (6) All such signs shall be valid for thirty (30) days only, after which time they shall be removed.

- I. In any District, the following signs shall be permitted:
 - (1) For parking areas, entrances and exit signs not exceeding four (4) square feet in area and not more than one sign not more than sixteen (16) square feet in area identifying or designating the conditions of the use of such parking area.
 - (2) Nonilluminated "For Sale" or "For Rent" signs not exceeding four square feet in area.
 - (3) One (1) sign not more than twelve (12) square feet in area giving the name of the contractors, engineers, or architects, during construction of a building.
 - (4) Signs established by, or by order of, any governmental agency.
 - (5) For special events of public interest, one (1) sign not over thirty-two (32) square feet in area.
 - (6) Flags or emblems of political, civic, philanthropic, education or religious organizations.
 - (7) Small unilluminated 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.

2. In Agricultural 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 no more than four (4) square feet in area.
- B. Not more than two (2) nonilluminated signs not to exceed a total of twenty-four (24) square feet in area, advertising the sale of farm products produced on the premises shall be permitted.
- C. Church, school or public building bulletin boards or identification signs, not exceeding sixty (60) square feet in area are permitted.
- D. Flashing or intermittent illumination is prohibited.
- E. Billboards and other advertising structures are prohibited.
- F. Business signs, not to exceed one and one-half (1 1/2) square feet of surface area for each one (1) linear foot of face of building, relating to the business on the premises will be permitted.

3. In Residential Districts, the following regulations shall apply:
- A. Nameplates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.
 - B. One temporary nonilluminated sign not to exceed sixteen (16) square feet in area, advertising the sale of farm products produced on the premises shall be permitted.
 - C. Church, school or public building bulletin boards or identification signs, not exceeding twenty (20) square feet in area are permitted.
 - D. Flashing or intermittent illumination is prohibited.
 - E. 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 sixteen (16) square feet in area.
 - F. Where commercial enterprises are permitted, business signs, not to exceed one (1) square foot of surface area for each one (1) linear foot of face of building, relating to the business of the premise, will be permitted, not to exceed sixteen (16) square feet in area.
 - G. For residential subdivisions, apartment buildings, and group housing developments, identification signs, not exceeding sixteen (16) square feet in area are permitted.
4. In the TC-1, General Commercial District, the following regulations shall apply:
- A. Nameplates indicating name, address, house number, announcement of boarders or rooms for rent, or customary home occupations are permitted, no more than four square feet in area.
 - B. Church, school, or public building identification sign or bulletin boards, not exceeding thirty-two (32) square feet in area are permitted.
 - C. For other permitted uses, one business sign not exceeding one (1) square foot of surface for each two (2) linear feet of lot fronting on a public street, will be permitted. Such sign shall be mounted on the premises and shall be directly related to the activity conducted on said premises.
5. In all Commercial Districts in the Urban Services District, the following regulations shall apply:
- A. Business signs 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.

- B. Bulletin boards or identification signs, not exceeding sixty-four (64) square feet in area, shall not be permitted for public recreational uses, community facilities, hospitals, and clinics.
- C. One business sign directly relating to the activity conducted on the premises, not exceeding sixty-four (64) square feet and fifteen (15) feet in height. However, that in the cases of freestanding signs with two (2) faces, each face may not be more than sixty-four (64) square feet.
- D. Not more than one (1) freestanding sign shall be established for each separate lot, regardless of how many businesses or commercial entities are located on such lot; provided, however, that lots on public streets or highways with frontages of more than five hundred (500) feet of frontage may erect one (1) sign on each such route for each five hundred (500) feet of frontage. For corner lots, one (1) sign may be erected on the frontage of each public street or highway unless the five hundred (500) foot provision applies. No individual sign shall have an area of more than sixty-four (64) square feet, provided, however, that in case of freestanding signs with two (2) faces, each face may not be more than sixty-four (64) square feet.
- E. Signs affixed to building walls shall not total more than thirty-two (32) square feet on any one building wall.
- F. All ground sign supports shall be located no closer than ten (10) feet from any public right-of-way or property line; n part of the sign face may be closer than five (5) feet from any public right-of-way or property line.
- G. Billboards and other outdoor advertising structures are permitted subject to the general restrictions set forth in Subsection 5.080.1, above.
- H. Traffic or directional signs are excluded from this subsection if restricted to traffic flow or parking information, and if less than four (4) square feet in surface area per face

6. In Industrial Districts, the following regulations shall apply:

- A. Business signs shall be permitted which relate to the business on the premises. Such signs shall be located no closer than one-half (1/2) the required setback from all property lines.
- B. Flashing or intermittent illumination is prohibited.
- C. Billboards and other outdoor advertising structures are permitted fifteen (15) feet from the right-of-way subject to the general restrictions set forth in Subsection 5.080.1, above.

5.090 Development Standards for Mobile Home Parks

1. Site Plan Required

A mobile home park building permit may be issued for construction or extension of a mobile home park only after submission and approval by both the planning commission and the Board of Zoning Appeals of a site development plan containing the following

- A. The name and address of the applicant.
- B. The location and legal description of the proposal.
- C. The location and size of all buildings, improvements, and facilities constructed or to be constructed within the mobile home park site as well as a legal description.
- D. The proposed use of buildings shown on the site plan.
- E. The location and size of all mobile home spaces.
- F. The location and size of all points of ingress and egress for motor vehicles and the internal street circulation pattern (roadways and pedestrian walkways).
- G. The location and number of all off-street parking facilities.
- H. The location of parks and recreation areas.
- I. The location of buffer strips.
- J. A comprehensive drainage plan with contour lines at two (2) foot intervals.
- K. A location map showing the park site in relation to the existing public street pattern, indication of uses of property adjacent to the site and the location of all buildings within two hundred (200) feet of the site.
- L. Such other architectural, engineering, and topographic data as may be required to permit the local health officer the building inspector and the Hartsville/Trousdale County Board of Zoning Appeals and Planning Commission, to determine if the provisions of these regulations are being complied with shall be submitted with the site plan.
- M. The location and size of all servicing utilities, i.e., water lines, fire hydrants, sewer lines, drain field areas, gas lines, electric lines, etc. Official approval of all servicing utilities shall be documented and submitted with the site plan.
- N. 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.

2. Required Development Standards

- A. A mobile home park shall be located only as a special exception within those districts where permitted.
- B. No parcel of land containing less than five (5) and less than ten mobile home spaces, available at the time of first occupancy, shall be utilized for a mobile home park.
- C. The mobile home park shall be located on a well-drained site, properly graded to ensure rapid drainage and to avoid the possibility of stagnant pools of water.
- D. Dimensional requirement for parks:
 - (1) Each mobile home park shall have a front yard of fifty (50) feet exclusive of any required yards for each mobile home space, extending for the full width of the parcel devoted to said use.
 - (2) Each mobile home park shall provide rear and side yards of not less than thirty (30) feet, exclusive of any required yards for each mobile home space, from the parcel boundary.
 - (3) In instances where a side or rear yard abuts a public street, said yard shall not be less than fifty (50) feet.
 - (4) No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or twenty-five (25) feet.
 - (5) Each mobile home park shall be permitted to display, on each street frontage, one identifying sign of a maximum size of twenty (20) square feet. Said signs shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.
- E. Dimensional requirement for mobile home space:

Each mobile home space shall be of sufficient size that, in addition to the mobile home, the following space shall be provided:

- (1) Each mobile home space shall be at least fifty (50) feet wide and such space shall be clearly identified by permanent markers.
- (2) There shall be a front yard setback of twenty (20) feet from all access roads within the mobile home path.
- (3) Mobile home shall be harbored on each space so that there shall be at least a twenty (20) foot clearance between mobile homes; the end-to-end clearance at least twenty (20) feet. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.

- (4) There shall be at least two (2) off-street parking spaces for each mobile home space, which shall be on the same site as the mobile home served, and may be located in the rear or side yard of said trailer space.
- (5) Each mobile home space shall be provided with a paved patio of at least two hundred (200) square feet.
- (6) Each mobile home space shall be provided with a pad which shall be a minimum of twelve feet by fifty feet (12' x 50'), which shall be constructed of four (4) inches of compacted gravel.
- (7) The minimum lot area per mobile home space shall be five thousand (5,000) square feet. For double- wide mobile homes, the minimum lot size shall be six thousand (6,000) square feet.

F. General requirements:

- (1) Roads within the mobile home park shall have a roadway width of not less than twenty (20) feet in accordance with the procedures and standards for minor residential streets as specified in the Trousdale County Subdivision Regulations. However, the right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.
- (2) All mobile home spaces within the park shall abut an access road.
- (3) No mobile home park shall be permitted unless such park is served by a public water supply that is adequate to provide fire protection.
- (4) All mobile home parks shall be serviced with public or package sanitary sewerage and public water on available trunk lines, and the proposed water system shall be approved in writing by the Tennessee Department of Health and Environment as well as by the appropriate water authority. Septic sewage disposal shall be permitted only on mobile home lots having sufficient area to meet the requirements of the Trousdale County Health Department.
- (5) Mobile homes, with or without toilet facilities that cannot be connected to an approved sewer system shall not be permitted in a mobile home park.
- (6) Cabanas, travel trailers, and other similar enclosed structures are prohibited.
- (7) Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one mobile home in the park may be used to house a rental office.

- (8) Grounds anchors shall be installed at each mobile home space to permit tie downs of mobile homes.
- (9) Specifications for drives in mobile home park developments shall be the same as the roadway specifications contained in the Trousdale County Regional Planning Commission Subdivision Regulations to which reference is hereby made and incorporated herein.
- (10) Any central refuse disposal area shall be maintained in such manner as to meet county health requirements, and shall be screened from view.
- (11) Service buildings housing laundry, sanitation, or other facilities for use by occupants shall be permanent structures complying with all applicable codes.
- (12) A planted buffer strip (greenbelt planted strip) not less than ten (10) feet in width shall be established along the outer boundaries or periphery of the mobile home park. Said planted strip shall be composed of one (1) row of evergreen trees, spaced not more than four (4) feet apart, and not less than two (2) rows of shrubs or hedges spaced not more than five (5) feet apart and which grown 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 in height.
- (13) Outside antenna (TV, Radio, Communications, etc.) shall not be installed in close proximity to overhead power lines; a safety clearance zone shall be maintained equivalent to overall installed height of the antenna/mast plus ten (10) feet, as measured from antenna mast base horizontally or diagonally from said overhead power lines.

G. Application or mobile home park building permit:

An application for a permit to develop and construct a mobile home park shall be filed in accordance with Article IX, Section 9.060, of this resolution, and shall be accompanied by all site plans, schedules, and other information herein required. Said application shall be processed in the following manner:

- (1) The written application, plans, and schedules, herein required, and a statement of approval of the proposed sewage disposal system from the Tennessee Department of Environment and Conservation will be submitted to the Hartsville/Trousdale County Building Inspector and Hartsville/Trousdale County Planning Commission. The Building Inspector and Hartsville/Trousdale County Planning Commission shall duly review these materials and shall coordinate the review with other affected agencies and departments.
- (2) The Hartsville/Trousdale County Building Inspector shall, after review, recommend approval or disapproval of the proposed mobile home park to the Board of Zoning Appeals, which then may authorize the issuance of a permit for construction of the park as approved, or state the conditions under which approval for construction may be granted. If at any time during the development process, unapproved deviations

from the officially approved site plan occur, the development or building permit granted to the applicant or developer shall be subject to immediate revocation, until such time as such discrepancies are removed, corrected, or officially approved by the Hartsville/Trousdale County Planning Commission.

H. Streets

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

(1) Circulation - The internal street systems shall 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.

(2) Pavement Widths – Pavement widths shall be as follows:

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

(3) Construction - The internal streets and drives shall be paved in accordance with the Hartsville/Trousdale County Subdivision Regulations.

I. Walks

All mobile home developments shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, and shall be constructed of pavement or concrete. 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

J. Recreation Area

Adequate recreation facilities for the residents of the park shall be provided in locations easily accessible to the living units, but shall 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.

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

K. Buffer and Screening

A landscape buffer shall be provided along the perimeter of the site with 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.

L. Site Design

The appearance and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features. 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.

M. Off-Street Parking

Paved off-street parking may be grouped in bays, whether adjacent to streets, the interior of blocks or on the mobile home lot. Such parking areas shall generally be located in close proximity to the dwelling 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.

3. Responsibility of Park Management

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

- B. The permittee shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance.
- C. The permittee shall supervise the placement of each mobile home on its mobile home stand to the satisfaction of the building inspector, which includes securing its stability to anchor pins and installation of all utility connections.
- D. The permittee shall maintain a register containing the following information:
 - (1) The name and address of each mobile home occupant.
 - (2) The name and address of the owner of each mobile.
 - (3) The make, model, year, and license number of each mobile home and motor vehicle.
 - (4) The date of arrival and departure of each mobile home.
- E. The mobile home park shall keep the register record available for inspection at all times by law enforcement officers, public health officials, building inspector and other officials whose duties necessitate acquisition of the information contained in the register.
- F. The register record shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park.
- G. The permittee shall notify the health authority immediately of any suspected communicable or contagious disease within the park.
- H. The permit to operate shall be posted conspicuously in the mobile home park office at all times.
- I. The permittee shall be held responsible for the violation of any provision of this section.

4. Responsibilities of Park Occupants

- A. Park occupants shall comply with all applicable requirements of this zoning ordinance and shall maintain his/her mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.
- B. Park occupants 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 and the provisions of this section.
- C. Skirtings, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath each mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:

- (1) The storage area shall contain a base of impervious material.
- (2) Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
- (3) The storage area shall be enclosed by skirting.
- D. Park occupants shall store and dispose of all rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent proof, insect proof, and watertight.
- E. Fire extinguishers for Class B and C fires shall be kept on the premises and maintained in working condition.
- F. Park occupants shall be required to register their pets with the park management.
- G. Park occupants shall be required to have their pets on a leash and shall not be allowed to roam free and unleashed.
- H. Park occupants shall not be allowed to construct or place pens for animals on the park premises.
- I. No inoperative motor vehicles, junk, or uncontained trash shall be allowed within the park.

5. Inspections

- A. To ensure the health and safety of occupants of mobile home parks and of the general public, the building inspector is hereby authorized and directed to make annual inspections to determine the conditions of mobile home parks.
- B. The building inspector shall have the power to enter upon any private and public property for the purpose of inspecting and investigating conditions relating to the annual inspection as it is related to the enforcement of this section.
- C. Penalties:
 - (1) Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense.
 - (2) Each day that a violation is permitted to exist shall constitute a separate offense.
 - (3) Any extension of an existing mobile home park is considered a nonconforming use and is hereby prohibited unless said park is brought up to the standards herein stated.

6. Revocation of Permit

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

7. Prohibited Structures

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

5.100 Development Standards for Automobile Wrecking, Junk, and Salvage Yards

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 properly minimized their objectionable characteristics:

- 1. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
- 2. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than one thousand (1,000) feet from any established residential zone.
- 3. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.
- 4. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health or safety.
- 5. Off Road Parking: As regulated in Article V, Section 5.010.

6. Ingress and Egress: The number of vehicular access driveways permitted on any single street frontage shall be limited to:
 - A. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.
 - B. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to thirty (30) 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, except where a more stringent State or Federal law applies.
8. Application for Automobile Wrecking Junk or Salvage Yard Permit: No person shall own or maintain an automobile wrecking, junk, or salvage yard within Trousdale County until he has secured a permit from the Trousdale County Board of Zoning Appeals. An application for said permit shall be filed in accordance with Article IX, Section 9.060, of this resolution and shall be accompanied by a detailed site plan, a schedule for construction, and any other information herein required. Said application shall be submitted along with any plans and schedules.

5.110 Development Standards for Cemeteries in the Urban Services District

The following standards shall be applied to the development and construction of cemeteries:

1. A proposed cemetery site 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 five (5) 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 and in accordance with state and local regulations.

5.120 Development Standards for Private Campgrounds

Campgrounds as defined herein shall meet the following standards:

1. Such campground shall have on-site management.
2. The campground may include convenience commercial establishments such as camp stores, laundry facilities, and personal services; provided that such convenience establishments are subordinate to the recreational character of the campground; are located, designated, and intended to serve exclusively the patrons staying in the campground; and such establishments and their parking areas shall not occupy more than ten (10) percent of the area of the park or one (1) acre whichever is smaller.
3. Such campground shall meet the following site standards:
 - A. Minimum size – 10 acres.
 - B. Sanitary facilities including flush toilets and showers within three hundred (300) feet walking distance of each campsite.
 - C. Potable water supply - one (1) spigot for each four (4) campsites.
 - D. Trash receptacle - one (1) for each two (2) campsites.
 - E. Parking - one (1) space per campsite.
 - F. Picnic table - one (1) per campsite.
 - G. Fireplace or grill - one (1) per campsite.
 - H. Administration or safety building - open at all times wherein a portable fire extinguisher in operable condition and first aid kit is available, and a telephone is available for public use.
4. Such campground shall meet the following design requirements:
 - A. A vegetation screen or ornamental fence which will substantially screen the campsites from view of public rights-of-way and neighboring properties shall be provided around or near the perimeter or that part of the campground containing campsites. Such vegetation or fence shall be maintained in good condition at all times.
 - B. Each campground shall reserve at least twenty-five (25) percent of its total area as natural open space excluding perimeter screening. Such open space may include recreation and water areas, but may not include utility areas, administration buildings, commercial areas or similar activities.

- C. Each campsite shall have a minimum setback of twenty-five (25) feet from any exterior boundary line.
- D. Each campsite and all other buildings shall have a minimum setback from any public road of fifty (50) feet.
- E. Each separate campsite shall contain a minimum of eight hundred (800) square feet. (A campsite shall be considered to consist of trailer or tent space, parking space, picnic table, fireplace, and one-half (1/2) the roadway providing access).
- F. Each campsite shall be directly accessible by an interior road.
- G. All interior roads shall be a minimum of ten (10) feet wide for one way traffic and eighteen (18) feet wide for two-way traffic.
- H. All interior roads shall meet the following curve requirements:
 Minimum radius for a 90 degree turn – 40 feet
 Minimum radius for a 60 degree turn – 50 feet
 Minimum radius for a 45 degree turn – 68 feet
- I. No camping vehicle or camping equipment shall be used for human habitation for a period exceeding thirty (30) consecutive days.
- J. Each campground shall provide a trailer dump station for the disposal of holding tank sewage.

5.130 Development Standards for Mining Activities and Related Services

Mining activities and related activities shall meet the following conditions:

- 1. The location of such an activity shall be in an area sparsely developed during the length of time the mining and quarrying activity is anticipated.
- 2. The proposed site shall be subject to the following conditions:
 - A. Operations 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.
 - B. No excavation or filling shall be made within one hundred (100) feet of any boundary of the site.
 - C. 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.

- D. 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.

5.140 Development Standards for Self-Service Storage Facilities (Mini-Warehouses)

This section is intended to provide a maximum flexibility in design and to ensure a minimum standard of site development for self-storage mini-warehouse facilities. It is intended that self-storage facilities be located so as to have direct access to major streets for convenience and to be compatible with surrounding land uses.

1. Procedure for Approval

A permit for a self-service storage facility shall be issued by the Building Inspector only as authorized by the Board of Zoning Appeals. The Board shall so authorize said permit only after application and review in accordance with the requirements of this section, and after the Board determines that the proposed location meets the intent of this resolution and that the indicated development standards in Paragraph 4 of this section will be followed.

2. Information Required

- A. General Location Sketch Map at a scale not smaller than 1" = 2,000' showing:
- The approximate boundaries of the site.
 - External (public access) streets or roads in relation to the site.
 - Surrounding development (i.e., general, residential, commercial, and industrial areas) within one (1) mile of the site.
- B. Site Plan drawn to a scale no smaller than 1" = 200' showing:
- Actual shape, location, and dimensions of the lot.
 - Shape, size and location of all existing buildings or other structures.
 - Shape, size, location, and height of all proposed buildings and structures.
 - Topographic features, both existing and proposed, with contours at a vertical interval no greater than two (2) feet.
 - Location of all driveways and entrances.
 - Proposed means of surface drainage, including all drainage ways and facilities.
 - Location of all easements.
 - Location and size of all existing and proposed utilities including fire hydrants.
 - Location of areas subject to flooding (give flood map number).
 - Location and size of all off-street parking.
 - Location, type and size of proposed signs.
 - Location and description of existing and proposed fencing and buffering.

3. Review Procedure

Preliminary Review - Four (4) copies of the proposal submitted to the Board of Zoning Appeals at least ten (10) days in advance, for preliminary review. The Board shall refer the proposal to the Hartsville/Trousdale County Planning Commission for its review and recommendation.

Final Review - After preliminary approval of the complete proposal, the Board shall schedule a final review at a Public Hearing. Public notice of the hearing shall be published in a newspaper of general circulation in Trousdale County at least fifteen (15) days in advance of the hearing date.

4. Required Development Standards

In addition to the requirements for the applicable district, the following special conditions shall be met prior to issuing a conditional use permit:

- | | | |
|----|--|----------------|
| A. | Minimum Lot Area | 40,000 sq. ft. |
| B. | Minimum Yard Dimensions | |
| | Front Yard | 30 ft. |
| | Side Yard | 20 ft. |
| | Rear Yard | 30 ft. |
| C. | Maximum Height of Buildings | 18 ft. |
| D. | Internal Driveways - A driveway aisle for self-service storage facilities shall be a minimum width of twenty-four (24) feet. A driveway aisle where access to storage units is only on one (1) side of the aisle may be twenty (20) feet in width. | |
| E. | No door openings for any self-service storage unit shall be constructed facing any residentially zoned property. | |
| F. | Commercial or industrial storage shall be limited to less than fifty (50) percent of the total square footage of the facility. | |
| G. | Self-service storage facilities shall be limited to dead storage use only. | |
| H. | No hazardous materials shall be allowed in any storage unit. | |
| I. | Any use that is noxious or offensive because of odors, dust, noise, fumes or vibrations is prohibited. | |
| J. | Recreational vehicles, boats and all operational vehicles may be stored outside in designated areas only. All other storage must be within enclosed structures. | |

- K. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment is prohibited.
- L. All light shall be shielded to direct the light onto the established uses and away from all adjacent properties.
- M. No sales, garage sales, auctions or miscellaneous services or business activities shall be conducted on the premises.
- N. The servicing or repair of motor vehicles, boats, lawn mowers and other similar equipment shall not be conducted on the premises.
- O. The establishment of a transfer and storage business is prohibited.
- P. Fire protection shall be provided to meet existing Codes and Fire Department requirements.
- Q. Signs shall be limited to one (1) sign for each property line abutting or adjoining a street right-of-way. Signs identifying the nature of the self-service storage facility shall not exceed fifteen (15) feet in height or forty (40) square feet in area. No additional advertising signs will be permitted on the property.

5.150 Development Standards for Outdoor Firearms Training Facilities (excluding skeet shooting)

The purpose of these facilities is to safely train individuals in the proper handling and use of firearms in a rural setting with minimal impact to adjacent properties.

For purposes of defining outdoor shooting ranges, a shooting range shall be defined as a firing range with targets for firearms practice. A firing range shall be defined as a practice range for target practice.

Outdoor shooting ranges and related activities shall meet the following conditions:

1. The location of such an activity shall be subject to the following conditions:
 - A. The parcel must be ten (10) acres or greater in size.
 - B. A berm shall be present at least twenty (20) feet high in height at the rear of the berm, at least eight (8) feet in height at the sides of the berm, four (4) feet wide at the top of the berm. Any man-made berm must be designed and certified by an engineer licensed by the State of Tennessee, as adequate.
 - C. The point of discharge of any firearm shall meet the following minimum distance from all occupied structure, public, or private roads:

- (1) "Rear" of the shooting range (direction of the line of fire) – One Thousand (1,000) feet.
 - (2) Two Hundred Fifty (250) feet in all other directions.
 - D. All projectile and shot shall fall within the property of the shooting range.
 - E. There shall be an evergreen buffer of a minimum of fifty (50) feet wide on three sides of the firing range provided by the owner/developer if a natural buffer does not exist.
 - F. The development, operation, and maintenance of firearms training facilities shall be in conformance with "The Range Manual" as published by the National Rifle Association (NRA).
2. The operation of the firearms training facility and related activity shall be subject to the following conditions:
- A. The hours of operation shall be limited to daylight hours only (daylight hours of operation to be determined by the Board of Zoning Appeals).
 - B. Decibel levels measured at the property lines shall not exceed seventy (70) dB.
 - C. The owner/developer shall provide two (2) parking spaces per firing point or firing lane, plus one (1) additional space for each employee.
 - D. The owner of the facility shall provide on-premises documentation that all Federal and State regulations have been met.
 - E. A site plan shall be required pursuant to the plot plan requirements listed in Article IV, Section 4.080. In addition, to the site plan, the owner/developer shall submit a sound abatement plan and a safety plan. The Board of Zoning Appeals may require additional fencing, buffering, baffles, or may deny the request if the site plan does not or cannot meet the above-mentioned purposes, standards, and requirements, or if other significant health and safety issues are present.
 - F. Before initial business startup, the soil shall be tested for lead content. Further tests shall be done every two (2) years to keep lead concentration in the soil below 250 ppm, as recommended by the State Division of Solid Waste Management. All testing shall be performed by the developer and at his own expense. This information shall be kept on file with the Trousdale County Building Inspector.
 - G. Accessory uses, such as snack bars, offices, maintenance facilities, refreshment stands or retail sales excluding gun sales (designed and intended primarily for the use of patrons) shall be allowed.
 - H. Sanitary bathroom facilities adequate to serve the anticipated patron load shall be provided on site.

5.160 Standards for Telecommunication Antennas and Towers

The purpose of this resolution is to establish general guidelines for siting of towers and antennas. The goals are to:

1. Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the community.
2. Encourage strongly the joint use of new and existing tower sites.
3. Encourage users of the towers and antennas to locate them to the extent possible, in areas where the adverse impact on the community is minimal.
4. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas.
5. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.
6. Authority
 - A. District Height Limitations: The requirements set forth in this resolution shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas.
 - B. Public Property: Antennas or towers located on property owned, leased or otherwise controlled by the governing authority shall be exempt from the requirements of this resolution, provided a license or lease authorizing such antennas or the governing authority has approved tower.
 - C. Amateur Radio, Receive-Only Antennas: This resolution shall not govern any tower, or the installation of any antennas, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
 - D. Pre-Existing Towers and Antennas: Any tower or antenna on for which a permit has been properly issued prior to the effective date of this resolution shall not be required to meet the requirements of this resolution. Any such towers or antennas shall be referred to in this resolution as “pre-existing towers” or “pre-existing antennas”. Any antennas to be added to an existing tower will have to comply with any and all regulations set forth in this resolution.

7. Requirements

- A. Towers shall be located where there shall be no interference with any type of electronic reception in nearby residential areas.
- B. There shall be sufficient radius of unimproved land around the tower to ensure its collapse will be contained within that unoccupied area. The radius shall be determined by measuring the proposed height of the tower and adding any additional height required accommodating all proposed antennas and other appurtenances. Applicant shall provide proof of ownership, lease or permanent easement rights for the designated collapse area.
- C. Lot area used for site of tower shall be a ratio of length not to exceed width of lot more than four (4) times.
- D. There shall be maneuverable room for maintenance vehicles on the property.
- E. Site area shall be entirely enclosed by a chain link fence of not less than six (6) feet in height with a self-latching gate and three (3) rows of barbed wire above perimeter of entire fenced area. Gate shall be pad locked at all times when tower is not being maintained. Maintenance shall be shared equally among users.
- F. Grounds immediately surrounding tower site and ground inside fenced area shall be maintained at all times. Site is to be maintained in compliance with the provisions of this resolution.
- G. On the exterior side of chained link fence, landscaping shall be required of shrubs not less than two (2) feet in height not to exceed eight (8) feet in height and shall be trimmed at all times to prevent an interference which may occur.
- H. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.
- I. On site buildings shall be used for storage of necessary on-site equipment only and shall be built of concrete block.
- J. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
- K. Road or easement to the tower site shall be maintained by the owner of the tower or the owner of the property and shall be maintained by said party until notice is given to the County Building Inspector that said tower is no longer in use. This road or easement shall be a private road which is used as access to the tower and shall never under any circumstances become a county accepted or maintained road. If several users share the tower, the expense of the road shall be shared equally among users.

- L. All tower users are required to obtain a permit from the County Building Inspector after approval from all necessary Boards have been granted. All inspections are to be called for by the user and/or their contractor. All inspections are to be approved before any tower or antenna can be used. Inspection procedures can be obtained in the Building Department.
- M. Lighting of towers is prohibited, unless required by the Federal Aviation Administration (FAA) and/or the Federal Communications Commission (FCC).
- N. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the Federal government with the authority to regulate towers and antennas. If such governments and regulations are changed, then the owners of the tower and antennas governed by this resolution shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owners' expense.
- O. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment compatible. An inventory and map of all existing towers, public and private airports, heliports and landing strips within one-half (1/2) mile of the proposed site shall be submitted with application for special exception request. The inventory shall include information on the location, height and design of each tower and/or type of aircraft facilities.
- P. Written evidence that the applicants has explored and exhausted all attempts to locate or co-op its antenna on all existing towers or structures within one-half (1/2) mile of the proposed site shall be submitted to the Planning and Zoning Department at the time of application for a special exception request. New towers may be permitted if the applicant demonstrates to the Board of Zoning Appeals that no existing tower or structure can accommodate the applicant's proposed antenna, because of the following conditions:
 - (1) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
 - (2) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - (3) Existing towers or structures are not of sufficient structural strength to support the applicant's proposed antenna and related equipment.

- (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower.
- (5) Any claim by the applicant that fees, costs or contractual provisions required sharing an existing tower or structure, or to adapt an existing tower or structure for sharing, are unreasonable.
- Q. Any antenna or tower not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such antenna or tower shall remove tower or antenna within ninety (90) days of receipt of notice from the building inspector. If said tower is not removed within the ninety (90) day period, penalties and costs shall be imposed and prior approval by the Board of Zoning Appeals shall be rescinded.
- R. Approval by the Board of Zoning Appeals shall be valid for a period not to exceed twelve (12) months. If start of construction of the actual tower has not begun within twelve (12) months, approval shall expire, and the applicant will be required to resubmit plans.
- S. A building permit shall be required before any construction of a tower or antenna shall begin. Said permit shall be based on two and one-half (2 1/2) percent of the actual cost of the construction of tower or antenna. A document submitted by the developer shall be notarized and submitted at the time of issuance of permit enabling the Building Inspector to establish cost of permit.
- T. An annual site inspection fee of five hundred dollars (\$500.00) will be assessed each year for every tower established in the county. Annual fee will be due and payable on January 15 of each year. If several users share a tower, each user is required to pay the five hundred dollars (\$500.00) annual fee individually.

8. Plan Requirements

A plan of the proposed tower site shall be submitted to the Hartsville/Trousdale County Planning Commission, after review from the Hartsville/Trousdale County Board of Zoning Appeals, and shall include the following information, but shall not be limited to:

- A. Name, address, telephone number, and contact person of the purposed user.
- B. Name, address, telephone number, and contact person of construction drawings.
- C. Name, address, and telephone number of property owner.
- D. Name, address, and telephone number of construction tower contractor.
- E. Legal description of proposed property to be used for tower site.
- F. Vicinity of proposed area in conjunction with the town.

- G. Access to the purposed site and description.
- H. Type of tower proposed, tower height, and area of collapsing.
- I. Surrounding property owners' names and all buildings on purposed site.
- J. Any public utilities shown and all public utility easements described.
- K. Scale of plan.
- L. Existing public roads and rights-of-way, including private roads.
- M. Excavation, grading, concrete, and structural steel notes, if any.
- N. Staking, erosion, and sediment control plans.
- O. Radio frequency coverage.
- P. Setbacks.
- Q. Off-street parking, landscaping, buffer strips (if required), and adjacent uses of land.
- R. If a buffer strip is required, appropriate licensed professionals shall seal all documentation of the site plan.
- S. Required fall zone shall be shown.
- T. Plan shall remain on file in the Building Inspection Department.
- U. Any and all other information deemed by the governing authority to be necessary to assess compliance with this resolution.

9. Uses Permitted

- A. Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower or other free standing nonresidential structure) that is fifty (50) feet in height or greater, so long as said additional antenna adds no more than twenty (20) feet to the height of said existing structure.
- B. Installing an antenna on any existing tower of any height, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower and said existing tower is not a pre-existing tower, provided however, that such specific permitted use shall not include the placement of additional buildings or other supporting equipment used in connection with said antenna.

10. Other

No new tower shall be permitted, unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- A. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
- B. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- C. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- D. The applicant's proposed antenna would cause electromagnetic interference with the existing towers or structures would cause interference with the applicant's proposed antenna.
- E. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- F. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

11. Setbacks and Separation

The following setbacks and separation requirements shall apply to all towers and antennas for which a special use permit is required provided, however, that the governing authority may reduce the standard setbacks and separation requirements if the goals of this resolution would be better served, thereby:

- A. Tower guy and accessory facilities must satisfy the minimum zoning district setback requirements.
- B. In zoning districts, other than industrial zoning districts, towers over ninety (90) feet in height shall not be located within one-fourth (1/4) of a mile from any existing tower that is over ninety (90) feet in height.

5.170 Swimming Pool Restrictions

The following regulations shall apply to all swimming pools:

1. No swimming pool or part thereof, excluding aprons, walks, shall protrude into any required front yard in the Agricultural and Residential Districts.
2. The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or adjacent properties. Said fence or wall shall not be less than four feet (4) feet in height and maintained in good condition.
3. Private swimming pools are permitted in 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.

ARTICLE VI

ZONING DISTRICTS

SECTION

6.010 Classification of Districts

6.020 Zoning Map

6.030 Zoning District Boundaries

6.040 Specific District Regulations

6.040.1 TA-1 Agriculture-Forestry District

6.040.2 TR-1 Residential District

6.040.3 TR-2 Residential District

6.040.4 TC-1 General Commercial District

6.040.5 TM-1 General Industrial District

6.040.6 TM-2 Intermediate-Impact Industrial District

6.040.7 HR-1 Low Density Residential District

6.040.8 HR-2 Medium Density Residential District

6.040.9 HR-3 High Density Residential District

6.040.10 HC-1 Central Commercial District

6.040.11 HC-2 Highway Commercial District

6.040.12 HI-1 General Industrial District

6.040.13 HA-1 Agricultural District

6.010 Classification Of Districts

For the purpose of this resolution, the following zoning districts are hereby established in Hartsville (H) / Trousdale County (T), Tennessee.

Zoning District

District Abbreviation

Trousdale County

Agriculture-Forestry	TA-1
Residential	TR-1
Residential	TR-2
General Commercial	TC-1
General Industrial	TM-1
Intermediate-Impact Industrial	TM-2

Hartsville

Low Density Residential	HR-1
Medium Density Residential	HR-2
High Density Residential	HR-3
Central Commercial	HC-1
Highway Commercial	HC-2
General Industrial	HI-1
Agricultural	HA-1

6.020 Zoning Map

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

6.030 Zoning District Boundaries

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

Where a district boundary line divides a lot which was in single ownership at the time of passage of this resolution, the 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.

Where the property on one side of a street between two intersecting streets is in a business or industrial district and the property on the intersecting street, except the corner or corners, is in a residential district the business or industrial use shall be limited to the property facing or fronting the street zoned for business or industry throughout the block, and any property in the rear thereof facing or fronting the intersecting street, even though it appears to be in a business or industrial district, shall be governed by the use prevailing on the intersecting street. It is the purpose of this resolution to limit business and industrial uses to the property facing or fronting the street zoned for business or industry and to prohibit business or industrial uses to the property facing or fronting the street zoned for residential uses. In all cases of ambiguity due to the actual layout of the property or other circumstances, the Board of Zoning Appeals shall have authority to determine on which street the business or industrial use shall face or front so that the intent of the resolution shall be observed.

6.040 Specific District Regulations

The following regulations shall apply in the zoning districts established in this resolution:

6.040.1 TA-1, Agriculture-Forestry District

1. District Description

This district is intended to preserve space for agricultural and forestry uses which together comprise an important segment of the economy of Trousdale County. The primary intent of the TA-1 District is to minimize conflicts between agricultural and forestry activities and various nonfarm activities; to permit lands best suited for intense agricultural uses to be reserves for these suited purposes; and to prevent lands unsuitable for development of an urban or non-rural nature, due to topographic problems, location, or the inability to provide necessary urban services, or being encroached upon by these incompatible land uses. Areas assigned to the TA-1 District are primarily areas where growth of an urban or nonrural nature is deemed undesirable for one or more of the reasons outlined above. The following regulations shall apply in the TA-1, Agriculture-Forestry District, as defined on the Zoning Map, of Trousdale County, Tennessee.

2. Accessory Uses and Structures

- A. Private garages and parking areas.
- B. Private barns, stables, sheds, and other farm buildings.
- C. Outdoor recreational facilities exclusively for the use of the residents.
- D. Customary home occupations as regulated in Article V, Section 5.050.
- E. Other accessory structures and uses customarily incidental to the permitted uses.
- F. One road side stand for the sale of agriculture or forestry products produced on the premises, provided that such stand does not exceed an area of three hundred (300) square feet and that it is located not nearer than thirty-five (35) feet from the roadway.
- G. Public and informational signs and billboards as regulated in Article V, Section 5.080.
- H. With the exception of signs, accessory structures shall not be erected in any required front yard.
- I. Accessory structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building on the same lot.

3. Uses Prohibited

In the TA-1, Agriculture-Forestry District, all uses except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are strictly prohibited.

4. Parking Space Requirements: As regulated in Article V, Section 5.010

6.040.2 TR-1, Residential District

1. District Description

These districts are intended to be utilized in areas, where due to remoteness, the absence of necessary urban services, or the continuation of farming or agricultural activities, development of a suburban density is undesirable or unfeasible. These districts are, therefore, designed to provide suitable areas for low density residential development characterized by an open appearance. Most generally, the residential development will consist of single-family detached dwellings and accessory structures, but the districts may also include community facilities, public utilities and open uses which serve specifically the residents of those districts, 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 these districts 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.

2. Accessory Uses and Structures

- A. Private garages and parking areas.
- B. Outdoor recreational facilities exclusively for the use of the residents.
- C. Signs in compliance with the regulations set forth in Article V, Section 5.080.
- D. Customary home occupations as defined by and subject to the provisions of Article V, Section 5.050.
- E. Other accessory structures and uses customarily incidental to the permitted uses.

3. Uses Prohibited

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

4. Land Area

Notwithstanding cluster developments, individual lot(s) or parcel(s) of land shall not be reduced in size to provide separate lots or building sites of less than one (1) acre in area, except where public waste water service is available, in which case the minimum lot area shall be fifteen thousand (15,000) square feet. However, where there is an existing lot of record of less than fifteen thousand (15,000) square feet, at the time of adoption of this resolution, this lot may be utilized for the construction of one single-family dwelling, providing the lot in question has a public water supply and providing that said lot of record is not less than seventy-five hundred (7,500) square feet in area, and meets all the requirements of the Tennessee Department of Environment and Conservation.

On lots or parcels of land where one- or two-family dwellings are constructed, the following requirements shall apply.

Number of Dwelling Units	With Public Water and Sanitary Sewers	With Public Water but without Public Waste Water
1	15,000 sq. ft.	1 acre
2	40,000 sq. ft.	17,000 sq. ft.

*The above lot size requirements shall be increased to accommodate the minimum lot size requirements mandated by the Tennessee Department of Environment and Conservation whenever local or state health department requirements as determined through the use of percolation tests, soil tests, etc., are shown to be more restrictive.

5. Parking Space Requirements: As regulated in Article V, Section 5.010

6.040.3 TR-2, Residential District

1. District Description

The TR-2, Residential District, is intended to provide areas which are suitable for single and multiple-family residential development. This district is particularly suitable for areas adjacent or near urban areas, where an adequate public water supply or public waste water service is available. The following regulations shall apply in the TR-2, Residential District, as defined on the Zoning Map of Trousdale County, Tennessee.

2. Accessory Uses and Structures

- A. Private garages and parking areas.
- B. Outdoor recreational facilities exclusively for the use of the residents.

- C. Signs in compliance with the regulations set forth in Article V, Section 5.080.
- D. Customary home occupations as defined by and subject to the provisions of Article V, Section 5.050.
- E. Other accessory structures and uses customarily incidental to the permitted uses.

3. Uses Prohibited

In the TR-2, Residential District, all uses except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

4. Land Area

Individual lot(s) or parcel(s) of land shall not be reduced in size to provide separate lots or building sites of less than 1 acre in area, except where public waste water service is available, in which case the minimum lot area shall be fifteen thousand (15,000) square feet. However, where there is an existing lot of record of less than fifteen thousand (15,000) square feet, at the time of adoption of this resolution, this lot may be utilized for the construction of one single-family dwelling, providing the lot in question has a public water supply and providing that said lot of record is not less than seventy-five hundred (7,500) square feet in area, and meets all the requirements of the Tennessee Department of Environment and Conservation.

On lots or parcels of land where multiple family dwellings are constructed, the following requirements shall apply:

Number of Dwelling Units	With Public Water and Sanitary Sewers	With Public Water but Without Public Wastewater*
1	15,000 sq. ft.	1 acre
2	17,000 sq. ft.	40,000 sq. ft.
3	25,000 sq. ft.	60,000 sq. ft.
4	30,000 sq. ft.	80,000 sq. ft.
More than 4 Units	5,000 sq. ft. plus each unit over 4	Not permitted unless on-site treatment units (i.e. package plants) are used, 80,000 sq. ft. plus 5,000 sq. ft. for each unit over 4.

*The above lot size requirements shall be increased to accommodate the minimum lot size requirements mandated by the Tennessee Department of Environment and Conservation whenever local or state health department requirements as determined through the use of percolation tests, soil tests, etc., are shown to be more restrictive.

5. Parking Space Requirements: As regulated in Article V, Section 5.010

6.040.4 TC-1, General Commercial District

1. District Description

The TC-1, General Commercial District, is established to provide areas in which the principal use of land is devoted to general and highway commercial activities along the principal thoroughfares in Trousdale County. Regulations are designed to preserve the traffic-carrying capacity of the streets and roads in Trousdale County and to provide for necessary off-street parking and loading. The following regulations shall apply in the TC-1, General Commercial District, as defined on the Zoning Map, of Trousdale County, Tennessee.

2. Accessory Uses and Structures

Signs in compliance with the regulations set forth in Article V, Section 5.080.

3. Uses Prohibited

In the TC-1, General Commercial District, all uses except uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

4. Land Area

No minimum land area shall be required in the C-1, General Commercial District, where public water and sanitary sewer service is available. Where only public water is available, there shall be a minimum land area of thirty thousand (30,000) square feet, except that lots of record smaller than the required minimum, at the time of the adoption of this resolution, may be utilized, provided that said lot of record is not smaller than fifteen thousand (15,000) square feet, and also provided that the required subsurface disposal system serving such lot is approved by the Tennessee Department of Environment and Conservation. Where no public water or sewer service is available, there shall be minimum land area of three (3) acres. More than one building shall be permitted on a single lot in the case of a shopping center, provided that all applicable area and space requirements have been complied with and further provided that such buildings share a common fire-resistant wall of at least a two (2) hour fire rating.

5. Parking and Loading Space Requirements

The parking requirements herein pertain to developments in TC-1 General Districts.

- A. Off-street parking shall be provided at a standard of five and one-half (5½) spaces for each one thousand (1,000) square feet of gross leasable area.

- B. Off-street loading space shall be provided at a standard of one (1) space for each twenty-five thousand (25,000) square feet of aggregate gross floor space.
- C. Parking areas shall be designed with careful regard to orderly arrangement, topography, amenity of view, ease of access, and as an integral part of overall site design. It is desirable that parking areas be level or on terraces formed with the slope of the land. Changes in levels between terraces should be formed by retaining walls or landscaped banks with concrete curbs.
- (1) Ten (10) percent of all parking areas shall be devoted to landscaping as approved by the planning commission.
- (2) All parking areas shall be paved and lined.
- (3) The maximum width of driveway openings to the public street shall be thirty-five (35) feet. The minimum distance between driveways shall be fifty (50) feet. The minimum distance between driveways and street intersections shall be twenty-five (25) feet and from an adjoining property line shall be twenty (25) feet.
- (4) Minimum width of driveways providing maneuvering space within a parking lot for parking stalls shall be as follows:
- | | |
|-------------------|---------|
| 90 degree parking | 25 feet |
| 60 degree parking | 20 feet |
| 45 degree parking | 20 feet |
| 30 degree parking | 12 feet |

6. Staging Period

The planning commission may permit the development to be constructed in stages, if appropriate to the type of development, so that completion is achieved in a logical and timely manner.

6.040.5 TM-1, General Industrial District

1. District Description

The TM-1, General Industrial District, is intended to provide areas in which the principal use of land is for manufacturing, processing, assembling, fabrication of materials, and warehousing or storage. These land uses generally do not depend primarily on frequent personal visits by clients or customers, but generally require accessibility to major rail, water, or highway transportation routes. The following regulations shall apply in the TM-1, General Industrial District, as defined on the Zoning Map of Trousdale County, Tennessee.

2. Uses Prohibited

In the TM-1, General Industrial District, all uses, except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

3. Land Area

Where public water and sewer service is available, there shall be required a minimum land area of two (2) acres. In areas where only public water is available, there shall be a minimum of five (5) acres. No industrial land uses shall be permitted in areas where a public water supply is not available, except where the Board of Zoning Appeals has determined that such use does not require a supply of potable water in its manufacturing operation. In such instances, the Board may grant written approval of the use and shall not be less than five (5) acres in size.

4. Parking Space Requirement: As regulated in Article V, Section 5.010.

5. Loading and Unloading Requirement: As regulated in Article V, Section 5.020.

6.040.6 TM-2, Intermediate Industrial District

1. District Description

The TM-2, Intermediate-Impact Industrial District is intended to provide areas in which the principal use of land is for manufacturing of a more objectionable nature. Heightened levels of human noise, odor, airborne pollutants, effluent, storage volume, and human-traffic as byproducts of an industry would prompt this classification. No processing of radioactive materials or the incorporation of radioactive materials into any manufacturing process will be permitted in the TM-2 Industrial District. Local, State and Federal laws will regulate all other hazardous materials.

2. Uses Prohibited

In the TM-2, Intermediate Impact Industrial District, all uses, except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

3. Land Area

Where public water and sewer service is available, there shall be required a minimum land area of three (3) acres. In areas where only public water is available, there shall be a minimum of seven (7) acres. No industrial land uses shall be permitted in areas where a public water supply is not available, except where the Board of Zoning Appeals has

determined that such use does not require a supply of potable water in its manufacturing operation. In such instances, the Board may grant written approval of the use and shall not be less than seven (7) acres in size.

4. Parking Space Requirement: As regulated in Article V, Section 5.010.
5. Loading and Unloading Requirement: As regulated in Article V, Section 5.020.

6.040.7 HR-1, Low Density Residential District

1. District Description

This district is designed to provide suitable areas for low density residential development characterized by an open appearance. Most generally, this district will consist of single family, detached dwellings and such other structures as are accessory thereto. This district also includes community facilities, public utilities and open uses which serve specifically the residents of this district, or which are benefited by and compatible with a residential environment. Further, it is the intent of this ordinance that this district be located so that the provision of appropriate urban services and facilities are physically and economically facilitated. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics whether operated for profit or otherwise, except that special exception uses 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 ordinance.

2. Accessory Uses and Structures

- A. Private garages and parking areas.
- B. Outdoor recreational facilities for the exclusive use of the residents.
- C. Signs in compliance with the regulations set forth in Article V, Section 5.080.
- D. Home occupations as defined by and subject to the provisions of Article V, Section 5.050.
- E. Other accessory structures and uses customarily incidental to the permitted uses.
- F. With the exception of signs, accessory structures shall not be erected in any required front yard.
- G. Accessory structures shall be located at least five (5) feet from any side and/or rear lot line, and from any building on the same lot.

3. Uses Prohibited

In the HR-1, Low Density Residential District, any use not permitted by right, by accessory use, or as a special exception as defined above is strictly prohibited.

4. Parking Space Requirement: As regulated in Article V, Section 5.010.

5. Landscaping: The front yard, excluding necessary driveways, shall be landscaped and not used for automobile storage.

6.040.8 HR-2, Medium Density Residential District

1. District Description

This district is designed to provide suitable areas for low to medium density residential development where appropriate urban services and facilities are provided or where the extension of such services and facilities will be physically and economically facilitated. Generally, these districts are characterized by single- and two-family (duplex) detached structures and such other structures as are accessory thereto. This district also includes community facilities, public utilities and open uses which serve specifically the residents of those districts, or which are benefited by and compatible with a residential environment. It is the express purpose of this zoning ordinance to exclude from these districts 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 these districts shall be considered as not having such characteristics if they otherwise conform to the provisions of this ordinance.

2. Accessory Uses and Structures

- A. Private garages and parking areas.
- B. Outdoor recreational facilities for the exclusive use of the residents.
- C. Signs in compliance with the regulations set forth in Article V, Section 5.080.
- D. Home occupations as defined by and subject to the provisions of Article V, Section 5.050.
- E. Other accessory structures and uses customarily incidental to the permitted uses.
- F. With the exception of signs, accessory structures shall not be erected in any required front yard.

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

3. Uses Prohibited

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

4. Parking Space Requirement: As regulated in Article V, Section 5.010.

5. Landscaping: The front yard, excluding necessary driveways, shall be landscaped and not used for automobile storage.

6.040.9 HR-3, High Density Residential District

1. District Description

This district is designed to provide areas for high density residential development where sufficient urban facilities, including public sewer, are available or where such facilities will be available prior to development. Generally, this district will be characterized by residential structures, each containing a multiple number of dwelling units as well as single and two family (duplex) detached dwellings, and mobile home parks. However, it is the intent of this ordinance to not restrict in number the dwelling units contained in a building provided there is sufficient area of zone lot and open space on such lot relative to the number of dwelling units, thereon. This district is intended also to permit community facility and public utility installations, which are necessary to service the residents of the district, or which installations are benefitted by and compatible with a residential environment. It is the express purpose of this ordinance to exclude from this district all buildings or other structures and uses having commercial characteristics and not planned as an integral part of a total residential development, whether operated for profit or otherwise. Those special exception uses 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 ordinance.

2. Accessory Uses and Structures

A. Private garages and parking areas.

B. Outdoor recreational facilities for the exclusive use of the residents.

C. Signs in compliance with the regulations set forth in Article V, Section 5.080.

D. Home occupations as defined by and subject to the provisions of Article V, Section 5.050.

- E. Other accessory structures and uses customarily incidental to the permitted uses.
- F. With the exception of signs, accessory structures shall not be erected in any required front yard.
- G. Accessory structures shall be located at least five (5) feet from any side and/or rear lot line, and from any building on the same lot.

3. Uses Prohibited

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

- 4. Parking Space Requirement: As regulated in Article V, Section 5.010.
- 5. Landscaping: For single family and duplex structures on a lot the front yard, excluding necessary driveways, shall be landscaped and not used for automobile storage.

6.040.10 HC-1, Central Commercial District

1. District Description

This district is established to provide areas in which the principal uses of land are devoted to central commercial activities within the downtown area of Hartsville. Regulations are designed to preserve the traffic carrying capacity of the streets and roads in Hartsville 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.

2. Accessory Uses and Structures

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

3. Uses Prohibited

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

4. Parking Space Requirement: As regulated in Article V, Section 5.010.
5. Landscaping: See Article IV, Section 4.090.

6.040.11 HC-2, Highway Commercial District

1. District Description

This district is established to provide areas in which the principal uses of land are devoted to general and highway commercial activities along the principal thoroughfares in Hartsville. Regulations are designed to preserve the traffic carrying capacity of the streets and roads in Hartsville, 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.

2. Accessory Uses and Structures

- A. Signs in compliance with the regulations set forth in Article V, Section 5.080.
- B. Accessory off-street parking and loading facilities as required in Article V, Section 5.010.
- C. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are carried out on the same lot and are not otherwise prohibited.
- D. Accessory structures shall be located at least five (5) feet from any side and/or rear lot line and any building on the same lot.

3. Uses Prohibited

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

4. Parking Space Requirement: As regulated in Article V, Section 5.010.
5. 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.

6.040.12 HI-1, General Industrial District

1. 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.

2. Accessory Uses and Structures

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

3. Uses Prohibited

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

4. Parking Space Requirement: As regulated in Article V, Section 5.010.

5. Landscaping: See Article IV, Section 4.090.

6.040.13 HA-1, Agricultural District

1. District Description

This district is intended to preserve space for agricultural uses, which together comprise an important segment of the economy of the Urban Services District. The primary intent of the HA-1 District is to minimize conflicts between agricultural and various nonfarm activities; to permit lands best suited for intense agricultural uses to be reserves for these suited

purposes; and to prevent lands unsuitable for development of an urban or nonrural nature, due to topographic problems, location, and/or the inability to provide necessary urban services. Areas assigned to the HA-1 District are primarily areas where growth of an urban or nonrural nature is deemed undesirable for one or more of the reasons outlined above. The following regulations shall apply in the HA-1, Agricultural District, as defined on the Zoning Map.

2. Accessory Uses and Structures

- A. Private garages and parking areas.
- B. Private barns, stables, sheds, and other farm buildings.
- C. Outdoor recreational facilities for the exclusive use of the residents.
- D. Customary home occupations as regulated in Article V, Section 5.050.
- E. Other accessory structures and uses customarily incidental to the permitted uses.
- F. One road side stand for the sale of agriculture or forestry products, provided that such stand does not exceed an area of three hundred (300) square feet and that it is located not nearer than thirty-five (35) feet from the roadway.
- G. Public and informational signs and billboards as regulated in Article V, Section 5.080.
- H. With the exception of signs, accessory structures shall not be erected in any required front yard setback.
- I. Accessory structures shall be located at least five (5) feet from any side and/or rear lot line, and from any building on the same lot.

3. Uses Prohibited

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

4. Parking Space Requirement: As regulated in Article V, Section 5.010.

ARTICLE VII

PLANNED UNIT DEVELOPMENT DISTRICT REGULATIONS

SECTION

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

7.010 Planned Unit Development District Description and Purpose

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

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

7.020 General Provisions

1. Master Plan Required

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

2. Ownership and Division of Land

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

3. Relationship to Subdivision

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

4. Development Period, Staging Schedule

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

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

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

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

5. Common Open Space and Facilities

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

- A. The location, shape, size, and character of common open space shall be reviewed in detail, and it must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings or structures to be provided.

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

- (4) The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
- (5) Homeowners must pay their pro rata share of the cost and the assessment levied by the association can become a lien on the property.
- (6) The association must be able to adjust the assessment to meet changing needs.
- (7) The Trousdale County Regional Planning Commission and the County Commission may, as a condition of approval in accordance with the master development plan, require that suitable areas for streets, public rights-of-way, schools, parks, or other public areas be set aside, improved, and/or dedicated for public use.

7.030 Administrative Procedure

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

1. Preliminary Approval

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

- A. The preliminary master plan for the proposed planned unit development shall be a general concept which shall include such items as the planning commission by general rule shall specify in order to disclose:
 - (1) The location and size of the area involved.
 - (2) Transportation routes including streets, driveways, sidewalks, and pedestrian ways, and off-street parking and loading areas.
 - (3) Location and approximate dimensions of structures including approximate height and bulk and the utilization of structures including activities and the number of living units.
 - (4) Estimated population and density and extent of activities to be allocated to parts of the project.
 - (5) Reservations for public uses including schools, parks and other open spaces.

(6) Other major landscaping features.

(7) The general means of the disposition of sanitary wastes and storm water.

- B. A tabulation of the land area to be devoted to various uses and activities and overall densities.
- C. The nature of the landowner's interest in the land proposed to be developed and a written statement or concurrence from all parties having a beneficial interest in the affected property.
- D. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities.
- E. A stage development schedule, setting forth when the landowner intends to commence construction and a completion period.
- F. When it is proposed that the final master development plan will be submitted in stages, a schedule of submission thereof.

2. Zoning Amendment

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

3. Application for Final Approval

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

4. Final Approval of Stages

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

5. Final Master Development Plan of a Planned Unit Development

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

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

6. Amendments to the PUD

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

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

7. Subdivision Plat Required

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

When the subdivision includes attached dwellings in either a horizontal or vertical relationship, the final plat shall also contain an "as-built" building and boundary survey showing the complete and accurate dimensions and angles of the boundary of the parcel(s) on which the unit is located. In a vertical relationship (for example a second-floor apartment) the plat must

contain a datum plane or other suitable location reference. In meeting this requirement, it is necessary that the upper and lower limits of each level of each dwelling unit be identified specifically in relation to the vertical reference.

8. Building Reconstruction

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

9. Zoning Considerations

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

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

7.040 RPUD, Residential Planned Unit Development Districts

1. Permitted Uses

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

A. Residential Activities

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

B. Community Facility Activities

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

C. Commercial Activities

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

All such commercial areas shall meet the following additional requirements:

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

2. Dimensional Requirements

All RPUDs shall comply with the following area regulations:

A. Minimum Size

Two (2) acres

B. Front Yard

- (1) There shall be a thirty (30) foot front yard setback for all buildings.

- (2) Where the RPUD fronts on a street with other houses on adjacent properties also fronting on such street which have front yards greater than thirty (30) feet, then no building shall be closer to the street line than the minimum setback established by the existing buildings.

C. Peripheral Boundary

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

D. Other Yard Requirements

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

E. Lot Area and Frontage

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

F. Maximum Height of Buildings

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

G. Density of Development

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

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

3. Required Improvements

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

A. Internal Streets

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

(1) Minimum pavement widths shall be as follows:

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

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

B. Off-Street Parking

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

C. Utilities

The development shall be serviced with a public sanitary sewer system or an alternative sewage disposal system approved by the Tennessee Department of Environment and Conservation. The water systems shall be capable of providing five hundred (500) gallons per minute with twenty (20) pounds per square inch residual pressure but at minimum, Fire Code and Building Code requirements shall be met. Fire hydrants shall be installed at a maximum of five hundred (500) feet apart except for areas of detached dwellings where the fire hydrants shall be spaced so that no dwelling is farther than five hundred (500) feet away from such hydrant.

D. Waste Disposal

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

E. Lot Area and Frontage

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

7.050 CMUPUD, Commercial Mixed Used Planned Unit Development Districts

1. Permitted Uses

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

A. Residential Activities

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

B. Commercial Activities

- (1) Convenience Commercial
- (2) Entertainment and Amusement
- (3) Financial, Consultative, and Administrative Services
- (4) Food and Beverage Services
- (5) Food Service Drive-In
- (6) General Business and Communication Services
- (7) General Personal Services
- (8) General Retail Trade
- (9) Medical and Professional Services
- (10) Transient Habitation

C. Community Facility Activities

Essential Services

2. Dimensional Requirements

All CMUPUDs shall comply with the following area regulations:

A. Minimum Size

Two (2) acres

B. Front Yard

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

C. Peripheral Boundary

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

D. Other Yard Requirements

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

E. Maximum Height of Buildings

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

F. Density of Development

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

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

G. Maximum Lot Coverage

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

3. Required Improvements

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

A. Internal Streets

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

(1) Minimum pavement widths shall be as follows:

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

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

B. Off-Street Parking and Loading

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

C. Utilities

The development shall be serviced with a public sanitary sewer system or an alternative sewage disposal system approved by the Tennessee Department of Environment and Conservation. Any construction in the CMUPUD district must have an available water supply such that a fire hydrant shall be placed within five hundred (500) feet of any point of any building in the development (as the hose lays) except for areas of detached dwellings where the fire hydrants shall be spaced so that no dwelling is farther than five hundred (500) feet away from such hydrant and said fire hydrant can supply five hundred (500) gallons per minute with twenty (20) pounds per square inch residual pressure but at minimum, Fire Code and Building Code requirements shall be met.

D. Waste Disposal

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

E. Signs

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

F. Landscaping

At least ten (10) percent of the total area of the CMUPUD shall be landscaped to enhance site appearance. Included in the ten (10) percent shall be the front, rear, and side yards of ten (10) feet around the periphery of the CMUPUD. Yards which directly abut agricultural or residential districts shall be buffered as provided in Section 4.090. The extent and type of buffering may be varied by the planning commission as part of the approval of the final master plan, based on the type of buildings and the nature of the CMUPUD.

4. Exceptions for Certain CMUPUDs

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

- A. Consider surrounding land uses and the visibility of the area to be developed within the CMUPUD from public streets and surrounding properties and on that basis modify or waive the yard, peripheral boundary, landscaping or buffering requirements otherwise applicable to the CMUPUD.
- B. Waive or modify the required improvements set forth in Section 7.050.3 provided the Planning Commission shall require such health and safety provisions as are determined to be appropriate and shall require adequate provision for access considering the nature of the proposed use. The Planning Commission may place limits on the extent of the proposed use to assure that the health, safety and access provisions remain adequate.

ARTICLE VIII

EXCEPTIONS AND MODIFICATIONS

SECTION

- 8.010 Scope
- 8.020 Non-Conforming Uses
- 8.030 Exceptions to Height Limitations
- 8.040 Lots of Record
- 8.050 Exception to Front Setback Requirements
- 8.060 Absolute Minimum Lot Size
- 8.070 Agricultural Use of Land

8.010 Scope

Article VIII, 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 V.

8.020 Non-Conforming Uses

It is the intent of this resolution to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this resolution is as much a subject of health, safety, and welfare as the provisions of this resolution. It is also the intent of this resolution to so administer the elimination of nonconforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property right. Lawful nonconforming uses, buildings, and structures existing at the time of the passage of this resolution or any amendment thereto shall be allowed to remain subject to the following provisions:

1. An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same or higher classification provided, however, that establishment of another nonconforming use of the same or higher classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.
2. A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of this resolution.
3. Pursuant to 13-7-208 of the Tennessee Code, when a nonconforming commercial, industrial, or other business use of land has been discontinued for a period of thirty (30) months, it shall not be reestablished or changed to any use not in conformity with the provision of this resolution. Immediately upon the removal of a nonconforming mobile home or discontinuance of a nonconforming mobile home park in the nonconformity of such structure and use of land shall lapse. This provision shall not apply when the structural condition of a mobile home is such that replacement or another mobile home alleviates an unsafe and unsanitary living environment, as certified by the Building Inspector.

4. Any nonconforming building or nonconforming use which is damaged by fire, flood, wind, or other act of God, may be reconstructed and used as before, if it be done within six (6) months of such damage, unless damaged to the extent of more than fifty (50) percent of the free market value immediately prior to damage, in which case any repair or reconstructions shall be in conformity with the provisions of this resolution.
5. A nonconforming building or building housing a nonconforming use shall not be structurally altered, except in conformance with the provisions of this resolution. These provisions shall not be construed to prevent normal maintenance and repairs, or alterations required for structural safety.

8.030 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, chimneys, smokestacks, conveyors, flag poles, radio towers, masts, silos and aerials.

8.040 Lots of Record

The following provisions shall apply to all existing lots of record.

1. 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 in the opinion of the Board of Zoning Appeals as possible.
2. 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 thereof, shall again be considered as a yard, court, or other open space for another building.
3. Where two 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.
4. Agriculturally zoned lots one (1) acre or greater in existence on November 27, 1995, may be approved for residential construction by the Trousedale County Building Commissioner. These lots shall also be exempt from Subsection 3, of this section.

8.050 Exceptions to Setback Requirements

The front setback 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 of 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.

8.060 Absolute Minimum Lot Size

In no case shall the Building Inspector or the Board of Zoning Appeals permit a residence to be erected on a lot whose width at the building line is less than seventy-five (75) feet and/or whose total lot area is less than seventy-five hundred (7,500) square feet.

Utility Lots: an unmanned utility use may be placed on a lot smaller than the minimum size required by a zoning district, provided that the applicant can demonstrate that all bulk zoning requirements can be met, and for special exceptions any additional requirements provided in this Resolution, and subject to the requirements for minor plat review provided in the Trousdale County Subdivision Regulations. The plat creating such lot shall bear a statement that the lot shall be used only for utility purposes and shall not be developed for any use other than its utility purpose.

8.070 Agricultural Use of Land

This resolution shall not be constructed as authorizing the requirement of building permits nor providing for any regulation of the erection, construction, or reconstruction of any building or other structure on lands now devoted to agricultural uses or which may hereafter be used for agricultural purposes, except on agricultural lands adjacent or in proximity to state federal-aid highways, public airports, or public parks, provided, however, such building or structure is incidental to the agricultural enterprise. Nor shall this resolution be construed as limiting or affecting in any way or controlling the agricultural uses of land.

ARTICLE IX

ADMINISTRATION AND ENFORCEMENT

SECTION

- 9.010 Administration of the Resolution
- 9.020 The Enforcement Officer
- 9.030 Zoning Compliance Permit (Building Permits)
- 9.040 Temporary Use Permits
- 9.050 Inspections of Compliance
- 9.060 Procedure for Authorizing Special Exceptions
- 9.070 Board of Zoning Appeals
- 9.080 Variances
- 9.090 Amendments to the Resolution
- 9.100 Penalties
- 9.110 Remedies
- 9.120 Separability
- 9.130 Interpretation
- 9.140 Effective Date

9.010 Administration of the Resolution

Except as otherwise provided, no structure or land shall after the effective date of this resolution be used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this resolution shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

9.020 The Enforcement Officer

The provisions of the regulation shall be administered and enforced by the Building Inspector appointed by the County Board of Commissioners, and he/she shall have the power to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this resolution. The Building Inspector is accountable to the County Board of Commissioners through the County Executive Officer who shall administratively supervise his/her activities. In performance of administering and enforcing this resolution, he/she shall:

1. Issue all building permits and make and maintain records thereof.
2. Conduct all inspections and compliance and make and maintain records thereof.

3. Issue and renew, where applicable all Temporary Use Permits and make and maintain records thereof.
4. Maintain and keep current zoning maps and records of amendments thereto.
5. Receive, file and forward to the Board of Zoning Appeals all applications for variances or other matters on which the Board is required to act under the provisions of this resolution.
6. Conduct inspections as required in this resolution and such other inspections as are necessary to ensure compliance with the various other general provisions of this resolution. The Building Inspector shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

9.030 Zoning Compliance Permit (Building Permits)

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 expansions of any structure including accessory structures, to use a building or structure or to change the use of a building or structure, or to commence the filling of land within any floodplain area without a permit thereof, issued by the Building Inspector.

No building permit shall be issued by the Building Inspector, except in conformity with the provision 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.

1. Application

Application for a Building Permit shall be made in writing to the Building Inspector on forms provided for that purpose. All applications for Building Permits shall be accompanied by a plan or sketch in duplicate, drawn to scale, and showing the following:

- A. The actual shape, location, and dimensions of the lot to be built upon.
- B. 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 when the site falls within a designated flood hazard area.
- C. The existing and intended use of all such buildings or other structures.
- D. Location and design of off-street parking areas and off-street loading areas, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this resolution are being observed.

- E. The Building Inspector shall require the following specific information to be included as part of an application for building permit for new construction, substantial improvements to existing structure, or other development proposed to be located within an area subject to flood as defined in Floodplain Regulations.
- (1) Copies of all federal and state permits required for the construction of the development as shown on the plans.
 - (2) The name and address of the engineer, architect, surveyor, or other qualified person responsible for providing the information required under this section.
 - (3) Site plans for subdivision proposals showing information pertaining to tract boundaries, lot arrangement, street layout and grades, utilities, existing and proposed topography (not to exceed five [5] foot contour intervals), existing and proposed drainage facilities.
 - (4) Site plans for developments other than subdivisions showing the location of the proposed building or structure and existing buildings or structures on site or lot, ingress and egress provisions, parking provisions, watercourses, easements, or other information as the Building Inspector may deem necessary.
 - (5) Where the subdivision or other development lies partially or completely within an area subject to flooding, the site plan shall include detailed information giving the location and elevation of streets and building sites. The plans shall show existing and proposed land contours at intervals not be exceed two (2) feet. The limits of the area subject to flooding and floodway boundaries shall be accurately shown on the plans. Each lot shall contain a building site safe from the threat of flood. All topographic information shall be shown in relation to mean-sea-level elevation.
 - (6) Any person, firm, or corporation thereafter constructing a building or structure within an area subject to flood shall submit to the Building Inspector a surveyor's or Engineer's certification stating the actual elevation of the lowest floor (including basement) of the building or structure upon application for a Building Permit. If the structure (nonresidential only) was floodproofed, the certification which shall come from a registered engineer or architect shall also state the elevation (in relation to mean-sea-level) to which the structure was floodproofed.
 - (7) For structures to be elevated to secure a lowest floor elevation of one (1) foot above the level of the 100-year flood, site plans shall show information pertaining to the methods of elevating the proposed structure, including details of proposed fills, pile structures, retaining walls, foundations, and erosion protection measures. When required by the Building Inspector, these plans shall be prepared by a registered professional engineer or architect.

- (8) For structures to be floodproofed (non-residential only) to an elevation at or above the level of the 100-year flood, plans shall show details of floodproofed measures. The plans shall be prepared by a registered professional engineer or architect which shall certify that the proposed structure, together with utilities and sanitary sewer facilities, is designed so that (i) below an elevation equal to the level of the 100-year flood the structure is watertight with wall substantially impervious to the passage of water, and (ii) the structure is designed to withstand the hydrostatic hydrodynamics buoyant, impact, or other forces resulting from the flood depths, velocities, pressures, debris, and other factors associated with the flooding conditions at the site.

2. Fee

The Trousdale County Commission shall establish a schedule of fees and a collection procedure for Building Permits. The schedule of fees shall be posted in the Office of the Building Inspector. 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.

3. Issuance of Permit

If the proposed excavation, construction, moving, or alteration set forth in the application is in conformity with the provisions of this resolution, the Building Inspector shall issue a Building Permit for such excavation or construction. If an application for a Building Permit is not approved, the Building Inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as a waiving of any provisions of this resolution.

4. Construction Process

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.

9.040 Temporary Use Permits

It shall be unlawful to commence construction or development of any use of a temporary nature unless a permit has been obtained from the County Building Inspector, as provided for in Article V, Section 5.040, of this resolution. Application for a Temporary Use Permit shall be made in writing to the Building Inspector on the form provided for that purpose. A schedule of fees shall be established by the Trousdale County Commission. Such schedule shall be posted in the office of the Building Inspector. Until the appropriate fee has been paid in full, no action shall be taken on any application.

9.050 Inspections of Compliance

After a building or premise or any part thereof is ready for occupancy and within one (1) year following occupancy, the Building Inspector shall conduct a second inspection to ensure compliance with this resolution. It is the owner's responsibility to correct deficiencies or be held in violation of this resolution.

9.060 Procedure for Authorizing Special Exceptions

The following procedure is established to provide procedures for review of a proposed use as a conditional use or special exception by the Board of Zoning Appeals. The procedure shall be the same whether review is required under Sections 13-7-107 and 13-7-108, of the Tennessee Code, by this resolution, or whether a review is requested by the Building Inspector to determine whether a proposed use is potentially noxious, dangerous or offensive.

1. Application

An application shall be filed with the Board of Zoning Appeals for review. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board may require.

2. General Requirements

A conditional use permit (a special exception) shall be granted provided the Board finds that it:

- A. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.
- B. Will not adversely affect their property in the area in which it is located.
- C. Is within the provision of "Special Exceptions", as set forth in this resolution.
- D. Conform to all applicable provisions of this resolution for the district in which it is to be located as well as the provisions cited in Section 9.070, and is necessary for public convenience in the location planned.

3. Criteria for Review

Prior to the issuance of a special exception, the Board shall make written findings certifying that satisfactory provisions and arrangements have been made concerning all the following where applicable:

- A. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- B. Off-street parking and loading areas where required, with a particular attention to the items in Item A, above, and the economic, noise, vibrations, glare, or odor effects of the special exception on or by adjoining properties and properties generally in or near the district.
- C. Refuse and service areas with particular reference to Items A and B, above.
- D. Utilities, with reference to locations, availability, and compatibility.
- E. Screening and buffering with reference to type, dimensions and character.
- F. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
- G. Required yard and other open space.
- H. General compatibility with adjacent properties and other property in the district.

4. Restrictions

In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land, as it may deem advisable in the furtherance of the general purposes of this resolution.

5. Validity Of Plans

All approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of applicant that the proposed use shall conform to such regulations at all times.

6. Time Limit

All applications reviewed by the Board shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

7. Special Conditions for Religious Facilities

- A. No such facilities shall be permitted on a zoned lot unless it contains a minimum of one (1) acre.
- B. The location, size, and design of such facilities shall be situated so that the proposed facility shall be compatible with the development within the surrounding area thus reducing the impact upon such area.
- C. All bulk regulations of the district shall be met.
- D. The off-street parking requirements of this resolution shall apply.

9.070 Board of Zoning Appeals

The Hartsville/Trousdale County Board of Zoning Appeals is hereby established in accordance with 13-7-107 through 13-7-109 and 13-7-205 through 13-7-207, Tennessee Code Annotated. The Board of Zoning Appeals shall consist of three (3) members whose term shall be four (4) years.

The Board of Appeals shall have one (1) associate member to sit in the absence of any regular member. The associate member's term shall be four (4) years.

1. Procedure

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman, or in his absence, the citing chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public record.

2. Appeals to the Board

An appeal to the Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by any decision of the Building Inspector 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. The Building Inspector 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 appeal, five (5) days public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

3. Stay of Proceedings

Any appeal stays all legal proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Board of Zoning Appeals, after such notice of appeal shall have been filed, that by reason of facts stated in the certificate such stay would cause imminent 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 Building Inspector, and on due cause shown.

4. Appeal to the Courts

Any person or persons or any board, taxpayer, department, or bureau of the county aggrieved by any decision of the Board may seek review by a court of competent jurisdiction of such decision in a manner provided by the laws of the State of Tennessee.

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 appellant 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 of enforcement of any provision of this resolution.
- B. Special Exceptions: To hear and decide applications for special exceptions as specified in this resolution, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.
- C. Variances: To hear and decide applications for variances from the term of this resolution.

9.080 Variances

The purpose of this variance is to modify the strict application of the specific requirements of this resolution in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. Variances shall be granted from zoning restrictions such as heights, setback and lot density where such variances are reasonable and necessary to assure unobstructed access to direct sunlight. Variances shall not be granted which would cause an unreasonable obstruction of direct sunlight to adjacent property if there is a reasonable probability of utilization of passive or active solar radiation on said adjacent property. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this resolutions.

1. Application

After written denial of a permit, a property owner may make application for a variance, using any form which might be made available by the Board of Zoning Appeals.

2. Fee

A fee of twenty-five (25) dollars payable to Trousdale County shall be charged to cover partial review and processing of each application for a variance, except that the fee shall be waived for a governmental agency.

3. Hearings

Upon a receipt of an application and fee, the Board shall hold a hearing to decide whether a variance to the resolution provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.

4. Standards for Variances

In granting a variance, the Board shall ascertain that the following criteria are met:

- A. Variances shall be granted only where special circumstances or conditions, fully described in the findings of the Board, do not apply generally in the district.
- B. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
- C. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this resolution would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.
- D. The granting of any variance shall be in harmony with the general purposes and intent of this resolution and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
- E. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the person applying.
- F. Variances shall not be granted within any flood prone area if an increase in the level of the 100-year flood would result from the proposed development.

9.090 Amendments to the Resolution

The regulations, restrictions, and boundaries set forth in this resolution may from time to time be amended, supplemented, changed, or repealed by the Trousdale County Commission, but in accordance with Tennessee enabling legislation.

Any member of the County Commission may introduce such legislation, or any official, board, or any other person may present a petition to the County Commission requesting an amendment or amendments to this resolution.

No change or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission and approved by it, or if disapproved, receive the favorable vote of a majority of the entire membership of the County Commission.

No amendment to this resolution shall become effective unless it shall have been proposed by or shall have first been submitted to the Trousdale County Regional Planning Commission for review and recommendation. The Planning Commission shall have fifteen (15) days within which to submit its report. If the Planning Commission disapproves the amendment within thirty (30) days, it shall require the favorable vote of a majority of the County Commission to become effective. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

Before finally adopting any such amendment, the County Commission shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the county.

9.100 Penalties

Any persons violating any provisions of this resolution shall be guilty of a misdemeanor, and upon conviction shall be fined appropriately for each offense. Each day such violations continue shall constitute a separate offense.

9.110 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 resolution 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 injunction, mandamus, or their 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.

9.120 Separability

Should any section, clause, or provision of this resolution be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the resolution as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

9.130 Interpretation

Whenever the conditions of this resolution require more restrictive standards than are required in or under any other statute, the requirements of this resolution shall govern. Whenever the conditions of any other statute require more restrictive standards than are required by this resolution, the conditions of such statute shall govern.

9.140 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 Hartsville/Trousdale County Regional Planning Commission:

Date

Secretary

Date of Passage of Resolution by the Trousdale County Commission:

Date

Hartsville/Trousdale County Mayor

ATTESTED BY:

Trousdale County Clerk

APPENDIX A USE MATRIX

ACTIVITY	GENERAL						URBAN						
	TA-1	TR-1	TR-2	TC-1	TM-1	TM-2	HR-1	HR-2	HR-3	HC-1	HC-2	HI-1	HA-1
P = PERMITTED S = SPECIAL EXCEPTION BLANK = NOT PERMITTED													
PERMANENT RESIDENTIAL													
Dwelling, one-family detached	P	P	P				P	P	P	P			P
Dwelling, two-family detached (duplex)	P	P	P					P	P	P			P
Dwelling, multi-family			P						P	P			
Dwelling, mobile home	P												
Mobile Home Park			S						S				
Boarding and Rooming Homes			P							P	P		
COMMUNITY FACILITY ACTIVITIES													
Administrative Services	S	S	S				S	S	S	P	P		S
Community Assembly	S	S	S				S	S	S	P	P		S
Community Education	S	S	S	P	P	P	S	S	S				S
Cultural and Recreation Services	S	S	S				S	S	S	P	P	P	S
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P
Extensive Impact						S							
Governmental and Utility Services				P	P	P							
Health Care Facilities		S	S							P	P	P	
Intermediate Impact	S	S	S			P	S	S	S	P			S
Personal & Group Care	S	S	S		S	S	S	S	S	P	P		S
Religious Facilities	P	P	P	P	P	P	P	P	P	P	P	P	P
COMMERCIAL ACTIVITIES													
Adult Oriented Establishment					P								
Animal Care & Veterinarian Services	S										P	P	S
Automotive Parking										P	P		
Automotive Repair and Cleaning				P	P	P				P	P		
Automotive Services				P	P	P				P	P	P	
Building Materials and Farm Equipment										P	P	P	
Commercial Campground and RV Park				S									
Consumer Repair Services				P	P	P				P	P	P	
Construction Sales & Services				P	P	P						P	
Convenience Commercial	S			P	P	P				P	P	P	
Entertainment & Amusement Centers										P	P		

APPENDIX A USE MATRIX

ACTIVITY	GENERAL						URBAN						
	TA-1	TR-1	TR-2	TC-1	TM-1	TM-2	HR-1	HR-2	HR-3	HC-1	HC-2	HI-1	HA-1

P = PERMITTED | S = SPECIAL EXCEPTION | BLANK = NOT PERMITTED

COMMERCIAL ACTIVITIES

Financial, Consultative, & Administrative				P	P	P				P	P		
Food & Beverage Services				P	P	P				P	P	P	
Food Service Drive-in & Drive-thru										P	P	P	
General Business & Communication Services				P	P	P				P	P		
General Personal Services				P	P	P							
General Retail Trade				P	P	P				P	P	P	
Incidental Manufacturing										P			
Junk, Automobile Wrecking and Scrap Operations						P						P	
Liquor Stores												P	
Medical and Professional Services				P						P	P		
Mini-Warehousing/Self-Storage Units				S							P	P	
Outdoor Shooting Range	P												
Scrap Operations						P							
Taverns										P	P	P	
Transient Habitation - Hotel				P	P	P				P	P		
Transient Habitation - Motel				P	P	P				P	P		
Transport & Warehousing					P	P						P	
Undertaking Services										P	P	P	
Vehicular, Craft & Related Equipment Sales				P	P	P					P	P	
Wholesale Sales					P	P					P	P	
Wireless Communications Facilities				S		P				S	S	S	

MANUFACTURING ACTIVITIES

Limited					P	P						P	
Intermediate Impact						P						P	
Extensive Impact						S							

AGRICULTURAL RESOURCE PRODUCTION & EXTRACTIVE ACTIVITIES

Agricultural Services	P												P
Crop/Animal Raising	P												P
Forestry/Nurseries	P												P
Commercial Feedlots and Stockyards	S												
Mining & Quarrying						S							

Tennessee statutes override local zoning

APPENDIX B

BULK, YARD, AND DENSITY REGULATIONS GENERAL SERVICES DISTRICTS

	TA-1	TR-1	TR-2	TC-1	TM-1	TM-2
Minimum Lot Size/Land Area		1 Acre	1 Acre			
Minimum Area per Dwelling		Reference 6.040.2.4	Reference 6.040.3.4	Reference 6.040.4.4	Reference 6.040.5.3	Reference 6.040.6.3
Public Water and Fire Protection	2 Acres					
Public Water	3 Acres				5 Acres	7 Acres
Without Public Water	4 Acres				NA	NA
With Public Water & Public Sewer				None	2 Acres	3 Acres
With No Public Water or Public Sewer				3 Acres		

Minimum Lot Width at Building Setback Line		100'	100'	100'	150'	200'
Public Water and Fire Protection	150'					
With Public Water	150'					
Without Public Water	200'					

Maximum Lot Coverage

Principal and Accessory Bldgs.	20%	40%*	40%*	40%	No Max.	No Max.
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Maximum Height (stories - feet)**	3 – 35	3 – 35	3 – 35	3 – 35	No Max.	No Max.
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Minimum Yard Requirements

Front		30'	30'	30'	40'	60'
Side		*** 15'	*** 15'	# 20'	^ 30'	^ 50'
					## 50'	### 70'
Rear		25'	25'	**** 15'	^ 30'	^ 50'

With Public Water & Fire Protection	
Front	60'
Side	20'
Rear	35'
With Public Water	
Front	75'
Side	40'
Rear	60'
Without Public Water	
Front	75'
Side	40'
Rear	60'

Accessory Structures *****	5'	***** 15'	***** 15'
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- * The area occupied by all buildings, including accessory buildings, may not exceed forty (40) percent.
- ** Except as provided in Section 8.030.
- *** For one and two story structures, plus ten (10) additional feet of side yard for each additional story over two.
- **** Except where vehicular access will be provided to the rear of the lot, in which case a minimum rear setback of thirty (30) feet.
- ***** Accessory Structures shall be located at least five (5) feet from any side lot line, from the rear lot line, and from any building.
- ***** Rear setback for any Permitted Accessory Structure
- # **Reference 6.040**
- ## TM-1 side yards adjacent to Residential Districts shall have a minimum side yard of fifty (50) feet.
- ### TM-2 side yards adjacent to Residential Districts shall have a minimum side yard of seventy (70) feet.
- ^ No yard shall be required for that portion of a lot which fronts on a railroad or rail spur line.

APPENDIX B

BULK, LOT, AND OPEN SPACE REQUIREMENTS URBAN SERVICES DISTRICTS

	HR-1	HR-2	HR-3	HC-1	HC-2	HI-1	HA-1
Minimum Lot Size-Sq. Ft (Ac.)	12,000	7,500		None	10,000	20,000	(5 Ac.)
Minimum Lot Area-Single Family Dwelling			6,000				
Minimum Lot Area-Duplex Dwelling		9,000	9,000				
Minimum Lot Area-Multi-Family Dwelling			10,800				
Minimum Area per Multi-Family Dwelling Unit			3,600				
Maximum Density per Gross Acre			12				

Minimum Lot Width* (in feet)	100	75	60	None	100	125	300
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Maximum Lot Coverage (all bldgs)	20%	30%	40%	None	50%	50%	20%
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Maximum Height-Principal Structure In stories (feet)	3 (35)	3 (35)	3 (35)	3 (35)	(35)	(60)	3 (35)
Maximum Height-Accessory Structures In stories	2	2	2	2			

Minimum Yard Setback (feet)

Front	35	30	25	25	30	50	75
Side	15	15	10	None	20	30	40
When abuts/adjacent to residential district				**	****40	40	
Rear	25	20	15	15	20	30	60
When abuts/adjacent to residential district				***30	****40	40	

Accessory Structures (feet)*****	5	5	5		5	5	5
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* Lot width shall be measured at the building setback line as specified above.

** Whenever side yard abuts or is adjacent to a residential district, then the minimum side setback is same as adjacent district.

*** Whenever rear yard abuts or is adjacent to a residential district, then the minimum rear setback is 30'.

**** Whenever side or rear yard abuts or is adjacent to a residential district, then the minimum setback is 40'.

***** Accessory Structures shall be setback (in feet) from any side and/or rear lot line, and from any building on the same lot.

Planned Unit Development Requirements are contained in Article VII.

APPENDIX C

FLOODPLAIN REGULATIONS

FLOOD DAMAGE PREVENTION RESOLUTION (Amended June 2010)

STATUTORY AUTHORIZATION. FINDINGS OF FACT. PURPOSE AND OBJECTIVES

A. Statutory Authorization

The Legislature of the State of Tennessee has in Sections 13-7-101 through 13-7-115, Tennessee Code Annotated, delegated the responsibility to the county legislative body to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Trousdale County, Tennessee, County Executive and the County Commission, do resolve as follows:

B. Findings of Fact

1. The Trousdale County, Tennessee, Mayor and its Legislative Body wish to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
2. Areas of Trousdale County, Tennessee, are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

C. Statement of Purpose

It is the purpose of this Resolution to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Resolution is designed to:

1. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;
2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

4. Control filling, grading, dredging and other development which may increase flood damage or erosion;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. Objectives

The objectives of this Resolution are:

1. To protect human life, health, safety and property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood prone areas;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a flood prone area;
8. To maintain eligibility for participation in the NFIP.

DEFINITIONS

Unless specifically defined below, words or phrases used in this Resolution shall be interpreted as to give them the meaning they have in common usage and to give this Resolution its most reasonable application given its stated purpose and objectives.

"Accessory Structure" means a subordinate structure to the principal structure on the same lot and, for the purpose of this Resolution, shall conform to the following:

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

"Act" means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

"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 (1) 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 (1) 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.

"Breakaway Wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"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" means 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.

"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 **"Flood Prone Area"** means any land area susceptible to being inundated by water from any source (see definition of **"Flood" or "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.

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"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 Trousdale County, Tennessee, inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - (a) By the approved Tennessee program as determined by the Secretary of the Interior or
 - (b) Directly by the Secretary of the Interior.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest Floor" means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Resolution.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map" means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

"Mean-Sea-Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this

Resolution, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

"National Geodetic Vertical Datum (NGVD)" means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

"New Construction" means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Resolution and includes any subsequent improvements to such structure.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this resolution or the effective date of the initial floodplain management resolution and includes any subsequent improvements to such structure.

"North American Vertical Datum (NAVD)" means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

"100-Year Flood" see **"Base Flood"**.

"Person" includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Reasonably Safe from Flooding" means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

"Recreational Vehicle" means a vehicle which is:

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

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"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 (1) 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 Department of Economic and Community Development's, Local Planning Assistance Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

"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.

GENERAL PROVISIONS

A. Application

This Resolution shall apply to all areas within the unincorporated area of Trousdale County, Tennessee.

B. Basis for Establishing the Areas of Special Flood Hazard

The Areas of Special Flood Hazard identified on the Trousdale County, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) numbered 47169CV001A and dated September 29, 2010, and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47169C0010, 47169C0017, 47169C0019, 47169C0030, 47169C0033, 47169C0034, 47169C0035, 47169C0036, 47169C0037, 47169C0038, 47169C0039, 47169C0041, 47169C0042, 47169C0043, 47169C0044, 47169C0055, 47169C0061, 47169C0062, 47169C0063, 47169C0064, 47169C0066, 47169C0067, 47169C0068, 47169C0069, 47169C0090, 47169C0107, 47169C0109, 47169C0110, 47169C0117, 47169C0126, 47169C0127, 47169C0128, 47169C0129, 47169C0131, 47169C0132, 47169C0133, 47169C0134, 47169C0136, 47169C0145, 47169C0151, 47169C0152, 47169C0153, 47169C0154, and 47169C016065, dated September 29, 2010, 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 Trousdale 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 Trousdale County, Tennessee from taking such other lawful actions to prevent or remedy any violation.

ADMINISTRATION

A. Designation of Resolution Administrator

The Building Inspector 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 nonresidential 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 nonresidential floodproofed building will meet the floodproofing criteria in Article V, Subsections A and B.
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

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 nonresidential 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 nonresidential 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.

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 Department of Economic and Community Development, Local Planning Assistance Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
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 Article IV, Subsection 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 Article IV, Subsection 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 Article IV, Subsection 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 Trousdale 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.

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 Article V, Subsection 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 Article V, Subsection 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 Article II). 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. Nonresidential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or nonresidential 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 nonresidential 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 Article II). 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"

Nonresidential 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 Article IV, Subsection 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 (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - (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 Article V, Subsection 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 Article II).
- c. Any manufactured home, which has incurred "substantial damage" as the result of a flood, must meet the standards of Article V, Subsections 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 one hundred-eighty (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 fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Subsection 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 Article III, Subsection B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including earthen fill material, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the cumulative effect of the proposed encroachments or new development shall not result in any increase in the water surface elevation of the Base Flood Elevation, velocities, or floodway widths during the occurrence of a base flood discharge at any point within the community. A Tennessee registered professional engineer must provide supporting technical data, using the same methodologies as in the effective Flood Insurance Study for Trousdale County, Tennessee, and certification, thereof.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Subsections 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 Article III, Subsection B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. No encroachments, including fill material, new construction and substantial improvements shall be located within areas of special flood hazard, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
2. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Subsections 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 Article III, Subsection 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 Article V, Subsections A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
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 Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV, Subsection B. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Subsection 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 (20) feet, 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 Trousdale 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 Article V, Subsections A and B. Within approximate A Zones, require that those subsections of Article V, Subsection 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 (AO and AH Zones)

Located within the Special Flood Hazard Areas established in Article III, Subsection B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' – 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to those set forth in Article V, Subsections A and B, apply:

1. All new construction and substantial improvements of residential and nonresidential buildings shall have the lowest floor, including basement, elevated to at least one (1) foot above as many feet as the depth number specified on the FIRM's, in feet, above the highest adjacent grade. If no flood depth number is specified on the FIRM, the lowest floor, including basement, shall be elevated to at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate automatic equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Article V, Subsection B.
2. All new construction and substantial improvements of nonresidential buildings may be floodproofed in lieu of elevation. The structure together with attendant utility and sanitary facilities must be floodproofed and designed watertight to be completely floodproofed to at least one (1) foot above the flood depth number specified on the FIRM, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If no depth number is specified on the FIRM, the structure shall be floodproofed to at least three (3) feet above the highest adjacent grade. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Resolution and shall provide such certification to the Administrator as set forth above and as required in accordance with Article IV, Subsection B.

3. Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

G. Standards for Areas Protected by Flood Protection System (A-99 Zones)

Located within the Areas of Special Flood Hazard established in Article III, Subsection 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 Article IV and Article V, shall apply.

H. Standards for Unmapped Streams

Located within Trousdale 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 Articles IV and V.

VARIANCE PROCEDURES

A. Metropolitan Board of Zoning Appeals

1. Authority

The Trousdale County, Tennessee, Metropolitan Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Resolution.

2. Procedure

Meetings of the Metropolitan Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Metropolitan Board of Zoning Appeals shall be open to the public. The Metropolitan Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Metropolitan Board of Zoning Appeals shall be set by the Legislative Body.

3. Appeals: How Taken

An appeal to the Metropolitan Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer,

department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Resolution. Such appeal shall be taken by filing with the Metropolitan Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee of (amount) dollars for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Metropolitan Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Metropolitan Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than (number of) days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Metropolitan Board of Zoning Appeals shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Resolution.

b. Variance Procedures

In the case of a request for a variance the following shall apply:

- (1) The Trousdale County, Tennessee Metropolitan 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 Metropolitan 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 Metropolitan 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 Article VI, Subsection 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.

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 Trousdale 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 immediately after its passage, the public welfare demanding it.